

Costa Rica

Mid-term Implementation Assessment



Promoting and strengthening
the Universal Periodic Review
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 28 June 2012

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

http://followup.upr-info.org/index/country/costa_rica

We invite the reader to consult that webpage since all recommendations, all stakeholders reports, as well as the unedited comments can be found at the same internet address.

6 stakeholders' reports were submitted for the UPR. 5 NGOs were contacted. The Permanent Mission to the UN was contacted. The domestic NHRI was contacted as well.

2 NGOs responded to our enquiry. The State under Review responded to our enquiry. The domestic NHRI did not respond to our enquiry.

IRI: 13 recommendations are not implemented, 6 recommendations are partially implemented, and 8 recommendations are fully implemented. No answer was received for 80 out of 108 recommendations (full list of unanswered recommendations is available at the end of this document).

2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
1	Women's rights	page 13	fully impl.
3	Minorities	page 7	not impl.
9	Women's rights, Rights of the Child,	page 13	fully impl.
10	Sexual Orientation and Gender Identity, Human rights education and training,	page 11	not impl.
20	Women's rights, Impunity, Minorities, Indigenous peoples, HIV - Aids,	page 7	not impl.
28	Racial discrimination, National plan of action,	page 5	partially impl.
29	Women's rights	page 14	partially impl.
35	Right to water	page 5	not impl.
43	Indigenous peoples	page 8	not impl.



rec. n°	Issue	page	IRI
44	Sexual Orientation and Gender Identity	page 11	not impl.
45	Sexual Orientation and Gender Identity	page 12	partially impl.
48	Women's rights, Treaty bodies, Indigenous peoples,	page 8	not impl.
49	Rights of the Child	page 14	not impl.
59	Right to water	page 5	not impl.
60	Environment	page 6	fully impl.
73	UPR process	page 10	fully impl.
75	Treaty bodies	page 10	fully impl.
76	Women's rights, Treaty bodies,	page 13	partially impl.
78	Indigenous peoples	page 8	not impl.
79	International instruments, Enforced disappearances,	page 10	fully impl.
81	International instruments, ESC rights - general,	page 11	fully impl.
82	Treaty bodies, Racial discrimination, International instruments,	page 11	not impl.
83	Minorities, Indigenous peoples, ESC rights - general,	page 9	not impl.
84	Treaty bodies, Racial discrimination, International instruments,	page 6	not impl.
90	Women's rights	page 13	partially impl.
93	Women's rights	page 14	fully impl.
94	Sexual Orientation and Gender Identity, Human rights education and training,	page 12	-
101	Racial discrimination	page 6	partially impl.

3. Feedbacks on recommendations

ESC Rights

Recommendation n°28: *Prepare and adopt a national action plan against racism* (Recommended by *Canada*)

IRI: *partially implemented*

State of Costa Rica response:

En este momento Costa Rica está trabajando, a través de la Comisión Interinstitucional para el Seguimiento e Implementación de las Obligaciones Internacionales sobre Derechos Humanos, en la elaboración de un Plan Nacional contra el Racismo y la Discriminación Racial. El Plan se entiende como un marco de acción que, una vez aprobado e implementado en cada una de las instituciones, promueva la creación de políticas públicas dirigidas a poblaciones específicas y de esta forma salvaguardar los derechos de los sectores que sufren de algún tipo de discriminación racial.

Mesa Nacional indígena de Costa Rica (MNICR) response:

En el diseño para la preparación del Plan Nacional de Acción contra el Racismo, no es adecuado para el dialogo, la participación y la consulta indígena, por lo que los indígenas no están participando en el mismo.

Recommendation n°35: *Expand access to drinking water to marginalized and vulnerable populations* (Recommended by *Republic of Congo*)

IRI: *not implemented*

MNICR response:

Como ya se ha dicho en la inmensa mayoría de comunidades indígenas lo que existe es agua entubada –sin ningún tipo de potabilización - y en aquellas comunidades donde tienen algún tipo de tratamiento, hay problemas con su administración.

Recommendation n°59: *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* (Recommended by *Malaysia*)

IRI: *not implemented*

MNICR response:

El Estado continúa sin adoptar medidas para superar las desigualdades que existen en el acceso al agua potable y el saneamiento entre las zonas no indígenas y las comunidades indígenas. En la inmensa mayoría de comunidades indígenas lo que existe es agua entubada –sin ningún tipo de potabilización- y en aquellas



comunidades donde tienen algún tipo de tratamiento, hay problemas con su administración.

