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Universal Periodic Review

### Report of the Working Group on the Universal Periodic Review\*

Costa Rica

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its sixth session from 30 November to 11 December 2009. The review of Costa Rica Republic was held at the 14th meeting on 8 December 2009. The delegation of Costa Rica was headed by H.E. Mr. Bruno Stagno, Minister of Foreign Affairs and Worship. At its 17th meeting held on 11 December 2009, the Working Group adopted the present report on Costa Rica.
2. On 7 September 2009, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Costa Rica: United Kingdom, Burkina Faso and the Republic of Korea.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Costa Rica:
  - (a) A national report submitted / written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/6/CRI/1);
  - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/6/CRI/2);
  - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/6/CRI/3).
4. A list of questions prepared in advance by Germany, United Kingdom of Great Britain and Northern Ireland, Argentina, Czech Republic, Denmark, Sweden, the Netherlands, Hungary, was transmitted to Costa Rica through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. At the 14th meeting, on 8 December 2009, the Minister of Foreign Affairs and Worship of Costa Rica opened his statement, recalling that the National Report was the result of a broad process of consultation and dialogue, which began in October 2008 and involved 29 government bodies and 23 civil society organizations.
6. Costa Rica is the oldest democracy in Latin America and the Caribbean and has excellent human development indicators. Costa Rica abolished the army over 60 years ago and redirected resources towards social investment. The sustained growth in public expenditure over the last years has allowed for the continuous improvement in the living conditions of the population, as well as the construction of a solid institutional structure for the protection of human rights. This has been possible notwithstanding the difficulties resulting from being a middle-income developing country receiving scarce international cooperation.
7. The State provides basic health care, vaccination and emergency services for the entire population, whether or not they are insured. Costa Rica noted that education is free at the preschool, primary and secondary levels, as well as for special programmes for persons with disabilities, while public universities receive State subsidies. As stipulated in the Constitution, public expenditure in education must be more than six percent of the gross domestic product (GDP). In the national budget adopted for 2010, resources for education

have been increased by 14 percent, representing over 25 percent of the total budget for the executive power and 6.9 percent of the country's GDP.

8. The 1949 Constitution is the regulatory basis guaranteeing full respect for the human rights of all the country's inhabitants. Under the Constitution, human rights provisions are directly applicable and take precedence over any regulation that would contradict or restrict them. The Constitutional Chamber, established in 1989, was given the power to annul laws and other enactments impinging upon the rights and provisions in the Constitution, as well as those recognized by the international treaties ratified by Costa Rica. This judicial body is one of the pillars of democracy and justice, guaranteeing human rights in the country. Since 1992, constitutional justice stipulates that international human rights instruments take precedence over the Constitution itself, insofar as they offer individuals greater rights or guarantees. In addition, in national tribunals, United Nations conventions are directly applicable and justiciable, as are other regional and international human rights instruments adopted by Costa Rica.

9. Electoral democracy and respect to political and civil rights are guaranteed by the Supreme Tribunal of Elections (Tribunal Supremo de Elecciones) that oversees the electoral processes ensuring their normality.

10. The Ombudsman's Office ('Defensoría de los Habitantes') was established in 1992 in accordance with the Paris Principles. It defends human rights against State actions or omissions, channelling people's complaints against the public sector and protecting community interests. Furthermore, in 2006, the Legislative Assembly established the Special Committee on Human Rights (CEDH), whose duties include taking cognizance of, studying and reporting cases relating to human rights violations, considering and expressing opinions on relevant bills, and following up on the recommendations of the Ombudsman's Office and related bodies.

11. In addition, Costa Rica has a set of specialized public institutions providing a solid base to promote, address and respect human rights. Many of them are directly devoted to responding to the specific needs of particular or vulnerable groups.

12. Costa Rica highlighted that one of its main development objectives is the fight against poverty. The national poverty rate was reduced, for the first time in history, to under 20 per cent of the population in 2006, and has since remained below that figure; it reached 16.5 percent before the world financial crisis and now stands at 18.5 percent. In that same period, extreme poverty has declined from 5.6 to 4.2 percent of the population.

13. The "State of the Nation" report, providing an independent analysis of the overall situation in the country, noted in its 15th edition that the timely allocation of additional resources to social programmes managed to curb the impact of the current economic crisis on the incidence of poverty and inequality. The Economic Commission for Latin America and the Caribbean (ECLAC) arrived at a similar conclusion in 2009.

14. The delegation noted that, historically, Costa Rica has been a country of asylum and refuge. This tradition is ongoing and over 12 500 persons have taken refuge in the country, all of them with full access to social security benefits and the right to work.

15. In addition, Costa Rica is one of the countries in the world with the highest rate of reception of migratory flows: 600 thousand foreign persons live in Costa Rica with differing legal migratory status, as well as between 250 and 350 thousand persons in an irregular situation. The Costa Rican State funds the access to public services for the migrant population that cannot afford them. In this endeavour, the country lacks international assistance, as it is classified as a middle-income country. It is nevertheless its status as a middle-income country, in an impoverished regional context with stark inequalities in living standards, that makes Costa Rica a destination for important South-South migratory

flows. While the international community resolves this anachronism, Costa Rica continues to provide basic care services to migrants living in its territory, regardless of their legal status.

16. In the field of immigration Costa Rica has progressively renewed its legal framework and modernized its institutional structure through an approach seeking to strengthen the human rights of migrants. In particular, Costa Rica referred to the new law on immigration, which will come into force in March 2010.

17. Costa Rica noted that it has managed to consolidate and maintain a welfare state, adding that significant efforts are necessary in order to satisfy the needs of the most vulnerable groups. Costa Rica indicated that it shall strive to make human rights a cross-cutting axis guiding the work of all national institutions, as set forth in the National Development Plan.

