



# General Assembly

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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-third session**  
6–17 May 2019

## **Summary of Stakeholders' submissions on Costa Rica\***

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 16 stakeholders' submissions<sup>1</sup> to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

#### **II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles**

2. The Ombudsman's Office (DHR) expressed concern that Costa Rica had not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It also considered that, because of the regional migration situation, Costa Rica should sign the Cartagena Declaration on Refugees in order to recognize the refugee status of persons fleeing widespread violence, external aggression, internal conflicts, gross human rights violations and other circumstances.<sup>2</sup>

3. DHR noted that Costa Rica had not yet incorporated into its criminal legislation the offences provided for in the Rome Statute of the International Criminal Court and the Kampala amendments.<sup>3</sup>

4. DHR pointed out that the lack of clear definitions of discrimination and racism, together with institutional fragmentation, undermined efforts to address multiple and structural discrimination. It stressed that the purpose of bill No. 20174, on preventing all forms of discrimination, racism and intolerance, was to close gaps and to build institutions that were able to address discrimination and racism comprehensively.<sup>4</sup>

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\* The present document was not edited before being sent to United Nations translation services.



5. DHR noted that, notwithstanding Advisory Opinion 24/17 of the Inter-American Court of Human Rights, gender identity had been only partly recognized and the recognition of same-sex marriage had been postponed for 18 months.<sup>5</sup>

6. DHR noted that, although some improvements had been made in detention centres over the 2017–2018 period, the changes had not served to reduce overcrowding, which stood at around 35 per cent. It also pointed out that there was no criminal justice policy to promote the application of non-custodial sentences and reparation for damages as an alternative to imprisonment. It was also concerned that detention centres catered only for the needs of the majority prison population, namely adult males, and recommended that they should be adapted to the needs of minors, young adults and women.<sup>6</sup>

7. DHR expressed concern about the increasingly regressive trend in political and social discourse with regard to respect for human rights, which had been reflected in the rejection of recommendations made by international mechanisms, in particular the Inter-American Court of Human Rights.<sup>7</sup>

8. DHR considered that, despite the existence of numerous programmes to address inequality and tackle poverty, action being taken in that area was fragmented.<sup>8</sup> It noted that the “Bridge to Development” programme had been designed to address the overlap between programmes and their lack of overall vision: however, the programme’s sustainability was not guaranteed.<sup>9</sup>

9. DHR noted that the regulatory framework for water resources contained significant shortcomings, including a failure to recognize the right to water as a human right. It pointed out that the regulatory framework should provide for integrated and comprehensive management of water resources and the inclusion of climate change as a variable in that process. It considered that the bills currently before the Legislative Assembly failed to address the present deficiencies.<sup>10</sup>

10. DHR considered that Costa Rica did not manage its wastewater in an integrated and sustainable manner and that it relied heavily on septic tanks. It noted that the National Policy for Wastewater Management, which had been published in 2017, had strengthened the related institutional and normative frameworks.<sup>11</sup>

11. DHR noted that Costa Rica still did not have a protocol for facilitating therapeutic abortion (a legal concept according to which abortion is permitted when the health or life of the pregnant women or girl is at risk) and that access to abortion was still restricted in the case of fetal abnormalities incompatible with extrauterine life.<sup>12</sup>

12. DHR noted that, although Costa Rica had legislation on gender parity in elected office, the negative attitude of political leaders hampered efforts to achieve de facto parity in electoral processes. Legal loopholes likewise persisted in other areas, such as in the composition of the collegiate decision-making bodies of public and private entities in the economic and social sectors.<sup>13</sup>

13. DHR pointed out that the 2018–2030 Gender Equality Policy had no supporting action plan and was not being duly implemented by all State institutions.<sup>14</sup>

14. DHR highlighted that recent years had seen an increase in violence against women and stated that it was imperative to strengthen services, especially the legal advice services intended to guarantee women’s right to justice and to reduce impunity.<sup>15</sup>

15. DHR recommended that the National Council on Children and Adolescents enhance the planning, evaluation and monitoring activities conducted in respect of public policies related to children within the framework of the National Evaluation System.<sup>16</sup>

16. DHR noted that corporal punishment continued to be regarded as a valid child-rearing practice in Costa Rica. It recommended that the country step up its efforts to raise awareness of the issue and improve inter-institutional coordination for the protection of minors.<sup>17</sup>

17. DHR considered that the State was making slow progress towards guaranteeing indigenous peoples security of tenure over their lands and territories. It also noted that, after 25 years, the bill on the autonomous development of indigenous peoples was still before the

Legislative Assembly and that, although the bill was in need of an update, there were no alternative legislative proposals that were in step with current conditions and realities.<sup>18</sup>

18. DHR noted that there was no cross-cutting public policy on indigenous peoples to guarantee their inclusion in Costa Rican society in government programmes.<sup>19</sup> It considered that the entry into force of the general mechanism for consultation with indigenous peoples required the Government to take three steps: (1) establish a technical unit for consultations with indigenous peoples; (2) establish provincial consultation bodies; and (3) provide information, raise awareness and promote the mechanism in public institutions and among indigenous peoples.<sup>20</sup>

19. DHR considered that the expense of migration-related documentation and lengthy processing times for applications remained the main obstacle to effective social integration and respect for the fundamental rights of the migrant population.<sup>21</sup>