El recurso agua se encuentra en los bosques de los Pueblos Indígenas, y sobre el mismo existe gran presión por parte el Poder Ejecutivo, las Municipalidades y la entidad estatal Acueductos y Alcantarillados (AyA). Ya se existen casos, como el de la ciudad de Buenos Aires, Provincia de Puntarenas, donde el agua se tomó del Territorio Indígena de Ujarrás, a la ciudad se le proporciona agua potable, mientras que el servicio del territorio no es de la misma calidad.

Recommendation nº60: Take forward the concept of environmental rights at the Human Rights Council, bearing in mind Costa Rica's historic leadership on this issue (Recommended by Maldives)

IRI: *fully implemented*

State of Costa Rica response:

Costa Rica es parte del grupo en el Consejo de Derechos Humanos que promueve las resoluciones sobre Derechos Humanos y Medio Ambiente. La resolución que se ha negociado en el marco de la XIX sesión del Consejo crea el mandato de experto independiente sobre las obligaciones de Derechos Humanos relacionadas con el disfrute de un ambiente seguro, limpio, saludable y sostenible.

Recommendation nº84: 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 (Recommended by Portugal)

IRI: *not implemented*

MNICR response:

Al momento de escribir este informe no existe iniciativa alguna para la reforma legal que tipifique la discriminación como un delito.

Recommendation nº101: 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 (Recommended by United Kingdom)

IRI: *partially implemented*

State of Costa Rica response:

En este momento Costa Rica está trabajando, a través de la Comisión Interinstitucional para el Seguimiento e Implementación de las Obligaciones Internacionales sobre Derechos Humanos, en la elaboración de un Plan Nacional contra el Racismo y la Discriminación Racial. El Plan se entiende como un marco de acción que, una vez aprobado e implementado en cada una de las instituciones, promueva la creación de políticas públicas dirigidas a poblaciones específicas y de esta forma salvaguardar los derechos de los sectores que sufren de algún tipo de discriminación racial.

MNICR response:

Para la elaborar y aplicar un plan de acción para el fortalecimiento del marco jurídico e institucional de lucha contra el racismo y la discriminación racial, la Comisión Interinstitucional para el Seguimiento e Implementación de las Obligaciones Internacionales de Derechos Humanos, del Ministerio de Relaciones Exteriores y Culto, se apoya en una consultoría que tiene la misión de delimitar cuales deben de ser las pautas a tomar en cuenta en la elaboración del Plan Nacional de Acción.

La Comisión Interinstitucional desde un principio no hizo un diseño adecuado de participación y consulta para la construcción de un plan que vele por la aplicación de los derechos indígenas. Tampoco hizo esfuerzos para, atender las preocupaciones que se le manifestaron sobre la forma en que definirían las pautas a tomar en cuenta en el plan que nos ocupa, ya que por lo menos en el caso de los Pueblos Indígenas los procedimientos son diferentes; hacer las correcciones respectivas, pese a que organizaciones indígenas le hicieron las prevenciones correspondientes; y establecer un diálogo directo entre los Pueblos Indígenas y la Cancillería.

Indigenous & Minorities

Recommendation n°3: *Pursue its efforts to ensure the right to an adequate standard of living for vulnerable groups* (Recommended by Algeria)

IRI: *not implemented*

MNICR response:

En la actual administración del gobierno del Estado de Costa Rica, no se han hecho esfuerzos para garantizar los derechos de los pueblos indígenas. El proyecto de Ley de Desarrollo Autónomo de los Pueblos Indígenas, después de casi 18 años de gestión indígena continúa en un impase en la Asamblea Legislativa. En los dos periodos de sesiones extraordinarios por año, cuando el Poder Ejecutivo tiene la potestad de determinar la agenda del Poder Legislativo, el referido proyecto no ha sido convocado pese a petición indígena y de personas y organizaciones de sociedad civil.

Recommendation n°20: *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* (Recommended by Brazil)

IRI: *not implemented*

MNICR response:

Desde el 2009 a la fecha, no se han realizado acciones para prevenir las violaciones a los derechos de los Pueblos Indígenas. Por el contrario, están se han profundizado producto de la inacción del Estado en la tenencia ilegal de la tierra por no indígenas, las iniciativas gubernamentales y de las empresas transnacionales de megaproyectos, minería, petróleo y gas natural entre otros.