## **B. Interactive dialogue and responses by the State under review**

18. During the interactive dialogue, 45 delegations made statements. A number of delegations praised Costa Rica for the consultative approach adopted in the preparation of the national report, involving stakeholders and NGOs. They also commended Costa Rica for its commitments to the promotion and protection of human rights, including through the ratification of all major regional and international instruments and the building-up of a legislative and institutional framework to this end, its collaboration with human rights mechanisms and its leadership in promoting human rights internally and at the international level. Costa Rica's efforts in reducing poverty were also highlighted. Recommendations made during the interactive dialogue are to be found in section II of the present report.

19. Algeria acknowledged that important measures had been taken to reduce poverty although they could not remedy structural poverty. Algeria congratulated Costa Rica for measures taken to improve women's rights, such as the National Policy on Gender Equality and Equity (PIEG) or the National Employment Policy. Algeria also congratulated Costa Rica for its efforts aimed at ensuring the right to education for the population. Algeria made recommendations.

20. Malaysia noted that some of Costa Rica's experiences were good practices that other countries can emulate. It recognized Costa Rica's emphasis on good governance, and that socio-economic development and political stability were crucial. It commended Costa Rica for its success in maintaining relative peace and stability. It made recommendations.

21. Belgium asked for more information on measures taken to combat human trafficking and the role played by the National Institute for Women (INAMU) in this regard and on how it may be strengthened. Belgium formulated recommendations.

22. The Netherlands highlighted that Costa Rica has a longstanding record of compliance with human rights, participates actively in international human rights bodies and has ratified all major human rights treaties as well as the Rome Statute. It made recommendations.

23. Belarus noted the steps taken by Costa Rica relating to poverty, the protection of the most vulnerable groups and the great attention given to unemployment. It also welcomed efforts made to strengthen education and the health system, as well as those made in protecting motherhood and children through the Strategic Plan for Motherhood and Healthy and Safe Childhood 2006-2015. It noted Costa Rica's focus on combating violence against women and trafficking in persons. Belarus referred to the need to better combat discrimination and protect the rights of indigenous people and migrants. Belarus made recommendations.

24. Turkey noted the reinstatement of the National Plan and National Commission for Violence Prevention and Promotion of Social Peace. It commended the Social Assistance and Promotion and “Avancemos” Programmes. Turkey noted that more needed to be done for indigenous peoples. It noted the strategy on education and intercultural dialogue and that education was free and compulsory. It commended programmes for people with disabilities and the elderly. It noted a high percentage of dwellings in poor condition, especially of indigenous peoples, Afro-descendants, migrants. It encouraged the relevant authorities to take effective steps in providing all segments of the society with access to safe drinking water and sanitation. Turkey made recommendations.

25. Maldives congratulated Costa Rica on its domestic, regional and international leadership on environmental issues –including through the promotion of the concept of the right to a healthy environment. Maldives asked to what extent the enjoyment of all human rights in Costa Rica is dependent on the effective enjoyment of the constitutional right to a healthy environment. It made a recommendation.

26. Brazil asked about: policies for promotion of human rights, including relating to the fight against poverty and social inequality; measures to guarantee children’s and women’s rights, while combating discrimination, violence, trafficking and sexual exploitation. It asked about policies and legal framework for the rights of indigenous peoples and Afro-descendants and the situation of those groups. It also asked about human rights and migrants and refugees’ policy. It made recommendations.

27. Austria encouraged Costa Rica to continue to involve stakeholders and NGOs in the follow-up of UPR recommendations. While welcoming the 2007 law criminalizing violence against women and an awareness raising campaign in this regard, Austria noted that the problem persists. Austria asked how Costa Rica intended to address the lack of access to education, especially in rural areas. Austria commended Costa Rica for the abolishment of the criminalization of homosexuals and transgender persons. Austria formulated recommendations.

28. Mexico recognized Costa Rica’s democratic tradition. It noted institutional improvements to prevent human rights violations as well as to ensure citizens’ access to remedy and reparations. It asked about the implementation of the rights of persons with disabilities. It made recommendations.

29. Germany noted that Costa Rica was the model country in the region, in the vanguard in its commitment to peace and human rights. It noted that, in 2007, the Committee on the Elimination of Racial Discrimination stated that acts of racial discrimination were considered as minor infractions punishable by a fine and asked about criminal legislation regarding acts of racism and racial legislation. It made recommendations.

30. The Czech Republic commended Costa Rica for its long term support of the OP-CAT. It noted the concern expressed by the Human Rights Committee with regard to libel and defamation as press offences. It made recommendations.

31. Canada noted the efforts made to address the social development challenges of indigenous people and minorities (Office of the Attorney for Indigenous Affairs, indigenous languages translator in the judicial system). Canada noted the 2009 Migration and Aliens Act but noted that the Committee Against Torture and the Human Rights Committee expressed concerns related to pre-trial detention and detention of aliens. Canada welcomed Costa Rica’s efforts to improve the situation of women although discrimination against women persists. Canada made recommendations.

32. Egypt commended the public human rights bodies and institutions focusing attention on groups requiring greater protection and specific initiatives. It welcomed the Legislative Assembly’s Special Committee on Human Rights. It commended the International

Humanitarian Law Commission as advisory body to the Executive. It appreciated the creation of an institutional culture in the education system founded on human rights and gender equality, and respect for differences of nationality, ethnicity, age, sex, religion and social condition. It made recommendations.

33. Slovenia noted its commitment to human rights education. It highlighted the enactment of two laws aiming at combating violence against women and asked the delegation to elaborate on their concrete results, in particular about measures taken to implement access to justice and reparation for victims. It noted the concern expressed by the Committee on the Rights of the Child about street children or children working in the informal sector and asked about measures taken to address these issues. It made recommendations.

34. Spain congratulated Costa Rica for the National Development Plan 2006-2010 and welcomed the decision to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the International Convention for the Protection of All Persons from Enforced Disappearances. Spain asked about long-term plans and reform for the penitentiary system and about building new prisons. Recognizing the usefulness of immigration in agriculture, domestic work and private security, it asked about policies to improve the integration of migrants, and their right to education and health. Given indigenous communities' low human development indexes, it asked how the Autonomous Development of Indigenous Peoples Bill might improve the situation. Spain made recommendations.