### **III. Information provided by other stakeholders**

#### **A. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>22</sup>**

20. Joint Submission 6 (JS6) and the Inter-American Commission on Human Rights (IACHR) welcomed the country's ratification of the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance in 2016.<sup>23</sup> IACHR also noted that Costa Rica had ratified the Inter-American Convention on Protecting the Human Rights of Older Persons in the same year.<sup>24</sup>

21. The Center for Global Nonkilling (CGNK) congratulated Costa Rica for its almost complete ratification of the international human rights instruments and noted that Costa Rica had ratified all the disarmament or arms control conventions and treaties.<sup>25</sup> The International Campaign to Abolish Nuclear Weapons (ICAN) noted that Costa Rica presided over the negotiations which led to the adoption of the Treaty on the Prohibition of Nuclear Weapons and ratified the treaty in 2018.<sup>26</sup>

#### **B. National human rights framework<sup>27</sup>**

22. JS6 welcomed the amendment introduced to article 1 of the Constitution in 2015 in order to recognize the multi-ethnic and multicultural nature of Costa Rica.<sup>28</sup>

23. IACHR welcomed the adoption of the Act creating the National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2014.<sup>29</sup>

24. JS6 welcomed the establishment and operational launch of the Standing Body for Civil Society Consultation, which was attached to the Inter-Agency Commission for the Oversight and Implementation of International Human Rights Obligations.<sup>30</sup> It also welcomed the creation of the position of Presidential Commissioner for Afrodescendent Affairs, although it noted that the position had not been granted a specific status, an earmarked budget or the human or material resources necessary to fulfil its mandate effectively.<sup>31</sup>

25. The Latin American Space for Sexualities and Rights (MULABI) welcomed the creation of the position of Presidential Commissioner for Lesbian, Gay, Bisexual, Transgender and Intersex Affairs in 2018.<sup>32</sup> Joint Submission 2 (JS2) considered that the position should be strengthened and recommended establishing a ministry responsible for social inclusion to ensure that the Presidential Commissioner had greater standing.<sup>33</sup>

## C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

### 1. Cross-cutting issues

#### *Equality and non-discrimination*<sup>34</sup>

26. JS2 urged Costa Rica to adopt a framework law to combat discrimination in line with the characteristics protected under the American Convention on Human Rights.<sup>35</sup> JS6 recommended that the Legislative Assembly adopt bill No. 19.288 on the prevention, eradication and punishment of racism and all forms of discrimination, which provided for affirmative action in favour of groups that suffered the effects of racism and racial discrimination, particularly indigenous peoples and persons of African descent.<sup>36</sup>

27. JS6 noted that the Costa Rican legislative framework did not contain laws that adequately punished racial discrimination, as the applicable penalty was a mere fine, and recommended that Costa Rica amend its criminal legislation to ensure its compatibility with the International Convention on the Elimination of All Forms of Racial Discrimination.<sup>37</sup>

28. JS6 recognized the country's efforts to develop the 2014–2025 National Policy for a Society Free from Racism, Racial Discrimination and Xenophobia and its accompanying Action Plan through an inclusive process, and recommended that it share the results of the evaluation of the 2014–2018 Action Plan with civil society organizations and that it create mechanisms to ensure that the second action plan was developed in an inclusive manner.<sup>38</sup>

29. Regarding recommendations 128.69,<sup>39</sup> 128.71<sup>40</sup> and 128.72<sup>41</sup> made during the 2014 universal periodic review, Joint Submission 4 (JS4) noted that, despite the progress made by Costa Rica in the area of human rights, conservative movements that were against the rights of women and lesbian, gay, bisexual, transgender and intersex persons had become stronger and this had led to an increase in hate speech and criticism directed against systems for the protection of human rights.<sup>42</sup> It recommended that Costa Rica criminalize and punish hate crimes motivated by sexual orientation, gender identity and expression, and that it conduct awareness-raising, education and training initiatives around the existing legal framework.<sup>43</sup>

30. JS2 noted that, in the light of Advisory Opinion 24/17 of the Inter-American Court of Human Rights, in 2018 the Supreme Electoral Tribunal had issued a decision approving name changes related to gender identity by means of a simple administrative procedure.<sup>44</sup> JS4 noted, however, that it was still not possible to change sex/gender entries in the records of the Supreme Electoral Tribunal and that, accordingly, these details remained unchanged in information exchanged between different State bodies and in information available online. It recommended that Costa Rica guarantee the right of transgender persons to change the entries relating to their sex in all official documentation.<sup>45</sup>

#### *Development, the environment, and business and human rights*<sup>46</sup>

31. Joint Submission 5 (JS5) noted that indigenous communities were particularly vulnerable to climate change, but that Costa Rica had not taken any action to increase their resilience against it. It recommended that Costa Rica develop, in collaboration with indigenous communities, measures to combat the negative effects of climate change.<sup>47</sup>

### 2. Civil and political rights

#### *Right to life, liberty and security of person*<sup>48</sup>

32. CGNK noted that homicide rates were low in Costa Rica when compared to Central America, but remained high when compared to world average and encouraged the adoption of preventive measures and regularly report on SDG 16.1 in their voluntary SDG reports.<sup>49</sup>