Recommendation n°43: *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* (Recommended by France)

IRI: *not implemented*

State of Costa Rica response:

Estas recomendaciones se están incorporando dentro de los parámetros y criterios que debe incluir el Plan Nacional contra el Racismo y la Discriminación Racial.

MNICR response:

El Estado costarricense sencillamente no redobla esfuerzos en favor de los Pueblos Indígenas, porque no tiene voluntad de aplicar correctamente los derechos establecidos en la jurisprudencia nacional e internacional, y continúe presionando para integrar a los indígenas al desarrollo económico, en perjuicio de sus culturas.

Recommendation n°48: *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* (Recommended by Ghana)

IRI: *not implemented*

State of Costa Rica response:

Estas recomendaciones se están incorporando dentro de los parámetros y criterios que debe incluir el Plan Nacional contra el Racismo y la Discriminación Racial.

MNICR response:

En cuando ha vivienda si bien se nota una continuación de bonos de vivienda para indígenas, hay preocupaciones en cuanto a la pertinencia cultural de los diseños, la entrega de bonos a no indígenas en las comunidades indígenas, lo que se agrava la situación de la tierra, y cantidad insuficiente de bonos otorgados.

En el país hay una presencia permanente e importante de indígenas miskitos, dedicados a mayoritariamente al trabajo en la construcción. Durante 6 o 7 meses en Costa Rica hay masiva presencia de indígenas Ngäbe Buklé en las zonas especialmente cafetaleras, que migran internamente o que vienen de la República de Panamá.

En el país no existe una política de atención en vivienda, salud, trabajo digno y salario justo para los indígenas migrantes.

Recommendation n°78: *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* (Recommended by Panama)

IRI: *not implemented*

MNICR response:

En este punto se hace evidente la falta de voluntad del Estado costarricense, siendo el caso más emblemático el Proyecto de Ley de Desarrollo Autónomo de los Pueblos Indígenas, con casi 18 años de transitar los pasillos del Poder Legislativo.



Otro caso que muestra la falta de voluntad es, para la apertura de la Oficina de Pueblos Indígenas de la Asamblea Legislativa, procedimiento que ya cuenta con el correspondiente renglón presupuestario con una plaza de Profesional 1, la aplicación de personas indígenas que están optando al cargo, así como el dictamen de la respectiva instancia de ese poder del estado. Situación que se da por cambio en el Directorio de la Asamblea Legislativa y pese a la petición indígena y del Presidente de periodo anterior.

Recommendation n°83: *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 (Recommended by Peru)*

IRI: *not implemented*

State of Costa Rica response:

Estas recomendaciones se están incorporando dentro de los parámetros y criterios que debe incluir el Plan Nacional contra el Racismo y la Discriminación Racial.

MNICR response:

En el periodo de este informe, no se han realizado acciones para que los indígenas se encaminen a la igualdad de condiciones en observancia a la legislación nacional e internacional en materia de derechos indígenas.

En estos dos años, el Estado no ha hecho el mínimo esfuerzo para aproximarse a esta conclusión y/o recomendación, más bien ha congelado el trámite del Proyecto de Ley de Desarrollo Autónomo de los Pueblos Indígenas (con casi 18 años de trámite en la Asamblea Legislativa). Con la aprobación de este proyecto se avanzaría significativamente en las condiciones de igualdad que se mencionan.

El proyecto de ley referido, contiene:

Capítulo I: Autonomía de los Pueblos Indígenas

Capítulo II: Desarrollo Sostenible, Propiedad y Tenencia de la Tierra en los Territorios Indígenas

Capítulo III: Medicina Natural y Servicios de Salud

Capítulo IV: Educación Pluricultural

Capítulo V: Vivienda, Caminos y Medio Ambiente en Territorios Indígenas

Capítulo VI: Fondo Nacional de Desarrollo Indígena y su Sistema de Crédito

Capítulo VII: Asamblea de la Comunidad Indígena del Territorio

Capítulo VIII: Comité Electoral

Capítulo IX: Consejos Indígenas Territoriales

Capítulo X: De los Congresos Nacionales Indígenas

Capítulo XI: Derecho Consuetudinario Indígena

Capítulo XII: Asuntos Internacionales

Capítulo XIII: Disposiciones Generales

Capítulo XIV: Disposiciones Transitorias

International Instruments

Recommendation n°73: *Establish an effective and inclusive process to follow-up to the recommendations emerging from the universal periodic review (Recommended by Norway)*

IRI: *fully implemented*

State of Costa Rica response:

Costa Rica ha implementado recientemente una Comisión Interinstitucional para el Seguimiento e Implementación de las Obligaciones Internacionales sobre Derechos Humanos con el fin de lograr una articulación de todos los actores nacionales con respecto a las recomendaciones a nivel internacional sobre esta materia específica. Dicha Comisión fue creada mediante Decreto Ejecutivo 36776-RE y publicada en el Diario Oficial La Gaceta el 30 de setiembre del 2011. La coordinación y dirección de la Comisión está a cargo del Ministerio de Relaciones Exteriores y Culto, y la conforman representantes de las distintas instituciones públicas y entes autónomos que tienen competencia en materia de Derechos Humanos.