35. Chile highlighted the fact that Costa Rica is a consolidated democracy. It valued the progress made in decreasing infant mortality rate, the law abolishing corporal punishment of children and adolescents and the criminalization of femicide. It made recommendations.

36. Costa Rica thanked delegations for the questions and recommendations made. Addressing questions on gender equality, Costa Rica made reference to its 2007-2017 National Policy on Gender Equality and Equity and its 2008-2012 plan of action, as well as to legislation criminalizing violence against women and establishing the legal concept of femicide, adopted in 2008. Costa Rica also reported on amendments being introduced to the law on violence against women, following the declaration of unconstitutionality of articles regarding physical injury and on the 2010-2015 plan for the prevention of domestic violence.

37. Costa Rica noted that in 2008, the Ministry of Public Security and Governance and Police and UNFPA, initiated a social action platform, to train police officials to develop human rights policies aimed at addressing domestic violence, prevention of HIV/AIDS, racism, sexual commercial exploitation and gender, etc.

38. Concerning the subject of childhood, Costa Rica referred to the *Avancemos* programme which promotes that low-income children and adolescents stay in the formal education system through a system of conditional monetary subsidies. This programme covers about 13 per cent of the enrolled school population and has largely reduced the drop out rate. Costa Rica noted that the 2009-2021 National Policy for Childhood and Adolescents stipulates that the State must prevent sexual commercial exploitation, protect victims and assist them to exercise their rights. Costa Rica also approved the 2008-2010 National Plan to Combat Commercial Sexual Exploitation, which is incorporated into the National Development Plan.

39. Costa Rica referred to efforts carried out by the Ministry of Labour and Social Security, including a roadmap and several projects being implemented, which aim at eliminating the worst forms of child labour. Costa Rica noted that the number of working children between 12 and 17 has dropped from 11 per cent in 2006 to 6.9 per cent in 2008.

Following the amendment of the family code, eliminating corporal punishment and degrading treatment of children, Costa Rica further informed of other efforts in this regard.

40. Since the ratification of ILO Convention No. 169 in 1993, Costa Rica has worked towards fulfilling the rights of indigenous populations. Article 76 of the Constitution stipulates that the State shall maintain and promote the national indigenous languages. There are 313 educational institutions in indigenous communities and the coverage of health services has been increased. Costa Rica also referred to the *Extramuros* Programme, which provides food and milk to indigenous children. In addition, Costa Rica reported on the establishment of electoral and civil services in some indigenous communities, as well as the establishment of the Commission on Indigenous Electoral Affairs. Costa Rica further reported on the establishment of the Fiscalía of Indigenous Affairs in 2009, and on the Autonomous Development of Indigenous Peoples Bill, which aims at improving the legal framework for the protection and development of indigenous people.

41. With regard to racial discrimination, the delegation highlighted the inclusive nature of the Costa Rican State which makes no distinction based on ethnic, culture, race or religious origin, or on any other grounds. There is no judicial record of acts of hatred, so no legislation in this respect is deemed necessary. Costa Rica has expressed its commitment to ratify the UNESCO Convention on the Protection and Promotion of Diversity in the Cultural Expressions and is planning a forum to follow up on the Durban review conference, as well as to comply with all international obligations in this regard.

42. Costa Rica further noted that it seeks to fight all forms of discrimination, including discrimination based on sexual orientation. 17 May was declared as the National Day against Homophobia. The delegation also referred to improvements in human rights training to protect vulnerable groups, including lesbians, gays, bisexuals and transsexuals.

43. With regard to persons with disabilities, Costa Rica noted that it has a law on Equal Opportunities for Disabled Persons which was enacted in 1996 and it ratified in 2008 the Convention on the Rights of Persons with Disabilities and its Optional Protocol. Costa Rica reported on efforts to facilitate the political participation of persons with disabilities in the forthcoming national elections in 2010.

44. Sweden welcomed the 2008 amendment to the Family Code to completely prohibit violence against women, although violence against children still occurs. While welcoming efforts made in this regard, Sweden relayed concerns expressed at the persistence of trafficking in persons. It noted that relevant Costa Rican legislation rather focused on international trafficking than on internal trafficking. Sweden expressed concerns regarding organised crime, impunity and labour rights. Sweden formulated recommendations.

45. Italy noted that it was one of the first countries to abolish capital punishment. It noted legislation to criminalise violence against women. However, it noted that problems in its implementation were reported. It welcomed initiatives to punish human trafficking and the National Development Plan. Italy made recommendations.

46. France asked more information on discrimination against migrants and the measures taken in this regard as well as on measures adopted to combat child labour, trafficking in children and child prostitution. France stated that nobody had been sentenced for torture although this is a crime since 2001. It welcomed the support by Costa Rica to the resolution of the Organisation of American States on human rights, sexual orientation and gender identity. France made recommendations.

47. Uruguay noted that Costa Rica was a middle income developing country having difficulties in acceding to international aid for the implementation of national programs and noted that these efforts had been undertaken through public resources. Uruguay highlighted new legislation on children's rights, particularly in the National Plan to Combat



Commercial Sexual Exploitation 2008-2010. It asked more information about the National Office for Childhood and the National Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents, especially about staff training, population sensitization and social reintegration of victims. It welcomed the efforts regarding migrants' rights but noted reports that difficulties persist in this field. It made recommendations.

48. Norway commended Costa Rica for its democracy and asked how it intends to involve civil society in the follow-up to UPR recommendations. It noted that the 5<sup>th</sup> and 6<sup>th</sup> report to CEDAW are overdue. It raised the issues of discrimination and violence against women and noted that they continue to be a problem. It made recommendations.

49. The Holy See highlighted the integration of women in political life as well as the low maternal mortality rate. It made reference to overcrowding and unsatisfactory health care in prisons and asked Costa Rica to provide details on the reform of the criminal code and the national plan relating to trafficking in persons. It also inquired about plans to reinforce legislation on sexual exploitation of children. It referred to the gaps of the judicial system. It formulated recommendations.