33. Joint Submission 9 (JS9) denounced acts of police repression during social protests and recommended that the training provided for the security forces include the cross-cutting theme of human rights and the gender perspective and that judges and staff attached to the

courts responsible for dealing with in flagrante delicto offences receive human rights training.<sup>50</sup>

34. JS6 noted that members of the Afrodescendant community in Costa Rica perceived themselves to be victims of racial profiling and criminalization by the police and that statistical data on the proportion of black inmates in the country's prisons was not available.<sup>51</sup>

35. In 2017, IACHR reported having been informed that, despite regulations on electronic monitoring as an alternative to pretrial detention having been in place since 2014, Costa Rica had not yet created mechanisms for their implementation.<sup>52</sup>

36. JS2 noted that, although the number of murders and attacks targeting lesbian, gay, bisexual, transgender, intersex persons and other persons of diverse sexual orientation and gender identity in Costa Rica was lower than in neighbouring countries and below the Latin American average, acts of intolerance were still being committed.<sup>53</sup>

*Administration of justice, including impunity, and the rule of law*

37. Joint Submission 8 (JS8) noted that in 2015 the Superior Council of the Judiciary issued Circular N.82-2015, which featured guidelines to ensure an effective access to justice for all children and eliminate any type of discrimination, restriction or barrier that prevented them from exercising their rights.<sup>54</sup>

*Fundamental freedoms and the right to participate in public and political life<sup>55</sup>*

38. In 2017, the IACHR Office of the Special Rapporteur for Freedom of Expression received reports from civil society concerning the level of media concentration in Costa Rican radio and television and the lack of an adequate regulatory framework to guarantee the diversity and plurality of content and operators.<sup>56</sup> JS9 recommended that Costa Rica legislate to democratize the radio spectrum and put an end to the current concentration.<sup>57</sup>

39. Two submissions noted that cases of hate speech and attacks against lesbian, gay, bisexual and transgender persons and human rights defenders had been recorded during the 2018 electoral campaign.<sup>58</sup> JS2 also reported that there had been cases of online violence involving defamation, libel, the posting of fake images and intimidation against human rights activists by anonymous individuals and recommended that Costa Rica investigate these acts, prosecute those responsible and take steps to protect human rights activists.<sup>59</sup>

40. JS6 recommended that Costa Rica introduce mechanisms to prevent the media from perpetuating stereotypes and racial prejudices and that it create an observatory to combat racial discrimination with a particular focus on monitoring media content.<sup>60</sup>

41. In 2017, the IACHR Office of the Special Rapporteur for Freedom of Expression drew attention to a bill to decriminalize offences against honour in cases of public interest, to recognize sources' right to confidentiality and to make it compulsory to include a conscience clause in journalists' employment contracts, and reported that the bill was being discussed by the Legislative Assembly.<sup>61</sup>

*Prohibition of all forms of slavery<sup>62</sup>*

42. Regarding recommendation 128.25<sup>63</sup> JS8 noted that in 2018, Costa Rica had adopted Law No. 9545, which amended the Penal Code to align the definition of trafficking to international standards.<sup>64</sup>

43. Regarding recommendation 128.128,<sup>65</sup> JS8 noted that in 2016, the National Coalition against Migrant Smuggling and Human Trafficking (CONATT) started elaborating a National Policy against Migrant Smuggling and Human Trafficking, along with a corresponding National Plan of Action, and noted that both had yet to be finalized. It recommended to move forward with the process of adopting a dedicated National Action Plan against Human Trafficking.<sup>66</sup>

44. Joint Submission 7 (JS7) noted that the failure to implement the budget of the National Fund against Migrant Smuggling and Human Trafficking (FONATT) was limiting efforts to protect victims. It recommended that Costa Rica ensure that the Fund's budget

was used to support social assistance programmes for survivors of human trafficking.<sup>67</sup> It also recommended that the Government establish support programmes for trafficking victims in order to prevent their revictimization during judicial proceedings and that it accord particular attention to adolescents, as potential victims of human trafficking, providing them with appropriate and understandable information on the prevention and reporting of such crimes.<sup>68</sup>

*Right to privacy and family life*<sup>69</sup>

45. Joint Submission 3 (JS3) recommended that Costa Rica fully and consistently implement the Personal Data Protection Act No. 8968, holding both public and private entities accountable to it.<sup>70</sup>

46. In 2016, IACHR welcomed the country's decision to extend widows' pension benefits to same-sex couples in all pension schemes funded from the National Budget.<sup>71</sup>

47. In 2018, IACHR welcomed the decision of the Constitutional Chamber of the Supreme Court of Costa Rica that had found the prohibition of same-sex marriage to be unconstitutional.<sup>72</sup> However, JS2 and MULABI noted that the Court had ruled that its decision would not enter into effect until 18 months after publication of the text of the judgment in order to give the Legislative Assembly time to consider the amendments necessary to ensure compliance with Advisory Opinion 24/17 of the Inter-American Court of Human Rights, and that this delay was in their view discriminatory. They recommended that Costa Rica guarantee same-sex couples the possibility of formalizing their union under civil marriage law and that it offer protection to the families of same-sex parents.<sup>73</sup>

### 3. Economic, social and cultural rights

*Right to work and to just and favourable conditions of work*<sup>74</sup>

48. JS6 recommended that Costa Rica promote the design of and investment in employment and entrepreneurship programmes and that it take affirmative action to guarantee access to employment for women and young persons of African descent.<sup>75</sup>

