



# General Assembly

Distr.: General  
7 February 2019  
English  
Original: Spanish

---

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

## **National report submitted in accordance with paragraph 5 of the annex to resolution 16/21 of the Human Rights Council\***

**Costa Rica**

---

\* The present document has been reproduced as received. Its content does not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations.



## Contents

	<i>Page</i>
I. Methodology and consultation .....	3
II. Regulatory and institutional framework.....	3
A. Normative framework.....	3
B. Institutional framework.....	4
III. Promotion and protection of human rights .....	5
A. Rights of indigenous peoples .....	5
B. Civil and political rights .....	12
C. Economic, social and cultural rights .....	13
D. Sexual and reproductive rights .....	16
E. Human rights and the environment.....	17
IV. Concluding remarks .....	18

## I. Methodology and consultation

1. The promotion and protection of human rights are at the heart of the political system of Costa Rica. As established in the Constitution and confirmed in case law, human rights standards have supra-constitutional status.
2. The Inter-Agency Commission for the Oversight and Implementation of International Human Rights Obligations is one of the principal bodies responsible for ensuring compliance with the various international human rights obligations assumed under the universal and regional systems. Created under Executive Decree No. 36776-RE to serve as an advisory body to the executive branch, the Commission is responsible for coordinating the implementation of international human rights commitments at the national level and reinforcing efforts to promote and protect such rights.
3. The Inter-Agency Commission for the Oversight and Implementation of International Human Rights Obligations had a key role in preparations for the third universal periodic review – specifically in the compilation of information on achievements and initiatives in the area of human rights – since it is composed of representatives of State institutions that play a part in the protection for human rights.
4. Consultations with these institutions were based on the recommendations accepted in the second cycle (2014), which were circulated among them at the time. Subsequently, the institutions had been asked to submit a report on implementation of the recommendations. The information gathered was organized, analysed and consolidated in this report. An initial draft of the report was shared with the various civil society organizations so that they could express their opinions, recommendations and concerns about the different issues in question.
5. On 23 January 2019, the report was presented to the public at a special event held for this purpose, which was attended by representatives of government institutions, the Ombudsman's Office and civil society. Input was encouraged and attendees were urged to submit their comments in writing.

## II. Regulatory and institutional framework

### A. Normative framework

6. Costa Rica is a staunch defender of international law and, for this reason, has ratified almost all universal and regional human rights instruments. In the last five years, the Government of Costa Rica has demonstrated its commitment to this area by ratifying the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), which entered into force for the country on 20 January 2015,<sup>1</sup> and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, in 2014.<sup>2</sup>
7. In 2015, article 1 of the Constitution was amended to recognize the country's multi-ethnic and multicultural nature. The purpose of the amendment was to guarantee respect for cultural diversity.
8. Reports submitted to United Nations human rights treaty bodies by Costa Rica in the period 2014–2019 included: its fifth periodic report to the Committee on Economic, Social and Cultural Rights; its sixth periodic report to the Human Rights Committee;<sup>3</sup> its seventh periodic report to the Committee on the Elimination of Discrimination against Women; and its fifth and sixth reports on the implementation of the Convention on the Rights of the Child. The country's reports to the Committee against Torture and to the Committee on Enforced Disappearances are currently being finalized and should be submitted in the course of 2019.
9. In 2015, with a view to strengthening the International Criminal Court's jurisdiction over crimes of aggression, Costa Rica adopted the Kampala amendments to the Rome Statute of the International Criminal Court by means of Executive Decree No. 3889.<sup>4</sup>

10. The Labour Law Reform Act, which modernized the country's labour legislation, entered into force in 2017. The Act reinforces the social security provisions that have historically distinguished Costa Rica, one of its main features being a prohibition of all forms of discrimination in the workplace, whether on grounds of age, ethnicity, sex, religion, race or other status. Besides establishing conditions for a respectful working environment, the Act is designed to ensure effective and expeditious administration of labour justice.

11. Costa Rica was the first country in the world to reaffirm its high-level collective commitment to achieving the Sustainable Development Goals. On 9 September 2016, stakeholders signed a national pact to pursue long-term structural change, under an inclusive development agenda with environmental sustainability at its heart, with the aim of "leaving no-one behind". Thus, the country laid the cornerstone for the construction of an inclusive, diverse, multi-actor governance structure for the implementation of the 2030 Agenda in Costa Rica. At a high-level political forum held in 2017, Costa Rica presented the first voluntary national review report on the Sustainable Development Goals, specifically: Goal 1: End poverty; Goal 2: Zero hunger; Goal 3: Good health and well-being; Goal 5: Gender equality; Goal 9: Industry, innovation and infrastructure; and Goal 14: Life below water.