50. Nicaragua recognized Costa Rica's historical solidarity with its neighbors and the fact that it has welcomed thousands of Nicaraguan citizens. It noted Costa Rica's achievements in combating poverty, particularly through several successful social programs. It raised its concern by potential human rights violations against Nicaraguans living in Costa Rica. It made recommendations.

51. United States of America welcomed actions to combat commercial sexual exploitation and trafficking in children, including the National Child Welfare Agency for Children programs and the National Plan to Combat Commercial Sexual Exploitation 2008-2010. It asked about measures aimed at reducing sexual exploitation of children and at sustaining or expanding these efforts. It made recommendations.

52. Paraguay highlighted Costa Rica's regional participation, particularly in the entry into force of the American Convention on Human Rights. It highlighted the National Development Plan. It recognized achievements in women's rights, including the criminalisation of violence against women, the rights of female domestic workers, children's rights, and right to health, especially for maternity and childhood. It recognized policies against racism, discrimination and xenophobia, in light of commitments made in the Durban Conference and its review.

53. China noted with appreciation that Costa Rica was the first country to sign and ratify ICCPR and ICESCR and acceded to seven core UN human rights instruments. It further noted that Costa Rica established a series of commission and other public bodies to protect specific groups and vulnerable groups, such as the Ombudsman Office or the International Humanitarian Law Commission. China welcomed the measures taken to improve living standards of its population and efforts in poverty reduction. It asked what measures were taken in this regard further to the financial crisis which had a negative impact in the alleviation of poverty.

54. Bulgaria praised the National Development Plan as an instrument for achieving real progress in fighting poverty and inequality. In this regard, it asked about mid-term and long term expectations. It made recommendations.

55. United Kingdom commended the creation of special services for the protection of women and children throughout the justice sector. The UK would like to see wider use of these resources, notably in ensuring that children are provided with appropriate services separate to adults. It was pleased that laws relating to domestic violence extend to economic violence but regretted that protection had been reduced since the annulment of two articles

under the law. It would like the law be strengthened to reduce the rate of femicide, sexual violence and trafficking of women. It referred to stakeholders' submissions about strengthening the framework against racism and racial discrimination although they reflected that xenophobia was still prevalent. It noted that the 1996 law on equality for disabled persons appeared insufficient and would welcome action to change perceptions towards disabled people, as well as towards lesbian, gay, bisexual and transgender groups. It made recommendations.

56. Burkina Faso noted with satisfaction the various initiatives undertaken to ensure human protection to Costa Ricans and migrants. It noted that Costa Rica is party to various international and regional human rights instruments and collaborate with human rights mechanisms. It further noted the various plans and policies adopted for the implementation of human rights. Burkina Faso made recommendations.

57. Responding to additional questions, Costa Rica highlighted that the Directorate-General for Migration and Alien Affairs is responsible for the implementation of the new Law on Migration, which will enter into force on March 2010. The new law seeks to have a positive impact in the acceptance of migrants by the society, through key measures, such as the integration into the social security system and participation in social work at communal level. It favours the creation of adequate measures to combat xenophobia and discrimination against migrants. Public campaigns in this regard have been initiated already, including with the cooperation of various Consulates. Reference was also made to a project to promote and protect the rights of Ngobes temporary migrants during the period of the coffee harvest. Costa Rica also made reference to jurisprudence established by the Constitutional Chamber of the Supreme Court, with regard to extending social benefits to foreigners legally residing in the country, as well as irregular children that are in conditions of poverty or extreme poverty. Health services are also provided to all migrants in the border areas. Costa Rica is committed to bilateral cooperation, taking into account the common responsibility of the migration processes and therefore promotes and implements several bi-national projects, including some with the support of the IOM. Costa Rica made reference also to the recognition made by ECLAC with regard to some health and other projects.

58. Regarding children of migrants, Costa Rica noted that in addition to the rights guaranteed by the country, the 2009-2021 National Policy for Children and Adolescents, guarantees the right to universal education for all persons residing in the country, without any discrimination. It also noted that all children, regardless of their migratory situation, with or without identification, have free access to public health services.

59. Concerning refugees, and with the support of UNHCR, Costa Rica is working towards the establishment of an Office for the Study of Refugee cases. It is also providing regular training to migrant and boarder officials. The new law, which is more in line with international commitments, including with the principle of *non refoulement*, will establish simplified control procedures and create a specialized Migration Police. The new legislation will also establish simplified procedures to request visas and establish a mechanism to appeal decisions by the Directorate General for Migration and Alien Affairs and by the Asylum and Visa Commission.

60. The treatment of migrants in temporary detention centres is done in compliance with international human rights standards, including the principle of *non refoulement*, the prohibition to be detained for more than 24 hours and the provision of health services. Costa Rica has been cooperating with UNHCR in all areas of refugees and asylum seekers.

61. Switzerland congratulated Costa Rica for its fight against impunity. While noting the adoption of a law and other activities or awareness raising campaigns, Switzerland expressed concerns at the persistence of sexual exploitation of children. It also noted the

efforts undertaken relating to the administration of justice but underlined the increase of criminality and the slowness of the judicial system in handling cases and compensating victims. Switzerland made recommendations.

62. Slovakia commended Costa Rica for the active cooperation with the international and regional human rights mechanisms. It noted that social stereotypes still prevailed, which encouraged discrimination against women. It made recommendations.

63. Azerbaijan commended Costa Rica's achievements in the promotion and protection of human rights. It noted that Costa Rica was the first to ratify the American Convention on Human Rights. Azerbaijan formulated recommendations.

64. Panama recognized its human rights achievements, in particular the establishment of the Commission on Indigenous Electoral Affairs and the ratification of the Convention on the Rights of Persons with Disabilities. It noted bilateral efforts undertaken in the areas of trafficking of people, the eradication of child labour and indigenous migration. Panama inquired about measures adopted to strengthen the participation of persons with disabilities in the policies concerning them. It made recommendations.