Uno de los principales objetivos que ostenta esta Comisión es la de promover la cooperación entre el Estado y la sociedad civil para fortalecer la promoción y el respeto de los compromisos que el país ha adquirido en esta materia. Para alcanzar este objetivo se ha establecido una entidad permanente de consulta constituida por miembros de la sociedad civil, fomentando de esta forma la participación activa de todos los actores de la sociedad. Aunado a esto La Comisión cuenta con un Comité Asesor integrado por instituciones y expertos independientes relacionados con la materia de derechos humanos que según el tema son invitados a participar para apoyar en las discusiones de la Comisión. Hay que recalcar que la Comisión está activa en este momento y tiene como primer punto de la agenda la elaboración del Plan Nacional contra el Racismo y la Discriminación Racial.

Recommendation n°75: *Finalize the fifth and sixth due reports to the Committee on the Elimination of Discrimination against Women, without further delay (Recommended by Norway)*

IRI: *fully implemented*

State of Costa Rica response:

Costa Rica tuvo su diálogo sobre los informes periódicos quinto y sexto con el Comité para la Eliminación de la Discriminación contra la Mujer en julio de 2011.

Recommendation n°79: *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 (Recommended by Paraguay)*

IRI: *fully implemented*

State of Costa Rica response:

Costa Rica depositó el instrumento de ratificación de la Convención Internacional para la Protección de todas las Personas contra las Desapariciones Forzadas el 16 de febrero de 2012 en Nueva York.



Recommendation n°81: *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* (Recommended by Paraguay)

IRI: *fully implemented*

State of Costa Rica response:

Costa Rica firmó el Protocolo Facultativo del PIDESC el 28 de abril de 2011 y actualmente el instrumento ya ha sido presentado a la Asamblea Legislativa para su ratificación.

Recommendation n°82: *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* (Recommended by Peru)

IRI: *not implemented*

MNICR response:

Al momento de escribir este informe no existe iniciativa alguna para la reforma legal que tipifique la discriminación como un delito.

Sexual Rights

Recommendation n°10: *Undertake an awareness-raising campaign to address discrimination against homosexuals and transgender persons* (Recommended by Austria)

IRI: *not implemented*

Centro de Investigación y Promoción para América Central de Derechos Humanos (CIPACDH) response:

Los esfuerzos que se han realizado para sensibilizar a la población general en relación a la diversidad sexual han surgido de la sociedad civil con el apoyo de donantes internacionales o agencias de la propias Naciones Unidas. El Estado a accedido a abrir algunos pocos espacios para sensibilizar a sus funcionarios, sin embargo no cuenta con un programa propio ni con recursos asignados para tal efecto. Las universidades estatales se han declarado espacios libres de discriminación en forma paulatina motivadas por el impulso, apoyo y presión de la sociedad civil. La Presidenta de Costa Rica ha dicho en medios de comunicación que las necesidades de las poblaciones sexualmente diversas no son temas de prioridad para la presente administración.

Recommendation n°44: *Join the 67 States that have signed the joint statement on human rights, sexual orientation and gender identity* (Recommended by France)

IRI: *not implemented*

CIPACDH response:

Costa Rica no ha firmado la declaración conjunta según información recibida por la Cancillería costarricense, nuevamente, para esta administración "no es de prioridad"



los temas relacionados a poblaciones gai, lesbianas, bisexuales y de personas transgénero.