49. MULABI noted that discrimination on the ground of gender identity was not included among the grounds of discrimination encompassed by the labour law reform and that there were no training or employment manuals in companies and institutions that might make it possible for transgender persons to work in a discrimination-free environment. It recommended that Costa Rica formulate State policies to promote the employment of transgender persons and to encourage private companies to hire persons belonging to this group.<sup>76</sup>

*Right to an adequate standard of living*<sup>77</sup>

50. In 2015, IACHR noted that access to water had become problematic in rural communities in Costa Rica because community waterways had been polluted by agrochemicals used in the pineapple industry. Moreover, some provinces and districts did not enjoy equal access to drinking water.<sup>78</sup>

51. In 2017, IACHR noted that 66 per cent of settlements in Costa Rica used artesian wells to dispose of waste.<sup>79</sup>

*Right to health*<sup>80</sup>

52. JS4 noted that the Costa Rican public health service did not conduct information campaigns to raise awareness about emergency contraception and that registration had been denied for a certain emergency contraception product. It also pointed out that, in the event of rape, the inter-institutional protocol for the comprehensive care of rape victims limited access to emergency contraception to girls aged 15 years old and above, leaving girls under this age without protection.<sup>81</sup>

53. JS4 also noted that, although the law granted access to therapeutic abortion, in practice the relevant legislation was not being enforced in a number of circumstances where its application was warranted and there were no guidelines or medical protocols covering

this issue. It recommended that Costa Rica approve the technical guidelines for therapeutic abortion and the corresponding protocol.<sup>82</sup> CGNK called upon Costa Rica to open its policies on abortion.<sup>83</sup>

54. JS5 noted that health-care personnel did not take into account the cultural specificities of indigenous peoples' customs when attended in a hospital and that indigenous women were particularly vulnerable to obstetric violence when attended during childbirth. It recommended to establish medical attention protocols that were compatible with indigenous customs.<sup>84</sup>

55. JS4 stated that health-care personnel did not have the knowledge or training to meet the specific needs of lesbian, gay, bisexual, transgender and intersex persons.<sup>85</sup> MULABI noted that transgender persons had no access to gender affirming procedures through the social security system and recommended that Costa Rica guarantee access to such procedures by training health-care personnel and guaranteeing the availability of surgery, hormone therapy and other procedures.<sup>86</sup>

56. Two submissions recommended that Costa Rica amend the General Health Act to prohibit so-called "conversion therapy", the results of which had been physically and psychologically disturbing for those members of the lesbian, gay, bisexual, transgender and intersex community who had undergone this treatment.<sup>87</sup> MULABI recommended that Costa Rica ensure that intersex persons were not subjected to surgery without having given their free, prior and informed consent and that it draft a protocol for providing support to their families.<sup>88</sup>

57. JS4 noted that, although Costa Rica was making significant efforts to combat HIV, the prevalence of HIV and sexually transmitted infections among key populations, such as men who had sex with men and transgender women, remained very high and there were no institutional policies for the comprehensive care of women living with HIV.<sup>89</sup>

58. JS4 noted that, although Costa Rica had made legislative commitments to protecting older persons, these commitments had not translated into concrete action.<sup>90</sup>

#### *Right to education*<sup>91</sup>

59. Joint Submission 1 (JS1) noted that, although Costa Rica had public policies for guaranteeing quality education and reducing school dropout rates, the education budget was still insufficient, the education system still did not provide the same level of access in all areas of the country, resulting in the exclusion of certain vulnerable population groups, and there was a need to take more inclusive and comprehensive measures to prevent school dropouts. It recommended, inter alia, that Costa Rica revise training programmes for education professionals to ensure that they were conducive to the all-round development of students, and that it develop strategies for motivating at-risk students which would ensure that repeating a school year was always a last-resort option.<sup>92</sup>

60. JS5 noted that the Intercultural Education Department of the Ministry of Public Education was understaffed and with insufficient budget; that the State Scholarship system for indigenous students did not provide any grant for higher education studies; and that the National Education Programmes did not hold any modules on Costa Rica's indigenous cultures.<sup>93</sup>

61. JS6 recommended that Costa Rica introduce a policy to prevent and combat racism and racial discrimination in public and private educational establishments and that it strengthen programmes for teaching and commemorating the history and culture of the Afrodescendant population at the national level.<sup>94</sup>

62. JS4 stressed that it was impossible for lesbian, gay, bisexual and transgender persons to access or remain in primary, secondary, technical, university and postgraduate education without being subjected to violent treatment, including expulsion.<sup>95</sup>

63. CGNK encouraged Costa Rica to guarantee education for peace and non-violence at all levels of the school system, as promoted by SDG 4.7.<sup>96</sup> JS1 recommended fostering a national culture of respect for human rights.<sup>97</sup>

64. JS7 recognized the legislative and public policy advances made on the issue of bullying and recommended that Costa Rica redouble its efforts to prevent such behaviour, especially its efforts to ensure the early detection of cases, and that it promote a paradigm of peaceful coexistence among students.<sup>98</sup>

#### 4. Rights of specific persons or groups

##### *Women*<sup>99</sup>

65. JS1 noted that domestic violence represented a major challenge in Costa Rica and stressed that gender roles which encouraged domestic violence were still being perpetuated and that there was a general lack of awareness of women's rights and of effective empowerment processes, especially in rural areas.<sup>100</sup>