65. Morocco noted that the Constitution ensures that international instruments have precedence over national law. It was pleased by the fact the human rights are at the centre of the National Development Plan 2006-2010 and underlined a series of programmes relating to poverty and social disparities reduction. Morocco underlined the strong commitment of Costa Rica at the international level on human rights education, notably through the World Programme for Human Rights Education. Morocco made recommendations.

66. El Salvador noted it was a reference for democracy and peace, for the sub region and the world. It highlighted efforts to advance human rights promotion. It recognized Costa Rica's leadership in the Human Rights Council and internationally in the promotion of human rights education. It encouraged Costa Rica to pursue and even strengthen the human rights protection and promotion.

67. The Republic of Congo noted the institutional framework, which is an example of democracy, peace and development. It noted various initiatives relating to children's rights, notably within the family and the establishment of a centre for young children of detainees. It also congratulated Costa Rica for the establishment of the office of the Attorney for Indigenous Affairs and its role related to human rights education. It noted with satisfaction the policy related to access to drinking water. It formulated recommendations.

68. Portugal asked about the recommendation made by the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation to address the lack of national policy on water that takes into account the special situation of people living in poverty. It made recommendations.

69. Jordan commended Costa Rica for spearheading international efforts for the adoption of OP-CAT and in advancing human rights education. Jordan made recommendations.

70. Argentina recognized Costa Rica's efforts to allocate public resources to improve living conditions of its population, as well as the construction of a solid institutional structure to uphold human rights. Argentina presented questions in advance related to gender equality, rights of the child and social rights. It made recommendations.

71. Colombia highlighted Costa Rica's seriousness, openness and transparency and commitment so that UPR recommendations may be addressed by relevant institutions, widely disseminated and executed in the shortest time possible. It recognized Costa Rican leadership in the field of human rights education at the international level. It noted the law

criminalising violence against women and achievements in the field of economic and cultural rights. It made recommendations.

72. Peru recognized and shared Costa Rica's vision that reducing military expenditure was a strategy to dedicate more resources to the fight against poverty, inequality and social exclusion, and a moral imperative for all nations. It recognized achievements in parliamentary representation of women and the Electoral Code's reform establishing gender parity, hoping for equal representation of women and minorities at public administration's highest levels. It asked about the Autonomous Development of Indigenous Peoples Bill and the National Commission on Indigenous Affairs. Peru made recommendations.

73. Ghana referred to the limited access of indigenous and migrant children and children living in rural areas to education, health and their low standard of living. Ghana also underlined the wage gap between men and women and the disadvantageous working and housing conditions for indigenous people, Afro-descendants and migrants. Ghana made recommendations.

74. Guatemala asked clarification, as to how the right to education of migrant children and the access to justice for migrants were enforced as well as about policies to improve the integration of the indigenous population and Afro-Descendants people.

75. Ecuador noted the existence of a national institution complying with the Paris Principles. It acknowledged that the National Development Plan incorporates human rights as a cross-cutting issue. It noted CRC concern about limited access to health and education for indigenous and migrant children.

76. Responding to additional questions, Costa Rica reported that, given an increase in the national budget and in staff in the judicial system, it is the country with the highest investment in the judicial system and rate of judges per capita in the region. The Criminal Procedure Code has been modernized. Costa Rica has also promoted the adoption of legislation to protect victims, to combat organized crime, to combat trafficking and domestic violence. Human rights training to judicial officials is provided through the Judicial School and the authorities promote the application of the Brasilia Rules for vulnerable populations.

77. With regard to the situation of persons deprived of their liberty, Costa Rica made reference to several initiatives undertaken to improve the prison conditions, including in the areas of health services and human rights training provided to penitentiary, administrative and security officials. Persons deprived of their liberty have access to free legal assistance and to institutions, such as the Defensoría de los Habitantes and the Judges of Penal Execution. Women deprived of their liberty are supported by interdisciplinary teams from the Department of Social Work and from the Judicial system.

78. With regard to the prevention of torture, Costa Rica noted that it had played a key role in the adoption of the Optional Protocol to CAT and that the Defensoría de los Habitantes has been assigned since 2007 to be the preventive mechanism in this regard. A monitoring system to prevent torture and other cruel treatment has been established, allowing for prison visits. It further noted that there are no cases of torture reported by the Defensoría de los Habitantes, nor by Amnesty International or Human Rights Watch.

79. On the issue of trafficking of persons Costa Rica reported on substantive legal reforms introduced to protect victims and to prosecute those involved. With the new law on migration a new focus is provided to have a better control, through the establishment of the crime of trafficking in persons and for the protection of victims. Costa Rica referred to efforts to address particular situations within the framework of the National Coalition against Trafficking in Persons and the National Development Plan 2006-2010. It noted that

the Ministry of Public Security, Governance and Police, the Coalition, UNICEF and IOM, have during the last two years conducted campaigns in this regard.

80. Costa Rica has ratified eight core ILO Conventions, including the 87 and 98, on the freedom of association and protection of the right to organise, and on the right to collective bargaining. Costa Rica noted that the Constitutional principles of free determination and free association guarantee the functioning and co-existence of different types of workers organizations, among them unions, cooperatives and solidarity associations. Each of these organizations has a normative framework of exclusive competencies.

81. Costa Rica indicated that there are broad guarantees with regard to the freedom of expression and made reference to jurisprudence by the Constitutional Chamber and the Supreme Court in this regard, including special complaints on violation of Constitutional rights (Recurso de Amparo).

82. In concluding, the Head of the delegation expressed its appreciation for the enriching dialogue with the States and referred to some of the country's achievements. It recalled that Costa Rica has consolidated a solidarity system with universal access via an increasing social budget and that it is ranked among Latin American countries as having low levels of poverty and high social investment, with an average of 855 dollars per capita.

