

## Responses to Recommendations

### COSTA RICA

Review in the Working Group: 8 December 2009  
 Adoption in the Plenary: 19 March 2010

Costa Rica's responses to recommendations (as of 01.04.2010):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
86 REC accepted; 3 rejected; 12 pending	3 REC that were accepted are "implemented"; 67 that were accepted coincide with decisions and policies that have been adopted and are being executed before the UPR; 2 that were accepted are now pending (n° 3 and 16). Out of the 12 pending, 10 are accepted among which 6 coincide with decisions and policies that have been adopted and are being executed before the UPR and 2 are pending. A REC that was rejected is now accepted (§ 92 n°3).	No additional information provided	Accepted: 96 Rejected: 2 No clear position: 0 Pending: 4

#### List of recommendations contained in Section II of the Report of the Working Group A/HRC/13/15:

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

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

A - 2. Ratify or sign, as relevant, the International Convention for the Protection of All Persons from Enforced Disappearance (CED), with a view to being consistent with its practice on this matter (Paraguay); consider the possibility of accepting the competence of the Committee on Enforced Disappearance provided for under CED (Argentina);

P - 3. Join the 67 States that have signed the joint statement on human rights, sexual orientation and gender identity (France);

A - 4. Ratify the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Burkina Faso);\*

A - 5. Consider including in its criminal legislation the delinquent conducts provided for in relevant paragraphs of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, in line with the recommendations of the Committee on the Elimination of Racial Discrimination (Peru);

A - 6. Amend its criminal legislation so as to bring it into line with ICERD in order to overcome the fact that racial discrimination is viewed as a minor infraction punishable by a fine, as stated by the Committee on the Elimination of Racial Discrimination and the Committee on Economic, Social and Cultural Rights (Portugal);

A - 7. Take steps to integrate a gender perspective throughout all areas of government, including through the application of gender-based analysis to the development of legislation, policy and programmes (Canada);\*

A - 8. Strengthen gender equality policies with a view to narrowing the gender gap in all areas of society (Chile);\*

A - 9. Strengthen the policy of promotion of children's rights and the implementation of the Guidelines for the Alternative Care of Children, according to Human Rights Council resolution 11/7 and L.50 of the sixty-fourth session of the United Nations General Assembly (Brazil);

A - 10. Follow through and expand on already established programmes to protect children (United States);

A - 11. Finalize the fifth and sixth due reports to the Committee on the Elimination of Discrimination against Women, without further delay (Norway);

A - 12. Intensify its efforts to counter discrimination against women based on whatever grounds (Slovakia);

A - 13. Continue to implement all measures aimed at promoting gender equality, notably by combating all discrimination against women and stereotypes (Algeria);

A - 14. Intensify its efforts to realize gender equality, including by implementing the recommendation made by the Committee on the Elimination of Discrimination against Women in 2003 aimed at changing social stereotypes that encourage discrimination against women and impede their egalitarian performance in society (Norway);

A - 15. Bearing in mind Costa Rica's commitment to gender equality, seek to overcome all obstacles that impede the effective implementation of the Law to Penalize Violence against Women and guarantee the free exercise of effective judicial protection for the victims of domestic violence, including the right to reparations (Spain);

P - 16. Pursue its efforts in favour of gays, lesbians and transsexuals (France);

A - 17. 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);\*

A - 18. Follow up on the recommendations of the Human Rights Committee and the Committee against Torture relating to pre-trial detention and detention of non-citizens (Canada);

A - 19. Ensure effective implementation of the provisions punishing acts of torture (France);

A - 20. Ensure sufficient resources for effective functioning of its national preventive mechanism provided for in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) and further strengthen mechanisms for independent investigation of alleged cases of torture and for effective access of victims to remedies with special

attention to protection of women, children and persons of minority sexual orientation or gender identity (Czech Republic);\*

A - 21. Enhance the policy to prevent, combat and eradicate torture, improve the situation in the prison system and establish alternative sanctions (Brazil);

A - 22. Step up implementation of legal and institutional measures aimed at addressing the reported increase of domestic violence against women and children (Malaysia);\*

A - 23. Duly implement and review when necessary the law criminalizing violence against women, adopted in April 2007, to ensure due investigations and the punishment of all perpetrators and to prevent further occurrence of these violations as well as to establish a functioning rehabilitation scheme for the victims (Slovakia);\*

A - 24. Continue its efforts to eliminate violence against women and children (Jordan);

A - 25. Look further into improving its laws in the area of violence against women, in cooperation with the United Nations country team and the Committee on the Elimination of Discrimination against Women (Norway);

A - 26. Continue implementing and monitoring the implementation of the two relevant Acts, adopted in 2007 and 2008, aimed at combating violence against women (Slovenia);