##### *Children*<sup>101</sup>

66. JS8 noted that Costa Rica had a birth registration rate close to 100 per cent.<sup>102</sup>

67. JS1 recommended that Costa Rica promote coordination between governmental and non-governmental bodies working in the area of child and adolescent well-being in order to ensure more effective care and that it develop strategies which enabled institutions working in child safety, the administration of justice and education to function as an integrated system for the protection of children and adolescents.<sup>103</sup>

68. JS7 recognized the progress made by Costa Rica in deinstitutionalizing care systems for children and adolescents without parental care, which had included establishing an inter-agency working group to address the issue. It recommended that Costa Rica establish a legal framework to restore the right of minors to grow up in a family environment and that it redirect financial resources to strengthening deinstitutionalization programmes.<sup>104</sup>

69. Regarding recommendations 128.108,<sup>105</sup> 128.109<sup>106</sup> and 128.110,<sup>107</sup> JS7 took note of the progress made by Costa Rica in addressing the use of corporal punishment against children and adolescents. It noted, however, that corporal punishment and humiliating treatment were still widely accepted in society and recommended that Costa Rica strengthen its awareness-raising and educational programmes so as to promote respectful child-rearing.<sup>108</sup>

70. JS1 highlighted the negative effects that domestic violence had on children and adolescents who were direct victims or witnesses of violence, and recommended that, in educational establishments, Costa Rica offer training programmes designed both for parents, to educate them on human rights and child-rearing, and for children and adolescents, to boost their self-esteem and empower them to report situations in which their dignity had not been respected.<sup>109</sup>

71. JS8 stated that child, early and forced marriages remained an important issue in Costa Rica, mainly fuelled by gender stereotyping, machismo and poverty. It noted that the Penal Code punished having sexual relations with children under 13 and considered that such a low age of sexual consent was detrimental to the protection of children against sexual abuse and exploitation. It recommended that Costa Rica increase the legal age of sexual consent.<sup>110</sup>

72. JS7 noted that the Improper Relationships Act (Act No. 9406), which had entered into force in 2017, penalized sexual relations with minors when the minor was over 13 years of age and under 15 years of age and the adult was at least five years older, or when the minor was over 15 years of age and under 18 years of age and the adult was at least seven years older. It recommended that Costa Rica ensure that the institutions involved in efforts to prevent and respond to relationships of this kind provided coordinated care, that it train staff to ensure that Act No. 9406 was implemented more effectively and that it continue to raise public awareness of the issue.<sup>111</sup>

73. JS8 noted that Costa Rica was currently implementing its sixth National Action Plan against sexual exploitation of children for the period 2017–2018 and recommended to conduct a comprehensive evaluation of such plan upon its termination and adopt a follow-up plan with concrete policy measures and a dedicated budget.<sup>112</sup> It also recommended that



Costa Rica allocate enough funding to raise public awareness about all manifestations of sexual exploitation of children; establish a sex offender registry; ensure that enough government-run shelters for victims are built and able to offer integrated services; and establish dedicated units in all law enforcement agencies to investigate and prosecute sexual exploitation of children.<sup>113</sup>

*Minorities and indigenous peoples*<sup>114</sup>

74. JS5 stressed that the National Commission for Indigenous Affairs (CONAI) and the Comprehensive Development Associations (ADIs), were institutions that were completely foreign to indigenous communities' traditional power structures. It recommended that Costa Rica reinforce the indigenous peoples' right to self-governance as foreseen by the Indigenous Law.<sup>115</sup>

75. Cultural Survival (CS) and JS5 noted that, after almost a quarter of a century, Costa Rica had still not voted on the bill on indigenous autonomy and recommended that it be passed into law.<sup>116</sup>

76. JS5 stated that, despite the existence of a legal framework that recognized and protected indigenous land, Costa Rica had shown little interest to truly implement it. It noted that a high percentage of the land of the 24 national indigenous territories was occupied by non-indigenous people, reaching 88 per cent in Terraba and 97 per cent in China-Kichá.<sup>117</sup> It recommended the prompt and full implementation of the Indigenous Law (L. 6172), including the necessary measures to guarantee the indigenous peoples right to the restitution of their lands.<sup>118</sup>

77. In 2014, IACHR had drawn attention to acts of violence perpetrated by a group of landowners against indigenous families in the indigenous territory of Salitre and the police's failure to attend the scene and respond to the acts in question. In 2015, it had requested that Costa Rica adopt precautionary measures to protect the Teribe and Bribri indigenous peoples living in the territory.<sup>119</sup> CS noted that the practice of arbitrarily settling non-indigenous settlers in indigenous territories continued.<sup>120</sup>

78. JS5 noted that laws, policies and programmes, including the National Development Plans elaborated by the Ministry of Planning and Economic Policy, were developed without any indigenous participation or consultation.<sup>121</sup> CS recognized that, since 2018, Costa Rica had had a general mechanism for consultation with indigenous peoples, which had been created as part of the "consultations on consultations" process organized in response to the 2010 recommendations of the United Nations Special Rapporteur on the rights of indigenous peoples.<sup>122</sup> JS5 noted that such mechanisms had yet to be implemented and recommended to implement it.<sup>123</sup>

