

This report is carried out by the Cooperativa Sulá Batsú¹ organization focused on the exercise of human rights in digital spaces in Costa Rica in collaboration with the Association for Progressive Communications (APC)², with special attention to the affectation to freedom of expression and to the digital affectation of women who act in public life, as activists, journalists or in political positions.

Freedom of thought and expression

There were no previous recommendations in this regard, but as of 2022 the country drops 15 points in the World Press Freedom Index³, and where the Networked Freedom Report 2023⁴ indicates an increase in attacks on the media and for 2023 it establishes an increase of 231% over the previous year of attacks on journalists, especially through digital spaces.

Therefore, it is recommended to guarantee journalists and human rights defenders the exercise of their rights in digital environments through a public policy focused on the protection of their right to freedom of expression and access to information, and to guarantee a digital environment free of violence.

Gender violence

According to recommendation 111.147 (France) to strengthen public policies aimed at combating violence against women; Since 2022 there has been an increase in digital content that has generated more violence and attacks on women, such as forcing them to send photos with sexual content, cyberstalking, blackmail in networks, and direct violent messages on social networks, with an increase of 40% according to data from the National Institute for Women and the Judiciary.

Therefore, it is recommended to expand the scope of action through the reform of Law 8589 on the Penalization of Violence against Women to include violence suffered by women through digital media.

Generate a National Strategy against online gender violence, which establishes measures to generate safe digital spaces for women; and that it is connected with the National Policy for the effectiveness between women and men (PIEG) 2018 -203076, the National Policy for Equality between women and men in training and Innovation 2018-2027 (PICTII), Law No. 8589 Law on the Penalization of Violence against Women, the National Policy for the Attention and Prevention of Violence against Women, of all ages. Costa Rica 2017 -2032 (PLANOVI).

¹ <https://sulabatsu.com/>

² <https://www.apc.org/>

³ <https://www.rsf-es.org/clasificacion-mundial-de-la-libertad-de-prensa-rsf-2023-tabla-de-paises/>

⁴ <https://proledi.ucr.ac.cr/costa-rica-es-uno-de-los-cinco-paises-que-mas-puntos-perdieron-segun-informe-de-libertad-en-la-red-2023-de-freedom-house/>

Hate speech and attacks on women in public and political office

Recommendation 111.28 (Côte d'Ivoire) calls for strengthening measures to ensure equality of women and men in the political sphere, and 111.31 (Canada) indicates the need to adopt legislation criminalizing hate crimes based on sexual orientation and gender identity.

However, according to data from the Third Report on Hate Speech and Discrimination of 2023⁵, for this year there has been an increase of 50% and in the last two years of 255% of messages, typifications of gender violence and hate speech online. Of these, 72% correspond to attacks by digital media against women in politics.

Therefore, it is recommended to: Develop a national policy against hate speech and discrimination in the face of the high growth of violence, aggressions and hatred in social networks. And move forward with the implementation of the Law to prevent, address, punish and eradicate violence against women in politics, and seek to expand the scope of action through a reform to integrate online violence in digital spaces, and implement a National Strategy to prevent violence against women in politics, women journalists and women human rights defenders.

In addition to implementing the National Inter-institutional Protocol for Responding to Victims of Gender Violence on the Internet to provide a comprehensive response to victims of digital gender violence, this should be binding for institutions through its inclusion in Law No. 10235 to Eradicate Violence against Women in Politics.

Right to privacy and data protection

Building on recommendations 111.7 (Kyrgyzstan) to adopt new measures to harmonize legislation and policies with international humanitarian law, recommendation 111.33, there has been an increase in the improper handling of personal data by state institutions and no clear open data framework, as well as a 115% increase in cyber-attacks on citizens and a steady increase in online gender-based violence since the Covid-19 pandemic.

Generate a cybersecurity policy with a focus on human rights and gender that seeks to safeguard the human rights of all people in digital spaces, considering the differentiated impacts and the complex and intersectional needs of people.

The updating of Law 8968 on the Protection of the individual against the processing of personal data, considering gender considerations, and the international context regarding digital rights of citizens, to maintain the right to privacy in digital spaces.

The creation of a Law on Transparency and Access to Public Information that guarantees the opening of public data and algorithmic transparency in the Public Administration, including the designation of a national guarantor entity on the matter, as well as the generation of a National Policy for Data Governance that articulates the management of the ecosystem and multilevel datafication.

You can review the full report at: <https://www.apc.org/es/pubs/examen-periodico-universal-4deg-ciclo-sesion-47-derechos-humanos-en-el-entorno-digital-en>

⁵ <https://costarica.un.org/es/238630-informe-sobre-discursos-de-odio-y-discriminaci%C3%B3n-2023>