83. Costa Rica considers education a key factor in fighting poverty and to this effect is implementing the Avancemos programme that has benefited 13.3 per cent of the student population in 2009. Another important component of the strategy to reduce poverty was the gradual increase since 2006 of pensions of those in the non-contributory regime of the social security system.

84. The delegation highlighted that Costa Rica has a long tradition of environmental protection and has lead the way in many forums on sustainable development.. The delegation indicated that special efforts are being made to provide access to water and sanitation to rural populations as well as the most vulnerable.

85. Costa Rica has been a key actor and leader in making decisions of transcendental importance in the field of human rights, both regionally and internationally. Costa Rica supported the establishment of the Office of the High Commissioner for Human Rights, as well as the adoption of the OP-CAT and the CRPD, among others.

86. While indicating that it will study the recommendations made during the review process, Costa Rica explained that to date, it has not considered nor does it plan to consider in the near future, the ratification of the ICRMW.

87. Costa Rica highlighted that it is working firmly towards and is about to achieve all the Millennium Development Goals, while consolidating its welfare state and deepening the protection and enjoyment of human rights for all persons living in the country.

88. Costa Rica concluded, expressing its deep gratitude to all States for accompanying the country in this review process.

## **II. Conclusions and/or recommendations**

**89. The recommendations formulated during the interactive dialogue and listed below enjoy the support of the Costa Rica:**

- 1. Consider the ratification of the Convention on the Rights of Persons with Disabilities and the realization of human rights goals approved in resolution 9/12 of the Human Rights Council (Brazil);\***

2. Ratify or sign, as relevant, the International Convention for the Protection of All Persons from Enforced Disappearance (CED), with a view to being consistent with its practice on this matter (Paraguay); consider the possibility of accepting the competence of the Committee on Enforced Disappearance provided for under CED (Argentina);
3. Join the 67 States that have signed the joint statement on human rights, sexual orientation and gender identity (France);
4. Ratify the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Burkina Faso);\*
5. Consider including in its criminal legislation the delinquent conducts provided for in relevant paragraphs of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, in line with the recommendations of the Committee on the Elimination of Racial Discrimination (Peru);
6. Amend its criminal legislation so as to bring it into line with ICERD in order to overcome the fact that racial discrimination is viewed as a minor infraction punishable by a fine, as stated by the Committee on the Elimination of Racial Discrimination and the Committee on Economic, Social and Cultural Rights (Portugal);
7. Take steps to integrate a gender perspective throughout all areas of government, including through the application of gender-based analysis to the development of legislation, policy and programmes (Canada);\*
8. Strengthen gender equality policies with a view to narrowing the gender gap in all areas of society (Chile);\*
9. Strengthen the policy of promotion of children's rights and the implementation of the Guidelines for the Alternative Care of Children, according to Human Rights Council resolution 11/7 and L.50 of the sixty-fourth session of the United Nations General Assembly (Brazil);
10. Follow through and expand on already established programmes to protect children (United States);
11. Finalize the fifth and sixth due reports to the Committee on the Elimination of Discrimination against Women, without further delay (Norway);
12. Intensify its efforts to counter discrimination against women based on whatever grounds (Slovakia);
13. Continue to implement all measures aimed at promoting gender equality, notably by combating all discrimination against women and stereotypes (Algeria);
14. Intensify its efforts to realize gender equality, including by implementing the recommendation made by the Committee on the Elimination of Discrimination against Women in 2003 aimed at changing social stereotypes that encourage discrimination against women and impede their egalitarian performance in society (Norway);
15. Bearing in mind Costa Rica's commitment to gender equality, seek to overcome all obstacles that impede the effective implementation of the Law to Penalize Violence against Women and guarantee the free exercise of effective judicial protection for the victims of domestic violence, including the right to reparations (Spain);

16. Pursue its efforts in favour of gays, lesbians and transsexuals (France);
17. Promote educative programmes to reduce discrimination and prejudices towards persons with disabilities, and ensure that all members of society, including those with disabilities, are able to enjoy equal participation in the presidential vote in 2010 (United Kingdom);\*
18. Follow up on the recommendations of the Human Rights Committee and the Committee against Torture relating to pre-trial detention and detention of non-citizens (Canada);
19. Ensure effective implementation of the provisions punishing acts of torture (France);
20. Ensure sufficient resources for effective functioning of its national preventive mechanism provided for in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) and further strengthen mechanisms for independent investigation of alleged cases of torture and for effective access of victims to remedies with special attention to protection of women, children and persons of minority sexual orientation or gender identity (Czech Republic);\*
21. Enhance the policy to prevent, combat and eradicate torture, improve the situation in the prison system and establish alternative sanctions (Brazil);
22. Step up implementation of legal and institutional measures aimed at addressing the reported increase of domestic violence against women and children (Malaysia);\*
23. Duly implement and review when necessary the law criminalizing violence against women, adopted in April 2007, to ensure due investigations and the punishment of all perpetrators and to prevent further occurrence of these violations as well as to establish a functioning rehabilitation scheme for the victims (Slovakia);\*
24. Continue its efforts to eliminate violence against women and children (Jordan);
25. Look further into improving its laws in the area of violence against women, in cooperation with the United Nations country team and the Committee on the Elimination of Discrimination against Women (Norway);
26. Continue implementing and monitoring the implementation of the two relevant Acts, adopted in 2007 and 2008, aimed at combating violence against women (Slovenia);
27. Take further measures to ensure the full protection of children from all forms of violence (Sweden);\*
28. Increase efforts to provide effective assistance to women and girls who are victims of violence, in particular through the provision of safe places and psychological support (Austria);
29. Take the necessary measures to strengthen the implementation of the law to criminalize violence against women (Italy);\*
30. Share its experience with other countries that may equally wish to make progress in providing for more efficient legal frameworks in the fight against domestic violence (Colombia);