79. JS6 welcomed the adoption of Act No. 9526 declaring August to be Afrodescendant history month in Costa Rica.<sup>124</sup> It also recommended that Costa Rica include an ethno-racial variable in national surveys so that it had more extensive disaggregated information with which to build up a comprehensive picture of the day-to-day realities and living conditions of the country's Afrodescendant population.<sup>125</sup>

*Migrants, refugees, asylum seekers and internally displaced persons*<sup>126</sup>

80. JS2 noted that the migrant community had suffered attacks and that, in 2018, there had been a demonstration against migration from Nicaragua which had led to violence and the arrest of 44 persons. It pointed out that the demonstration had been triggered, in part, by the dissemination of information on social media imputing criminal acts to Nicaraguan migrants solely on the basis of their nationality.<sup>127</sup> It recommended that Costa Rica strengthen existing mechanisms to combat xenophobia and all forms of hatred against migrants and refugees in the country.<sup>128</sup>

81. JS2 recommended that Costa Rica process and issue a decision on applications for refugee status within a reasonable period of time: the interview process could currently take up to a year and applicants were not entitled to a work permit.<sup>129</sup>

*Stateless persons*

82. CS recommended the prompt passage, as a matter of urgency, of bill No. 20.554, intended to guarantee access to Costa Rican nationality for the Ngäbe-Buglé indigenous people who had lived in Costa Rica for many years without having the right to nationality.<sup>130</sup>

*Notes*

- <sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a national human rights institution with “A” status).

*Civil society**Individual submissions:*

CGNK	Center for Global Nonkilling (United States of America);
CPTI	Conscience and Peace Tax International (Switzerland);
CS	Cultural Survival (United States of America); International Campaign to Abolish Nuclear Weapons International Campaign to Abolish Nuclear Weapons (Switzerland);
MULABI	Espacio Latinoamericano de Sexualidades y Derechos (Costa Rica).

*Joint submissions:*

JS1	<b>Joint submission 1 submitted by:</b> Fundaciòn Marista por la Solidaridad Internacional – FMSI (Italia); Fundaciòn Marista – FUNDAMAR (Guatemala); Istituto Internazionale Maria Ausiliatrice – IIMA (Switzerland); VIDES International – International Volunterism Organization for Women, Education, Development (Italy);
JS2	<b>Joint submission 2 submitted by:</b> Fundaciòn Igualitxs (Costa Rica); HDuarte Legal (Costa Rica); Comunidad Casabierta (Costa Rica); Visibles (Chile); Familias Homoparentales y Diversas de Costa Rica (Costa Rica); Fundaciòn Iguales Panamá (Panamá); Brújula Intersexual Colombia (Colombia);
JS3	<b>Joint submission 3 submitted by:</b> Access Now (United States of America); Derechos Digitales (Chile); Instituto Panameno de Derecho y Nueva Tecnología – IPANDETEC (Panamá); Fundaciòn Acceso (Costa Rica); Sulá Batsú (Costa Rica);
JS4	<b>Joint submission 4 submitted by:</b> Asociación Ciudadana Acceder (Costa Rica); Asociación de Desarrollo Sostenible LGTBIQ Costa Rica (ADS) (Costa Rica); Asociación Esperanza Viva (Costa Rica); Asociación MANU (Costa Rica); Centro de investigación y Promoción para América Central de Derechos Humanos – CIPAC (Costa Rica); Asociación Gerontológica Costarricense – AGECO (Costa Rica); Familias Homoparentales (Costa Rica); Frente por los Derechos Igualitarios – FDI (Costa Rica); Iglesia Luterana Costarricense (Costa Rica); Peras del Olmo (Costa Rica); Instituto Humanista de Cooperación con Países en Desarrollo HIVOS (Costa Rica); Movimiento Diversidad Abelardo Araya (Costa Rica); Asociación Demográfica Costarricense (Costa Rica); ICW Costa Rica (Costa Rica); Colectivo Trans-Parentias (Costa Rica); Colectiva Transcendientes (Costa Rica); Siwo Alar Hombres Trans Costa Rica (Costa Rica); Iniciativas por los Derechos Sexuales (Argentina);
JS5	<b>Joint submission 5 submitted by:</b> Mesa Nacional Indígena de Costa Rica (Costa Rica); Red Internacional de Derechos Humanos (Switzerland);
JS6	<b>Joint submission 6 submitted by:</b> Asociación Proyecto Caribe (Costa Rica); Foro Nacional de Mujeres Afrocostarricenses (Costa Rica); Emprendedores y

- Profesionales Afrodescendientes – EMPROA (Costa Rica); Red de Mujeres Afrocaribeñas, Afrolatinas y de la Diáspora (Costa Rica);
- JS7 **Joint submission 7 submitted by:** World Vision (Costa Rica); Fundación Paniamor (Costa Rica), Aldeas Infantiles SOS (Costa Rica); Centro Internacional para los Derechos Humanos de los Migrantes – CIDEHUM (Costa Rica); Rostro de Justicia (Costa Rica);
- JS8 **Joint submission 8 submitted by:** EPCAT International (Thailand); Fundación Paniamor (Costa Rica);
- JS9 **Joint submission 9 submitted by:** Asociación Costarricense de Derechos Humanos – ACODEHU (Costa Rica); Centro de Amigos para la Paz – CAP (Costa Rica); Hablemos de Derechos Humanos – HablemosDDHH (Costa Rica); Red de Medios e Iniciativas de Comunicación Alternativa – RedMICA (Costa Rica).