A - 27. Take further measures to ensure the full protection of children from all forms of violence (Sweden);\*

A - 28. Increase efforts to provide effective assistance to women and girls who are victims of violence, in particular through the provision of safe places and psychological support (Austria);

A - 29. Take the necessary measures to strengthen the implementation of the law to criminalize violence against women (Italy);\*

A - 30. Share its experience with other countries that may equally wish to make progress in providing for more efficient legal frameworks in the fight against domestic violence (Colombia);

A - 31. Increase efforts to improve prison conditions, including health care (Holy See);

A - 32. Strengthen its efforts to train law enforcement officials to effectively work against trafficking of persons (Sweden);

A - 33. Continue implementing as effectively as possible measures aimed at combating trafficking and smuggling of migrants, including children, with a view to sexual exploitation, particularly concerning assistance to the victims (Argentina);

A - 34. Continue efforts to provide improved assistance to victims of trafficking (Sweden);

A - 35. Implement and enforce the changes to the Criminal Code which criminalize all forms of trafficking and raise prison sentences for anyone committing the offense of trafficking in persons (United States);\*

A - 36. Reinforce measures to combat trafficking of women and children and ensure that the penalties foreseen for these crimes are commensurate with the gravity of the crime (Italy);\*

A - 37. Reinforce concrete measures aimed at combating trafficking in women and young girls, and assistance to victims (Belgium);\*

A - 38. Ensure that persons suspected of trafficking in human beings are duly prosecuted and judged, and facilitate access to justice and compensation for victims (Belgium);\*

A - 39. Step up efforts to combat trafficking in persons (Belarus);

A - 40. Strengthen criminal legislation with regard to trafficking of children and women (Germany);\*

- A - 41. Further reinforce measures to combat trafficking of women and children, as well as penalties commensurate with the seriousness of such acts (Egypt);\*
- A - 42. Continue taking efficient measures to eliminate prohibited child labour and prostitution, and to combat the phenomenon of children living in the street, and monitor appropriately the efficiency of measures taken (Slovenia);
- A - 43. Undertake further efforts to eliminate child labour and to protect juvenile workers (Belarus);
- A - 44. Strengthen efforts to eliminate child labour (Chile);
- A - 45. Adopt and implement appropriate efficient policies and programmes strengthen its efforts in raising public awareness to eliminate child labour (Slovakia);\*
- A - 46. Strengthen its policies on protection of minors against child labour and sexual exploitation (Germany);
- A - 47. Reinforce the fight against exploitation of minors, particularly sexual exploitation, through the effective implementation of national and international legal provisions and through maximal use of the National Plan to Combat Commercial Sexual Exploitation (Switzerland);
- A - 48. Increase its capacity to prevent child prostitution, protect victims, continue to raise awareness and prosecute perpetrators (Netherlands);
- A - 49. Take practical steps to address the problems of street children and take effective measures to eliminate prohibited child labour (Azerbaijan);\*
- A - 50. Continue to improve the judicial system (Holy See);
- A - 51. Adopt necessary judicial reforms to increase the system's efficiency, in compliance with international standards (Slovakia);\*
- A - 52. Continue ensuring systematic training for all personnel working in the juvenile justice system, including police, lawyers and judges (Malaysia);
- A - 53. Continue to provide and improve programmes on human rights for the judiciary, law enforcement personnel and lawyers (Jordan);
- A - 54. Expeditiously take appropriate steps towards restricting the use of pretrial detention and its duration and opt for alternative methods whenever possible (Slovakia);
- A - 55. Continue efforts to fight against impunity and human rights violations, with special attention to the rights of indigenous populations, those of African descent, women and HIV/AIDS carriers, as well as to combat all forms of discrimination (Brazil);
- A - 56. Carry out the monitoring of enterprises so as to guarantee human and labour rights in accordance with its bilateral and multilateral obligations (Nicaragua);\*
- A - 57. Continue to implement measures aimed at reducing the unemployment rate (Belarus);
- A - 58. Continue its efforts aiming at addressing the persisting wage gap between men and women (Egypt);
- A - 59. Establish close cooperation with the United Nations country team and the Committee on the Elimination of Discrimination against Women in order to address concerns raised by them regarding the application of the Act on Sexual Harassment in the Workplace and in Teaching, particularly in the private sector (Norway);
- A - 60. Pursue its efforts to ensure the right to an adequate standard of living for vulnerable groups (Algeria);

A - 61. Take appropriate measures to address the disparities in access to safe drinking water and sanitation between the rural and urban areas, paying particular attention to persons belonging to vulnerable and marginalized groups (Malaysia);

A - 62. Expand access to drinking water to marginalized and vulnerable populations (Congo);\*

A - 63. Continue its efforts to further improve access to education, housing, social security, health and employment, especially for people living in poverty or extreme poverty, and to increase even more the resources and social benefits aimed at reducing poverty and extreme poverty in the country (Bulgaria);