Recommendation n°45: Pursue its efforts in favour of gays, lesbians and transsexuals (Recommended by France)

IRI: *partially implemented*

CIPACDH response:

Se han logrado avances a favor de los colectivos LGBTI en Costa Rica, sin embargo, pocos de ellos son de iniciativa estatal, por ejemplo: Tres universidades se han declarado espacios libre de discriminación (iniciativa universitaria y de sociedad civil), se ha aprobado la visita íntima a privados/as de libertad por personas de su mismo sexo (acción de inconstitucionalidad de Defensoría Pública), se ha autorizado a las personas trans a salir con apariencia femenina en la fotografía del documento de identificación nacional (gestión privada ante el Tribunal Supremo de Elecciones), De la misma forma ya desde el 2008 en otra administración se había firmado el decreto del Día Nacional Contra la Homofobia, ese decreto es el único instrumento que estamos utilizando para forzar y obligar a las instancias públicas a generar acciones contra la homofobia, lesbofobia y transfobia, de lo contrario esta administración no sentiría ninguna obligación para generar estas acciones.

Recommendation n°94: 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 (Recommended by Spain)

IRI: -

CIPACDH response:

Actualmente hay 3 proyectos de ley en la Asamblea Legislativa para el reconocimiento de uniones entre personas del mismo sexo, un proyecto de ley para la eliminación de la discriminación, otro proyecto de ley para modificar la ley general de VIH. Se han presentado por lo menos cinco acciones de inconstitucionalidad en busca del reconocimiento de derechos, como el de uniones y de aseguramiento indirecto, todas con resultados negativos. Reconocemos que se ha logrado la autorización de la visita íntima a privados/as de libertad por parte de personas de su mismo sexo, sin embargo, la situación de la protección legal de los colectivos LGBTI en Costa Rica no ha avanzado significativamente contra la discriminación, ni en el reconocimiento de derechos fundamentales como uniones y los beneficios a partir del reconocimiento de este. Dentro de los temas que no se habla en Costa Rica, se encuentran, crímenes de odio motivados por la orientación sexual o la identidad de género, la violaciones sexuales a mujeres lesbianas y por supuesto el tema de reconocimiento de parejas. Las diferentes iglesias, entre ellas la iglesia católica, como país católico por ley según Constitución Política de Costa Rica, art 75, la Iglesia cuenta con un poder político muy relevante, algunas decisiones de derechos humanos, educación, salud entre otros, son discutidos con los representantes de la iglesia católica.

Women & Children

Recommendation n°1: *Continue to implement all measures aimed at promoting gender equality, notably by combating all discrimination against women and stereotypes (Recommended by Algeria)*

IRI: *fully implemented*

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Recommendation n°76: *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 (Recommended by Norway)*

IRI: *partially implemented*

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Recommendation n°90: *Intensify its efforts to counter discrimination against women based on whatever grounds (Recommended by Slovakia)*

IRI: *partially implemented*

State of Costa Rica response:

En 2009 se dio una importante reforma al Código Electoral, que consiste en que todas las delegaciones, las nóminas y demás órganos pares deben estar integrados por un 50% de mujeres y un 50% de hombres, con lo cual se logra un cambio en el paradigma electoral. Además, se dio en 2010 la aprobación de la ley 8901 paridad en juntas directivas, asociaciones, sindicatos y asociaciones solidaristas. Se cuenta con el Sistema de Gestión Laboral en Igualdad y Equidad de Género y con el Sello de Equidad que identifica las buenas prácticas en materia de promoción de igualdad de género.

También se ha dado la reforma del Código de Trabajo en lo relativo a la protección laboral de las trabajadoras domésticas y la equiparación de los derechos y condiciones laborales con las demás personas trabajadoras (2009).

Desde el 14 de noviembre de 2011 se ha venido llevando adelante una campaña de sensibilización para enfrentar estereotipos sociales que se ha denominado “Sumate, es tiempo de igualdad”. La campaña busca educar a los diferentes sectores sociales sobre los derechos humanos de las mujeres.

Recommendation n°9: *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 (Recommended by Austria)*

IRI: *fully implemented*

State of Costa Rica response:

El Instituto Nacional de la Mujer está trabajando en una Estrategia de Redes para el abordaje de la violencia intrafamiliar. La misión de esta iniciativa es la de construir y consolidar un espacio de coordinación intersectorial, interinstitucional y de la sociedad civil, para el desarrollo de políticas locales de prevención, detección y atención de la violencia intrafamiliar.



Igualmente, con el Plan Nacional de Atención y Prevención de la Violencia contra las Mujeres (PLANOVI) se han desarrollado acciones concretas para garantizar una asistencia efectiva a las mujeres víctimas de violencia.