*National human rights institution:*

DHR Defensoría de los Habitantes (Costa Rica).

*Regional intergovernmental organization(s):*

IACHR Inter-American Commission on Human Rights (United States).

- <sup>2</sup> See DHR, p. 4.
- <sup>3</sup> See DHR, p. 1.
- <sup>4</sup> See DHR, p. 6–7.
- <sup>5</sup> See DHR, p. 7.
- <sup>6</sup> See DHR, p. 6.
- <sup>7</sup> See DHR, p. 1.
- <sup>8</sup> See DHR, p. 8.
- <sup>9</sup> See DHR, p. 9.
- <sup>10</sup> See DHR, p. 7.
- <sup>11</sup> See DHR, p. 8.
- <sup>12</sup> See DHR, p. 1.
- <sup>13</sup> See DHR, pp. 2–3.
- <sup>14</sup> See DHR, p. 1.
- <sup>15</sup> See DHR, pp. 1 and 2.
- <sup>16</sup> See DHR, p. 3.
- <sup>17</sup> See DHR, p. 3.
- <sup>18</sup> See DHR, p. 5.
- <sup>19</sup> See DHR, p. 5.
- <sup>20</sup> See DHR pp. 5–6.
- <sup>21</sup> See DHR, p. 4.
- <sup>22</sup> For the relevant recommendations, see A/HRC/27/12, paras.127.1–127.5, and 128.1–128.8.
- <sup>23</sup> See JS6, p. 2; and IACHR, p. 2.
- <sup>24</sup> See IACHR, p. 7.
- <sup>25</sup> See CGNK, pp. 4 and 5. See also CPTI, p. 3.
- <sup>26</sup> See ICAN, p. 1.
- <sup>27</sup> For the relevant recommendations, see A/HRC/27/12, paras. 128.8, 128.19–128.21, 128.28, 128.44.
- <sup>28</sup> See JS6, p. 2.
- <sup>29</sup> See IACHR, p. 1.
- <sup>30</sup> See JS6, p. 2. See also JS1, p. 2.
- <sup>31</sup> See JS6, pp. 2 and 4.
- <sup>32</sup> See MULABI, p. 3.
- <sup>33</sup> See JS2, pp. 7 and 10.
- <sup>34</sup> For the relevant recommendations, see A/HRC/27/12, paras. 128.45, 128.47, 128.52–128.60, 128.62–128.66, 128.69, and 128.70–128.72.
- <sup>35</sup> See JS2, p. 11.
- <sup>36</sup> See JS6, p. 5.
- <sup>37</sup> See JS6, p. 5.
- <sup>38</sup> See JS6, pp. 9 and 10.
- <sup>39</sup> UPR recommendation 128.69 (Argentina). For the full text of the recommendation see A/HRC/27/12.
- <sup>40</sup> UPR recommendation 128.71 (Slovenia). For the full text of the recommendation see A/HRC/27/12.
- <sup>41</sup> UPR recommendation 128.72 (Uruguay). For the full text of the recommendation see A/HRC/27/12.
- <sup>42</sup> See JS4, pp. 1 and 7. See also JS9, pp. 8–9.