A - 64. Place greater emphasis on providing services for vulnerable, poor and homeless children and strengthen legislation against child pornography (United Kingdom);

A - 65. Further focus its national spending on improving health and education services and increasing the availability of social housing (Azerbaijan);

A - 66. Continue advancing in its efforts to achieve universal coverage of its Maternity, Disease and Health Care Programme (Colombia);

A - 67. Take further measures to address the disparity in wages between men and women and continue to allocate sufficient funds to increase the availability of social housing for indigenous people, those of African descent and migrants, in line with the concerns raised by the Committee on Economic, Social and Cultural Rights and the United Nations country team (Ghana);

A - 68. Take measures to ensure equitable access of indigenous children, migrant children and those living in rural areas to education and health services and improve their standard of living (Ghana);\*

A - 69. Pursue its action to ensure the right to education for all towards the realization of the Millennium Development Goals and to extend this fundamental right to children of illegal migrants (Algeria);\*

A - 70. Increase efforts at providing free and affordable education, including secondary education, to all segments of the population (Austria);\*

A - 71. Continue to take effective measures to increase enrolment in primary and secondary schools, to reduce the high dropout rate of students, particularly in rural areas, and to address the lack of school infrastructure in those areas (Turkey);\*

A - 72. Continue to take effective measures to increase enrolment in primary and secondary schools, reduce the high rate of students dropping out or repeating years, in particular in rural areas, and find ways to address the lack of school infrastructure in those areas (Portugal);\*

A - 73. Continue to work at the international level in favour of human rights education (Morocco);

A - 74. Increase its efforts in favour of indigenous populations to ensure the satisfaction of their basic needs (water, health, education) and to combat social exclusion affecting them (France);

A - 75. Redouble efforts so that positive results in the area of economic, social and cultural rights reach the most vulnerable populations on an equal footing, in particular minorities, indigenous and African-descended peoples and rural populations (Peru);

A - 76. Review and amend its migration policy and legislation according to international human rights standards that seek to eliminate discriminatory policies (Nicaragua);\*

A - 77. Take concrete measures to implement the Migration and Aliens Act adopted in August 2009 (Burkina Faso);\*

A - 78. Identify the Government department that will be responsible for implementing the new migration and aliens act (Law 8764) and determining rules for its implementation (Netherlands);\*

A - 79. Strengthen policies to guarantee the rights of migrants and refugees, under the principle of non-discrimination and non-refoulement (Brazil);

A - 80. Take measures to improve the situation in the detention centres for illegal migrants (Netherlands);\*

A - 81. Guarantee that administrative detention of undocumented migrants is used only as an exceptional measure for the shortest possible period of time, and avoid criminalization of the irregular entry or stay of such persons in its territory (Mexico);\*

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

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

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

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

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

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

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

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

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

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

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

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

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

A - 7. Create programmes to combat traditional attitudes that treat sexual and psychological abuse as misdemeanours and continue to provide necessary services and support to victims (United States);

A - 8. Take concrete measures aimed at making responses from the judicial system to violations and resulting compensations quicker and more efficient (Switzerland);

A - 9. Review the legislation on the press offences of libel and defamation with a view to ensuring full protection and realization of the freedom of expression (Czech Republic);

P - 10. Ensure balanced treatment of all religions and grant the same status to all religious marriages (Congo);

A - 11. Include in its debates, within the framework of the legislative review process, indigenous participation as a democratizing principle for civic participation at all levels, municipal, legislative and executive (Panama);

A - 12. Enhance and enshrine in law services aimed at protecting women and provide women with adequate information on how to access such support and medical care, including permitted abortions (United Kingdom);

**92. The following recommendations did not enjoy the support of Costa Rica, which offered the following comments:**

R - 1. Ratify or sign, as relevant, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), with a view to being consistent with its practice on this matter (Paraguay); consider ratifying ICRMW (Azerbaijan); sign and ratify ICRMW (Nicaragua); ratify ICRMW (Argentina); consider acceding to ICRMW (Egypt); adhere to the principles of ICRMW and consider its ratification (Mexico); consider adhering to the ICRMW, as well as gradually adapting its national legislation to the standards contained in this Convention (Uruguay);

2. Costa Rica explained that it has not considered to date, nor does it plan to consider in the near future, the ratification of ICRMW.

A - 3. Ratify or sign, as relevant, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights with a view to being consistent with its practice on this matter (Paraguay);

4. Costa Rica explained that it has not considered to date, nor does it plan to consider in the near future, the ratification of the Optional Protocol to ICESCR.

R - 5. Comply with the principle of freedom of movement in the Central American region adopted in the framework of the Central American System of Integration (Nicaragua);

Not applicable.”

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