Cabe mencionar que existen los Centros Especializados de Atención y de Albergue Temporal para Mujeres Afectadas por la Violencia Intrafamiliar, sus Hijos e Hijas (CEAAM). El INAMU cuenta con albergues ubicados en diferentes partes del país, en los cuales las mujeres agredidas con sus hijas e hijos, pueden encontrar refugio y apoyo por determinado tiempo, que les posibiliten la construcción de una vida sin violencia. Adicionalmente, existe la Delegación de la Mujer que es una instancia (del INAMU) especializada en brindar atención a mujeres víctimas de violencia intrafamiliar. Las mujeres afectadas pueden consultar con abogadas, psicólogas y trabajadoras sociales, para recibir el apoyo y la orientación necesarias para enfrentar su caso.

Recommendation nº29: 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 (Recommended by Canada)

IRI: partially implemented

State of Costa Rica response:

Costa Rica, en su afán de incorporar una conciencia colectiva en cuanto a la equidad de género, ha implementado en las instituciones estatales una serie de iniciativas no solo para asegurar el respeto y el cumplimiento de estas obligaciones sino para la construcción de una sociedad con principios tácitos de igualdad de género. Como ejemplo de esto se puede mencionar la creación y sostenimiento de la Política Nacional de Igualdad y Equidad de Género la cual cuenta con el concurso y la voluntad política de los cuatro poderes de la República, las organizaciones de mujeres y diversos sectores de las sociedad civil y el auspicio del Fondo de Población de las Naciones Unidas (UNFPA). Se ha aprobado la política de igualdad y equidad de género del Tribunal Supremo de Elecciones (TSE) e igualmente en el caso de la Caja Costarricense de Seguro Social (CCSS).

Recommendation nº49: 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 (Recommended by Ghana)

IRI: not implemented

State of Costa Rica response:

Estas recomendaciones se están incorporando dentro de los parámetros y criterios que debe incluir el Plan Nacional contra el Racismo y la Discriminación Racial.

MNICR response:

En Costa Rica no hay una educación intercultural para nacionales, en ningún nivel (indígenas y no indígenas), y menos para migrantes. Tampoco se observan acciones en esa dirección.

Recommendation nº93: 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 (Recommended by Spain)

IRI: *fully implemented*

State of Costa Rica response:

Costa Rica ha modificado y aprobado el ajuste de la Ley de Penalización de la Violencia contra las Mujeres por medio de la reforma legislativa. A esta ley se le adicionaron los artículos 22 y 25, los cuales son de vital importancia ya que tipifican como delitos el maltrato y las ofensas. (Entre las cuestiones que son penalizadas cabe resaltar las siguientes: prisión de tres meses a un año a quien maltrate a una mujer con quien mantenga una relación de matrimonio o de unión de hecho sin que la incapacite para sus ocupaciones habituales, si el daño físico ocasiona una incapacidad menor de 5 días, tendrá una pena de seis meses a un año, si ocasiona una incapacidad mayor de 5 días y hasta un mes, la pena de prisión será de 8 meses a un 1 año. Pero cuando, producto del maltrato, resultare una incapacidad mayor de un 1 mes deberá aplicarse las sanciones establecidas en el Código Penal para el delito de lesiones).

Sumado a esta iniciativa vale la pena mencionar la aprobación de la Ley 8925 (2011) que modifica la Ley contra la Violencia Doméstica. Esta Ley crea un registro interno de agresores a cargo del Poder Judicial, amplía el plazo inicial de las medidas de protección de seis meses a un año, evitando gestiones por parte de la víctima, se fortalece el acceso a la justicia de las víctimas mediante el acompañamiento, asesoramiento, coadyuvancias y permite que las autoridades penales apliquen las medidas en ausencia de los juzgados de violencia doméstica especializados.

Existe además el “Sistema Unificado de Medición Estadística de la Violencia de Género en Costa Rica” se propuso como objetivo general “definir, construir y mantener un sistema de información a partir de la homologación de registros y la construcción de indicadores claves y consensuados que permita mostrar la dimensión de la violencia de género”. Sus objetivos específicos son los siguientes:

- Conocer la realidad de las situaciones de violencia contra las mujeres desde el momento en que son reportadas a través del sistema de emergencias 9-1-1 hasta que llegan al sistema de justicia y su evolución con el fin de analizar los cambios registrados.
- Brindar información que permita formular propuestas tendientes a promover mejoras en la lucha contra la violencia contra las mujeres.
- Crear capacidades e instrumentos que auxilien a las funcionarias y los funcionarios públicos tomadores de decisiones en la administración de justicia en la formulación de políticas públicas en materia de violencia de género contra las mujeres.



Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
2	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	Accepted	2	Rights of the Child, Right to education, Migrants,
4	Consider the possibility of accepting the competence of the Committee on Enforced Disappearance provided for under CED	Argentina	Accepted	3	International instruments, Enforced disappearances,
5	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	Accepted	2	Trafficking, Rights of the Child, Migrants,
6	Ratify ICRMW	Argentina	Rejected	5	Migrants, International instruments,
7	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	General Response	4	Women's rights, Human rights education and training,
8	Increase efforts at providing free and affordable education, including secondary education, to all segments of the population	Austria	Accepted	4	Right to education
11	Consider ratifying ICRMW	Azerbaijan	Rejected	3	Migrants, International instruments,
12	Further focus its national spending on improving health and education services and increasing the availability of social housing	Azerbaijan	Accepted	4	Right to housing, Right to health, Right to education,
13	Take practical steps to address the problems of street children and take effective measures to eliminate prohibited child labour	Azerbaijan	Accepted	4	Rights of the Child, Labour,
14	Continue to implement measures aimed at reducing the unemployment rate	Belarus	Accepted	2	Development
15	Step up efforts to combat trafficking in persons	Belarus	Accepted	4	Trafficking
16	Undertake further efforts to eliminate child labour and to protect juvenile workers	Belarus	Accepted	4	Rights of the Child, Labour,



17	Ensure that persons suspected of trafficking in human beings are duly prosecuted and judged, and facilitate access to justice and compensation for victims	Belgium	Accepted	4	Trafficking
18	Reinforce concrete measures aimed at combating trafficking in women and young girls, and assistance to victims	Belgium	Accepted	4	Women's rights, Trafficking, Rights of the Child,
19	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	Accepted	3	International instruments, Disabilities,
21	Enhance the policy to prevent, combat and eradicate torture, improve the situation in the prison system and establish alternative sanctions	Brazil	Accepted	4	Torture and other CID treatment, Detention conditions,
22	Strengthen policies to guarantee the rights of migrants and refugees, under the principle of non-discrimination and non-refoulement	Brazil	Accepted	4	Migrants, Asylum-seekers - refugees,
23	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	Accepted	4	Rights of the Child
24	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	Accepted	2	Right to housing, Right to health, Right to education, Poverty, Labour,
25	Ratify the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions	Burkina Faso	Accepted	5	International instruments
26	Take concrete measures to implement the Migration and Aliens Act adopted in August 2009	Burkina Faso	Accepted	4	Migrants
27	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	Accepted	4	Treaty bodies, Detention conditions,
30	Strengthen efforts to eliminate child labour	Chile	Accepted	4	Rights of the Child, Labour,
31	Strengthen gender equality policies with a view to narrowing the gender gap in all areas of society	Chile	Accepted	4	Women's rights
32	Continue advancing in its efforts to achieve universal coverage of its Maternity, Disease and Health Care Programme	Colombia	Accepted	2	Women's rights, Right to health,



33	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	Accepted	1	Women's rights, Rights of the Child,
34	Ensure balanced treatment of all religions and grant the same status to all religious marriages	Republic of Congo	No Response	4	Women's rights
36	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	Accepted	4	Torture and other CID treatment, International instruments,
37	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	Accepted	3	Asylum-seekers - refugees
38	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	General Response	3	Freedom of the press, Freedom of opinion and expression,
39	Consider acceding to ICRMW	Egypt	Rejected	3	Migrants, International instruments,
40	Continue its efforts aiming at addressing the persisting wage gap between men and women	Egypt	Accepted	2	Women's rights
41	Further reinforce measures to combat trafficking of women and children, as well as penalties commensurate with the seriousness of such acts	Egypt	Accepted	4	Women's rights, Trafficking, Rights of the Child,
42	Ensure effective implementation of the provisions punishing acts of torture	France	Accepted	4	Torture and other CID treatment
46	Strengthen criminal legislation with regard to trafficking of children and women	Germany	Accepted	4	Women's rights, Trafficking, Rights of the Child,
47	Strengthen its policies on protection of minors against child labour and sexual exploitation	Germany	Accepted	4	Rights of the Child
50	Continue to improve the judicial system	Holy See	Accepted	2	Justice
51	Increase efforts to improve prison conditions, including health care	Holy See	Accepted	4	Detention conditions
52	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	Accepted	4	Women's rights, Trafficking, Rights of the Child,