- <sup>43</sup> See JS4, p. 8.
- <sup>44</sup> See JS2, pp. 6 and 7.
- <sup>45</sup> See JS4, p. 6.
- <sup>46</sup> For the relevant recommendation, see A/HRC/27/12, para. 128.27.
- <sup>47</sup> See JS5, pp. 4 and 7.
- <sup>48</sup> For the relevant recommendations, see A/HRC/27/12, paras. 128.29, 128.73–128.81, 128.131, 128.136, 128.138, and 128.41.
- <sup>49</sup> See CGNK, p. 5.
- <sup>50</sup> See JS9, p. 3 and 5–6. See also CGNK, p. 6.
- <sup>51</sup> See JS6, p. 8.
- <sup>52</sup> See IACHR, p. 10.
- <sup>53</sup> See JS2, p. 8.
- <sup>54</sup> See JS8, p. 9.
- <sup>55</sup> For the relevant recommendation see A/HRC/27/12, para. 128.141.
- <sup>56</sup> See IACHR, p. 12. See also JS9, pp. 6–8.
- <sup>57</sup> See JS9, p. 8. See also JS3, pp. 2–3 and 6.
- <sup>58</sup> See JS2, pp. 4 and 5; and JS4, pp. 1 and 7.
- <sup>59</sup> See JS2, p. 9.
- <sup>60</sup> See JS6, p. 6.
- <sup>61</sup> See IACHR, p. 12. See also JS3, p. 6.
- <sup>62</sup> For the relevant recommendations, see A/HRC/27/12, paras. 128.23–128.25, 128.114–128.120, 128.122–128.125, 128.127–128.129, 128.133, and 128.134.
- <sup>63</sup> UPR recommendation 128.25 (Mexico). For the full text of the recommendation see A/HRC/27/12.
- <sup>64</sup> See JS8, p. 4.
- <sup>65</sup> UPR recommendation 128.128 (Canada). For the full text of the recommendation see A/HRC/27/12.
- <sup>66</sup> See JS8, p. 6.
- <sup>67</sup> See JS7, pp. 3–4.
- <sup>68</sup> See JS7, p. 5.
- <sup>69</sup> For the relevant recommendations, see A/HRC/27/12, paras. 128.70, 128.139, 128.140.
- <sup>70</sup> See JS3, p. 8.
- <sup>71</sup> See IACHR, p. 8. See also, JS4, p. 5.
- <sup>72</sup> See IACHR, p. 3.
- <sup>73</sup> See JS2, pp. 7 and 10, and MULABI, p. 6. See also JS4, pp. 5–6.
- <sup>74</sup> For the relevant recommendations, see A/HRC/27/12, paras. 128.51, 128.113, and 128.144.
- <sup>75</sup> See JS6, p. 8.
- <sup>76</sup> See MULABI, p. 5. See also JS4, p. 7.
- <sup>77</sup> For the relevant recommendations, see A/HRC/27/12, paras. 128.26, 128.27, 128.32, 128.145–128.153, and 128.175.
- <sup>78</sup> See IACHR, p. 6.
- <sup>79</sup> See IACHR, p. 12.
- <sup>80</sup> For the relevant recommendations, see A/HRC/27/12, paras. 128.14–128.18, 128.154–128.157.
- <sup>81</sup> See JS4, p. 2.
- <sup>82</sup> See JS4, p. 3. See also CGNK, p. 5.
- <sup>83</sup> See CGNK, p. 5.
- <sup>84</sup> See JS5, pp. 5 and 7.
- <sup>85</sup> See JS4, p. 7.
- <sup>86</sup> See MULABI, pp. 3 and 4.
- <sup>87</sup> See JS2, p. 10; and JS9, p. 9.
- <sup>88</sup> See MULABI, pp. 4–5. See also JS2, p. 10.
- <sup>89</sup> See JS4, p. 9.
- <sup>90</sup> See JS4, p. 9.
- <sup>91</sup> For the relevant recommendations, see A/HRC/27/12, paras. 128.10, 128.40, 128.53, 128.158–128.169, and 128.173.
- <sup>92</sup> See JS1, pp. 3 and 4.
- <sup>93</sup> JS5, p. 5.
- <sup>94</sup> See JS6, p. 7.
- <sup>95</sup> See JS4, p. 7.
- <sup>96</sup> See CGNK, p. 6.
- <sup>97</sup> See JS1, p. 6. See also JS7, p. 8.
- <sup>98</sup> See JS7, p. 8.
- <sup>99</sup> For the relevant recommendations, see A/HRC/27/12, paras. 128.39, 128.42, 128.43, 128.46, 128.48–128.50, 128.82–128.101, 128.103, 128.104, 128.130, 128.135, and 128.143.
- <sup>100</sup> See JS1, pp. 4–6. See also JS4, p. 4.

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- <sup>101</sup> For the relevant recommendations, see A/HRC/27/12, paras. 128.9, 128.22, 128.68, 128.102, 128.105–128.112, 128.121, 128.126, 128.31–128.138, 128.67, and 128.178.
- <sup>102</sup> See JS8, p. 2.
- <sup>103</sup> See JS1, pp. 6–7 and 8.
- <sup>104</sup> See JS7, p. 2.
- <sup>105</sup> UPR recommendation 128.108 (France). For the full text of the recommendation see A/HRC/27/12.
- <sup>106</sup> UPR recommendation 128.109 (Italy). For the full text of the recommendation see A/HRC/27/12.
- <sup>107</sup> UPR recommendation 128.110 (Liechtenstein). For the full text of the recommendation see A/HRC/27/12.
- <sup>108</sup> See JS7, pp. 6–7.
- <sup>109</sup> See JS1, p. 4–6.
- <sup>110</sup> See JS8, pp. 3–4 and 5.
- <sup>111</sup> See JS7, pp. 9–10. See also JS8, p. 5.
- <sup>112</sup> See JS8, pp. 5 and 6.
- <sup>113</sup> See JS8, p. 8.
- <sup>114</sup> For the relevant recommendations, see A/HRC/27/12, paras. 128.11–128.13, 128.30, 128.61, 128.142, 128.174, 128.176, 128.177, and 128.179–128.182.
- <sup>115</sup> See JS5, pp. 3 and 6.
- <sup>116</sup> See JS5, pp. 4–5 and 7; and CS, pp. 3 and 5.
- <sup>117</sup> See JS5, p. 2.
- <sup>118</sup> See JS5, p. 7.
- <sup>119</sup> See IACHR, pp. 3 and 4.
- <sup>120</sup> See CS, p. 4.
- <sup>121</sup> See JS5, p. 4.
- <sup>122</sup> See CS, p. 2. See also JS6, pp. 9–10.
- <sup>123</sup> See JS5, p. 7.
- <sup>124</sup> See JS6, p. 3.
- <sup>125</sup> See JS6, p. 4.
- <sup>126</sup> For the relevant recommendations, see A/HRC/27/12, paras. 128.183–128.187, and 128.188.
- <sup>127</sup> See JS2, p. 9.
- <sup>128</sup> See JS2, p. 11.
- <sup>129</sup> See JS2, pp. 10–11.
- <sup>130</sup> See CS, pp. 3–4 and 6.
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