31. Increase efforts to improve prison conditions, including health care (Holy See);
32. Strengthen its efforts to train law enforcement officials to effectively work against trafficking of persons (Sweden);
33. Continue implementing as effectively as possible measures aimed at combating trafficking and smuggling of migrants, including children, with a view to sexual exploitation, particularly concerning assistance to the victims (Argentina);
34. Continue efforts to provide improved assistance to victims of trafficking (Sweden);
35. Implement and enforce the changes to the Criminal Code which criminalize all forms of trafficking and raise prison sentences for anyone committing the offense of trafficking in persons (United States);\*
36. Reinforce measures to combat trafficking of women and children and ensure that the penalties foreseen for these crimes are commensurate with the gravity of the crime (Italy);\*
37. Reinforce concrete measures aimed at combating trafficking in women and young girls, and assistance to victims (Belgium);\*
38. Ensure that persons suspected of trafficking in human beings are duly prosecuted and judged, and facilitate access to justice and compensation for victims (Belgium);\*
39. Step up efforts to combat trafficking in persons (Belarus);
40. Strengthen criminal legislation with regard to trafficking of children and women (Germany);\*
41. Further reinforce measures to combat trafficking of women and children, as well as penalties commensurate with the seriousness of such acts (Egypt);\*
42. Continue taking efficient measures to eliminate prohibited child labour and prostitution, and to combat the phenomenon of children living in the street, and monitor appropriately the efficiency of measures taken (Slovenia);
43. Undertake further efforts to eliminate child labour and to protect juvenile workers (Belarus);
44. Strengthen efforts to eliminate child labour (Chile);
45. Adopt and implement appropriate efficient policies and programmes and strengthen its efforts in raising public awareness to eliminate child labour (Slovakia);\*
46. Strengthen its policies on protection of minors against child labour and sexual exploitation (Germany);
47. Reinforce the fight against exploitation of minors, particularly sexual exploitation, through the effective implementation of national and international legal provisions and through maximal use of the National Plan to Combat Commercial Sexual Exploitation (Switzerland);
48. Increase its capacity to prevent child prostitution, protect victims, continue to raise awareness and prosecute perpetrators (Netherlands);



49. Take practical steps to address the problems of street children and take effective measures to eliminate prohibited child labour (Azerbaijan);\*
50. Continue to improve the judicial system (Holy See);
51. Adopt necessary judicial reforms to increase the system's efficiency, in compliance with international standards (Slovakia);\*
52. Continue ensuring systematic training for all personnel working in the juvenile justice system, including police, lawyers and judges (Malaysia);
53. Continue to provide and improve programmes on human rights for the judiciary, law enforcement personnel and lawyers (Jordan) ;
54. Expediently take appropriate steps towards restricting the use of pre-trial detention and its duration and opt for alternative methods whenever possible (Slovakia);
55. Continue efforts to fight against impunity and human rights violations, with special attention to the rights of indigenous populations, those of African descent, women and HIV/AIDS carriers, as well as to combat all forms of discrimination (Brazil);
56. Carry out the monitoring of enterprises so as to guarantee human and labour rights in accordance with its bilateral and multilateral obligations (Nicaragua);\*
57. Continue to implement measures aimed at reducing the unemployment rate (Belarus);
58. Continue its efforts aiming at addressing the persisting wage gap between men and women (Egypt);
59. Establish close cooperation with the United Nations country team and the Committee on the Elimination of Discrimination against Women in order to address concerns raised by them regarding the application of the Act on Sexual Harassment in the Workplace and in Teaching, particularly in the private sector (Norway);
60. Pursue its efforts to ensure the right to an adequate standard of living for vulnerable groups (Algeria);
61. Take appropriate measures to address the disparities in access to safe drinking water and sanitation between the rural and urban areas, paying particular attention to persons belonging to vulnerable and marginalized groups (Malaysia);
62. Expand access to drinking water to marginalized and vulnerable populations (Congo);\*
63. Continue its efforts to further improve access to education, housing, social security, health and employment, especially for people living in poverty or extreme poverty, and to increase even more the resources and social benefits aimed at reducing poverty and extreme poverty in the country (Bulgaria);
64. Place greater emphasis on providing services for vulnerable, poor and homeless children and strengthen legislation against child pornography (United Kingdom);
65. Further focus its national spending on improving health and education services and increasing the availability of social housing (Azerbaijan);

66. Continue advancing in its efforts to achieve universal coverage of its Maternity, Disease and Health Care Programme (Colombia);
67. Take further measures to address the disparity in wages between men and women and continue to allocate sufficient funds to increase the availability of social housing for indigenous people, those of African descent and migrants, in line with the concerns raised by the Committee on Economic, Social and Cultural Rights and the United Nations country team (Ghana);
68. Take measures to ensure equitable access of indigenous children, migrant children and those living in rural areas to education and health services and improve their standard of living (Ghana);\*
69. Pursue its action to ensure the right to education for all towards the realization of the Millennium Development Goals and to extend this fundamental right to children of illegal migrants (Algeria);\*
70. Increase efforts at providing free and affordable education, including secondary education, to all segments of the population (Austria);\*
71. Continue to take effective measures to increase enrolment in primary and secondary schools, to reduce the high dropout rate of students, particularly in rural areas, and to address the lack of school infrastructure in those areas (Turkey);\*
72. Continue to take effective measures to increase enrolment in primary and secondary schools, reduce the high rate of students dropping out or repeating years, in particular in rural areas, and find ways to address the lack of school infrastructure in those areas (Portugal);\*
73. Continue to work at the international level in favour of human rights education (Morocco);
74. Increase its efforts in favour of indigenous populations to ensure the satisfaction of their basic needs (water, health, education) and to combat social exclusion affecting them (France);
75. Redouble efforts so that positive results in the area of economic, social and cultural rights reach the most vulnerable populations on an equal footing, in particular minorities, indigenous and African-descended peoples and rural populations (Peru);
76. Review and amend its migration policy and legislation according to international human rights standards that seek to eliminate discriminatory policies (Nicaragua);\*
77. Take concrete measures to implement the Migration and Aliens Act adopted in August 2009 (Burkina Faso);\*
78. Identify the Government department that will be responsible for implementing the new migration and aliens act (Law 8764) and determining rules for its implementation (Netherlands);\*
79. Strengthen policies to guarantee the rights of migrants and refugees, under the principle of non-discrimination and non-refoulement (Brazil);
80. Take measures to improve the situation in the detention centres for illegal migrants (Netherlands);\*
81. Guarantee that administrative detention of undocumented migrants is used only as an exceptional measure for the shortest possible period of time,

and avoid criminalization of the irregular entry or stay of such persons in its territory (Mexico);\*