53	Take the necessary measures to strengthen the implementation of the law to criminalize violence against women	Italy	Accepted	4	Women's rights
54	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	Accepted	3	Treaty bodies, Special procedures, Rights of the Child, Migrants, Asylum-seekers - refugees,
55	Continue to provide and improve programmes on human rights for the judiciary, law enforcement personnel and lawyers	Jordan	Accepted	2	Justice, Human rights education and training,
56	Enhance its efforts to eliminate violence against women and children	Jordan	Accepted	4	Women's rights, Rights of the Child,
57	Continue ensuring systematic training for all personnel working in the juvenile justice system, including police, lawyers and judges	Malaysia	Accepted	2	Rights of the Child, Justice, Human rights education and training,
58	Step up implementation of legal and institutional measures aimed at addressing the reported increase of domestic violence against women and children	Malaysia	Accepted	4	Women's rights, Rights of the Child,
61	Adhere to the principles of ICRMW and consider its ratification	Mexico	Rejected	4	Migrants, International instruments,
62	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	General Response	3	Women's rights
63	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	Accepted	4	Migrants
64	Continue to work at the international level in favour of human rights education	Morocco	Accepted	2	Human rights education and training
65	Persevere in its actions in favour of development and share its experience in this regard with the international community	Morocco	Accepted	4	Development
66	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	Accepted	5	Migrants
67	Increase its capacity to prevent child prostitution, protect victims, continue to raise awareness and prosecute perpetrators	Netherlands	Accepted	4	Rights of the Child, Human rights education and training,



68	Take measures to improve the situation in the detention centres for illegal migrants	Netherlands	Accepted	4	Migrants
69	Carry out the monitoring of enterprises so as to guarantee human and labour rights in accordance with its bilateral and multilateral obligations	Nicaragua	Accepted	4	Labour
70	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	Rejected	4	Freedom of movement
71	Review and amend its migration policy and legislation according to international human rights standards that seek to eliminate discriminatory policies	Nicaragua	Accepted	5	Migrants
72	Sign and ratify ICRMW	Nicaragua	Rejected	5	Migrants, International instruments,
74	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	Accepted	4	Women's rights, Treaty bodies,
77	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	Accepted	4	Women's rights, Treaty bodies,
80	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	Rejected	5	Migrants, International instruments,
85	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	Accepted	2	Right to education
86	Adopt and implement appropriate efficient policies and programmes strengthen its efforts in raising public awareness to eliminate child labour	Slovakia	Accepted	4	Rights of the Child, Labour, Human rights education and training,
87	Adopt necessary judicial reforms to increase the system's efficiency, in compliance with international standards	Slovakia	Accepted	4	Justice



88	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	Accepted	5	Women's rights
89	Expediently take appropriate steps towards restricting the use of pretrial detention and its duration and opt for alternative methods whenever possible	Slovakia	Accepted	4	Detention conditions
91	Continue implementing and monitoring the implementation of the two relevant Acts, adopted in 2007 and 2008, aimed at combating violence against women	Slovenia	Accepted	2	Women's rights
92	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	Accepted	2	Rights of the Child, Labour,
95	Continue efforts to provide improved assistance to victims of trafficking	Sweden	Accepted	2	Trafficking
96	Strengthen its efforts to train law enforcement officials to effectively work against trafficking of persons	Sweden	Accepted	4	Trafficking, Human rights education and training,
97	Take further measures to ensure the full protection of children from all forms of violence	Sweden	Accepted	4	Rights of the Child
98	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	Accepted	5	Rights of the Child
99	Take concrete measures aimed at making responses from the judicial system to violations and resulting compensations quicker and more efficient	Switzerland	General Response	4	Justice
100	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	Accepted	2	Right to education
102	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	General Response	5	Women's rights
103	Place greater emphasis on providing services for vulnerable, poor and homeless children and strengthen legislation against child pornography	United Kingdom	Accepted	4	Rights of the Child



104	Promote educative programmes to reduce discrimination and prejudice 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	Accepted	4	Human rights education and training, Elections, Disabilities,
105	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	General Response	4	Women's rights
106	Follow through and expand on already established programmes to protect children	United States	Accepted	4	Rights of the Child
107	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	Accepted	4	Trafficking
108	Consider adhering to the ICRMW, as well as gradually adapting its national legislation to the standards contained in this Convention	Uruguay	Rejected	3	Migrants, International instruments,

A= Action Category (see on [our website](#))

SMR = State making recommendation

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