



WILPF Report:
Universal Periodic Review 6th session
Costa Rica
08 December 2009

Summary:

The Universal Periodic Review of Costa Rica was a quiet event. There were few participants present and most of them were encouraging and congratulated Costa Rica for their efforts to provide an accessible Human Rights structure within their country. Only seven states had submitted written questions¹ prior to the review. A total of 45 states, with a fairly good representation from all of the continents, took the floor during the session to pose questions and make recommendations. The high level delegation of Costa Rica was headed by Señor Bruno Stagno, minister of foreign affairs and worship, and the delegation addressed most of the issues brought up by the other states. The main issues mentioned during the review were the following: ratification of the Convention on the Protection of the Rights of all Migrant Workers and their Families, trafficking of women and children for reasons of sexual exploitation and forced labour, the rights of migrants within Costa Rica, the existing legislation regarding racism and discrimination and the rights of indigenous people concerning their access to basic education and health services.

Proceedings of the Review:

Costa Rica – State Presentation:

Costa Rica opened the session with a presentation of the work the government in Costa Rica have been doing for the promotion and protection of Human Rights in the recent years. He promoted Costa Rica's channelling of resources from military expenditures to social expenditures. Costa Rica constitutionally abolished its army in 1949 and the government is advocating the reduction of military spending as both a social and moral requirement of governments towards its citizens. Señor Stagno also highlighted the internal structure and practices for protection of human rights and the different institutions in charge of the mechanisms in question. Another point emphasised by the Costa Rican delegation was the migratory influx that Costa Rica receives; it is the third country in Latin-American numbers of received refugees. With the new law that is to be implemented in 2010 all migrants will have full access to the social security system and the possibility of access to other public services. Señor Stagno expressed some concern about this as Costa Rica, despite the large numbers of migrants, is not receiving any international support; it is considered a Middle Income Country by the international community. The renewed legal framework will also apply particular care for vulnerable groups within society.

¹ For more information see the Advance Questions to Costa Rica

(http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/CR/COSTA_RICA.pdf) and the Advance Questions to Costa Rica-Add.1:

(http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/CR/COSTA_RICA-Add.1.pdf).

Interactive Dialogue:

Almost all states commended Costa Rica for its role in promoting human rights on all levels. Several states even mentioned Costa Rica as an example of good practices and a model country regarding democratic principles and fundamental rights. Another issue that received a lot of positive attention by the other states was the successful efforts taken in battling extreme poverty in Costa Rica through approaches as for example the *Avancemos* programme. The 45 states who took the opportunity to address the situation in Costa Rica asked questions and made several recommendations focusing mainly on the following areas:

– *Women's Rights*

A majority of the states that addressed Costa Rica during the session recommended that the government should strengthen their efforts in promoting gender equality, and improving the status of women in society. A specific aspect of the Costa Rican law on domestic violence that was noticed and commended is the fact that it extends to economic violence. The Costa Rican law on domestic violence was questioned regarding its efficiency when it comes to providing sufficient proof, testimonies and the training giving to the police in matters of violence against women. In reaction to this Costa Rica was asked to share its experiences and good practices of the fight against domestic violence with other countries.

– *Trafficking and Sexual Exploitation of Women and Children*

Trafficking of women and children was another reoccurring topic, and Costa Rica was recommended to strengthen the criminal legislation in regards to these crimes. States recommended that they ought to make sure that perpetrators of trafficking are duly prosecuted and to increase capacity for raising awareness of these issues. States also raised the issue of strengthening the combat against exploitation of children for forced labour and sexual exploitation.

– *New law on Migration*

A lot of attention was given to the situation of migrants in Costa Rica. This included the rights of the families of migrants, the issue of an acceptable living situation for migrants, the situation in detention centres for both legal and illegal migrants and effective remedies and possibilities to appeal negative decisions for asylum seekers. Costa Rica is about to implement a new law on migrants in 2010 and many states asked about the implementation of this act and what governmental institution will be responsible for the implementation of the new act.

– *Vulnerable Groups in Society*

Regarding governmental actions taken to protect certain vulnerable groups in society recommendations were given in respect of the rights of LGBT persons (Lesbian, Gay, Bisexual and Transgender), disabled and elderly persons in society. Another part of society that is a particular marginalised group is the population living in the rural areas of the country. The issue of disparities in safe drinking water and access to education between rural and urban areas was addressed during the review and Costa Rica was recommended to care particularly for the vulnerable and marginalised groups in the country. Another aspect of this problem is the issue of equality as the rural parts of the country are mostly inhabited by indigenous and afro-descendant communities.

– *Legislation on Racial Discrimination*

During a CERD (Committee on the Elimination of Racial Discrimination) session in 2007 Costa Rica was questioned on the issue that racial discrimination by domestic law is punishable with only a fine. This was brought up again during the review and Costa Rica was asked to give the details on what has been done in regards to this legal provision, and if they are in the process of reforming the laws on racial discrimination. Costa Rica

was also recommended to prepare and adopt a national agenda on racism in order to fight the existing social stereotypes that exist in the society.