82. Review legislation and practice on the protection of human rights of asylum-seekers with a view to ensuring effective access to appeal against negative decisions of the Visa and Refugee Commission and upholding of the principle of non-refoulement (Czech Republic);\*

83. Consider implementing, as appropriate, the recommendations of UNHCR, human rights treaty bodies and special procedures with respect to asylum-seekers, immigrants and irregular immigrants, especially children (Jordan);

84. Take forward the concept of environmental rights at the Human Rights Council, bearing in mind Costa Rica's historic leadership on this issue (Maldives);

85. Persevere in its actions in favour of development and share its experience in this regard with the international community (Morocco);

86. Establish an effective and inclusive process to follow-up to the recommendations emerging from the universal periodic review (Norway);

90. Costa Rica considers that the recommendations marked with an asterisk, Nos. 1, 4, 7, 8, 17, 20, 22, 23, 27, 29, 35, 36, 37, 38, 40, 41, 45, 49, 51, 56, 62, 68, 69, 70, 71, 72, 76, 77, 78, 80, 81 and 82 in paragraph 88 above, are either already implemented or in the process of implementation.

91. The following recommendations will be examined by Costa Rica, which will provide responses in due time. The responses of Costa Rica to these recommendations will be included in the outcome report adopted by the Human Rights Council at its thirteenth session:

1. Design and implement its action plan for strengthening legal and institutional frameworks to combat racism and racial discrimination, ensuring that all legal provisions are fully applied, that racism and racial discrimination are actively monitored and that training is carried out for all relevant authorities to provide equal access to legal redress for all victims of crime (United Kingdom);

2. Establish a periodical review process of Costa Rica's laws and practices so as to eradicate all forms of discrimination against women, both de facto and de jure, in accordance with its internationally acquired commitments (Mexico);

3. Prepare and adopt a national action plan against racism (Canada);

4. Bearing in mind the protective and advanced nature of the legislation against discrimination, intensify measures intended to protect free sexual orientation and sexual identity through specific educational initiatives and awareness-raising for all society, to facilitate documentation for transsexual people in line with their identity and to guarantee access to public services without discrimination (Spain);

5. Undertake an awareness-raising campaign to address discrimination against homosexuals and transgender persons (Austria);

6. Continue its efforts to reduce all forms of violence against women, in particular by providing adequate resources to the police and the judiciary and through special training for law enforcement officials dealing with violence against women (Austria);

7. Create programmes to combat traditional attitudes that treat sexual and psychological abuse as misdemeanours and continue to provide necessary services and support to victims (United States);
  8. Take concrete measures aimed at making responses from the judicial system to violations and resulting compensations quicker and more efficient (Switzerland);
  9. Review the legislation on the press offences of libel and defamation with a view to ensuring full protection and realization of the freedom of expression (Czech Republic);
  10. Ensure balanced treatment of all religions and grant the same status to all religious marriages (Congo);
  11. Include in its debates, within the framework of the legislative review process, indigenous participation as a democratizing principle for civic participation at all levels, municipal, legislative and executive (Panama);
  12. Enhance and enshrine in law services aimed at protecting women and provide women with adequate information on how to access such support and medical care, including permitted abortions (United Kingdom);
92. The following recommendations did not enjoy the support of Costa Rica, which offered the following comments:
1. Ratify or sign, as relevant, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), with a view to being consistent with its practice on this matter (Paraguay); consider ratifying ICRMW (Azerbaijan); sign and ratify ICRMW (Nicaragua); ratify ICRMW (Argentina); consider acceding to ICRMW (Egypt); adhere to the principles of ICRMW and consider its ratification (Mexico); consider adhering to the ICRMW, as well as gradually adapting its national legislation to the standards contained in this Convention (Uruguay);
  2. Costa Rica explained that it has not considered to date, nor does it plan to consider in the near future, the ratification of ICRMW.
  3. Ratify or sign, as relevant, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights with a view to being consistent with its practice on this matter (Paraguay);
  4. Costa Rica explained that it has not considered to date, nor does it plan to consider in the near future, the ratification of the Optional Protocol to ICESCR.
  5. Comply with the principle of freedom of movement in the Central American region adopted in the framework of the Central American System of Integration (Nicaragua);
- Not applicable.
93. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as being endorsed by the Working Group as a whole.

### **III. Voluntary pledges and commitments**

94. Costa Rica will continue working to establish an inter-institutional human rights commission, which will, inter alia, publicize and follow up on the recommendations from treaty bodies and the Universal Periodic Review;

95. Costa Rica will ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

## Annex

### Composition of the delegation

The delegation of Costa Rica was headed by Sr. Bruno Stagno, Ministro de Relaciones Exteriores y Culto, and composed of 7 additional members:

- Sr. Christian Guillermet-Fernández, Embajador, Representante Permanente Alterno, Encargado de Negocios a.i. (Jefe Alterno de Delegación);
  - Sr. Manuel Dengo, Embajador en Misión Especial;
  - Sr. Mario Zamora, Director General de Migración y Extranjería;
  - Sra. Alexandra Segura, Ministro Consejero;
  - Sra. Eugenia Gutiérrez, Ministro Consejero;
  - Sr. Carlos Garbanzo, Ministro Consejero;
  - Sr. Herbert Espinoza, Ministerio de Relaciones Exteriores y Culto.
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