– *Ratification of International Conventions*

Many states recommended that Costa Rica sign and ratify specific human rights instruments. One convention in particular was mentioned throughout the review, and that was the International Convention on the Protection of the rights of All Migrant Workers and Members of their Families was stressed several times during the review. Other instruments that were given attention were the Convention on the Rights of Disabled, the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Responses and Final Remarks by Costa Rica:

Responding to additional questions and recommendations made, Costa Rica made a number of remarks in regards to the situation in the country. During the first round of replies the Costa Rican delegation highlighted the fact that a national policy for gender issues and a plan for the prevention of family violence are in progress. They also talked about the benefit programme that has been developed to reduce the numbers of school dropout's through funding children from marginalised groups, as long as they stay in school.

In regards to marginalised groups and discrimination within Costa Rica, the delegation mentioned the fact that there is a specific part of the Office of the Prosecutor set up for issues of indigenous people. The delegation also stated that Costa Rica is in the progress of setting up a national day to fight xenophobia. Another interesting comment was that the work is currently being done in drafting a law on same sex marriage, although there were no more specifics on this draft law or how and when it will/might be implemented.

Costa Rica returned to the new law on migrants several times during both the first and second round of replies. The new law that will be implemented in 2010 is said to promote the integration in society of migrants, and the plan for the actual implementation is currently being developed. In reply to the many questions on migrants in Costa Rica, the delegation replied that legal foreign citizens can benefit from social funds for poor families. This covers for example care for children, nutrition, training, buying land and loans. All migrants, regardless having the legal status of a migrant or not, are also entitled to full access to health services, which includes medical care for any condition until the patient is able to go back to work. The government are also working on a campaign to promote the rights and responsibilities of migrants and their employers.

During the final remarks made by Costa Rica the delegation rounded up the review with some concluding remarks on the situation in the country. Costa Rica once again emphasised the governmental responsibility to reduce military spending as a social and moral requirement. Another point on the Costa Rican present agenda is an increased allocation of budgetary expenses to invest the majority of their resources in the justice system. Work has already begun to modernise the procedural codes, especially when concerning victims' protection in cases of organised crimes.

For persons deprived of liberty the most recent reforms made by the government have been through health programmes. This has been done through an increase of the numbers of doctors per inmate and by improving the penitentiary psychiatric care. There are also efforts being made for training of prison staff and raising awareness on the situation of women and minors and the main human rights instruments and systems.

On the issue of trafficking of women and minors the Costa Rican delegation stated that they will proceed with a reform of the domestic criminal code addressing trafficking, which will

include internal trafficking of persons. The reform is intended to create a new approach on criminalisation of trafficking through increased sanctions and raising the level of this offence.

The final remarks were concluded with the issues of governmental work to protect and foster the establishment of trade unions, the work of the state to promote bio diversity and the ongoing fight against poverty where Costa Rica seem to be making a lot of progress through approaches as the *Avancemos* programme for example.

Conclusion and Draft Report:

The UPR Working Group adopted a draft report of the review of Costa Rica (A/HRC/WG.6/6/L.14)² on 11 December 2009. In the report the Council members serving as the troika for the report on Costa Rica (the United Kingdom, Burkina Faso and the Republic of Korea) commended the Costa Rican delegation for their efforts in preparation and performing of the review and for the fact that so many of the recommendations made during the review were accepted by the government of Costa Rica. A number of 86 recommendation made during the interactive dialogue were supported by Costa Rica, and an additional 12 recommendations will be examined by Costa Rica before giving a final response. The following three recommendations are those rejected by the government of Costa Rica:

1. Ratify or sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), with a view to being consistent with its practice on this matter (Paraguay); consider ratifying ICRMW (Azerbaijan); sign and ratify ICRMW (Nicaragua); ratify ICRMW (Argentina); consider acceding to ICRMW (Egypt); adhere to the principles of ICRMW and consider its ratification (Mexico); consider adhering to the ICRMW, as well as gradually adapting its national legislation to the standards contained in this Convention (Uruguay). Costa Rica explained that it has not considered, nor plan to consider in the near future, the ratification of ICRMW.
2. Ratify or sign, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights with a view to being consistent with its practice on this matter (Paraguay). Costa Rica explained that it has not considered, nor plan to consider in the near future, the ratification of the Optional Protocol to ICESCR.
3. 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);

In addition to what was said during the interactive dialogue Costa Rica stated that they will continue with their work to establish an inter-institutional human rights commission, whit the purpose of following up on the recommendations from treaty bodies and the Universal Periodic Reviews. Costa Rica also committed to ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.

² For the full report: http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/CR/A_HRC_WG.6.6.L.14_Costa_Rica_E.pdf