## **B. Institutional framework**

12. The Ombudsman's Office is responsible for ensuring that the public sector operates in a manner consistent with public morals, justice, national legislation and international commitments, and that the rights and interests of the country's population are protected. For this reason, despite being attached to the legislature, in carrying out its functions the Office benefits from functional and administrative autonomy and independence of judgment.<sup>5</sup> The Office also serves as the national mechanism for the prevention of torture.<sup>6, 7</sup>

13. In 2018, through Executive Decree No. 40.932, the State of Costa Rica established a general mechanism for consultation with indigenous peoples. The mechanism conforms to the recommendations of the United Nations Special Rapporteur on indigenous peoples. The Special Rapporteur's report proposes a participatory dialogue with the eight indigenous peoples present in Costa Rica and reaffirms the State's obligation to consult whenever a measure or project is likely to affect their collective rights.

14. The State has endeavoured to ensure that the Inter-Agency Commission for the Oversight and Implementation of International Human Rights Obligations gives civil society organizations a critical forum through which they can influence its operation and the preparation of reports for submission to human rights treaty bodies.<sup>8</sup>

15. In 2018, the State published the National Plan for Development and Public Investment 2019–2022. This was the first national development plan to include civic participation as a principal source of information on the real needs of the people for the Government and decision makers. It was drawn up from a sustainable development perspective and includes 138 indicators linked directly or indirectly to the indicators for the Sustainable Development Goals defined for Costa Rica.<sup>9</sup>

16. Costa Rica intends to launch its Plan for Decarbonization: Strategic Plan for Costa Rica 2018–2050 in 2019. The aim is to decarbonize the economy by fostering inclusive economic growth, in harmony with the environment, that generates quality jobs and reduces levels of poverty and inequality.<sup>10</sup>

### III. Promotion and protection of human rights

#### A. Rights of specific peoples

##### 1. Women, equality and non-discrimination

17. The National Policy for De Facto Equality between Women and Men 2018–2030 is the cornerstone of the country’s strategy for implementation of the Sustainable Development Goals set under the 2030 Agenda, and particularly Goal 5, which is to achieve gender equality and empower all women and girls.<sup>11</sup> The National Policy for De Facto Equality between Women and Men 2018–2030 has four focuses: building a culture of equal rights; redistributing time; redistributing wealth; and redistributing power.

18. To build and strengthen a culture of equality and respect in which the human rights of all people, and women in particular, are protected, the State of Costa Rica carries out awareness-raising campaigns for the general public and gender equality training programmes for public servants.<sup>12</sup>

19. These have included the “You’re ready” (*Ya Estás Lista*) campaign, led by the Electoral Court, and the “I am a politician” (*Soy Política*) campaign, launched during the 2018 electoral campaign to encourage more women leaders to get involved in politics and place women’s issues on the political agenda. The “We care: let’s take action against sexual harassment” campaign supported by the Ministry of Public Works and Transport is designed to warn women about sexual harassment on public transport and encourage them to report incidents.<sup>13</sup>

20. Since 2015, the National Institute for Women has been offering training in sexual and reproductive health for health-care personnel, focusing in particular on the provision of humane treatment and care in birthing and postnatal procedures. The Institute’s guidelines and directives for humane care have been incorporated into programmes, guides and handbooks.<sup>14</sup> In addition, a special unit within the National Institute for Women provides support and regular training for female politicians and leaders.<sup>15</sup> With regard to educational programmes, after being led by the National Institute until 2015, the “Schools for Change” programme, designed to promote equality and cultural change through school curricula, has been transferred to the Ministry of Education for its inclusion in mainstream educational strategy and extension to all primary schools in the country.<sup>16</sup>

21. On 21 July 2017, the authorities issued regulations governing the registration of employers of women working in remunerated domestic employment and contributory insurance for such women. The regulations benefit women workers who work part-time and are the product of negotiations between the National Institute for Women and the Costa Rican Social Security Fund that, in less than a year, resulted in a 25 per cent increase in insurance cover for these women.

22. With regard to assistance for women in rural areas and efforts to improve the conditions in which they live, the National Rural Development Plan 2017–2022, led by the Rural Development Institute, incorporates a gender perspective in each of its five areas of action.<sup>17</sup> Various programmes benefiting rural areas have been carried out, including a plan to mainstream a gender perspective in marketing, credit and technical assistance services in the agricultural sector.

23. In addition, changes have been made to land allocation and titling procedures that are beneficial to women heads of household,<sup>18</sup> and the land governance model has been restructured to create rural land development councils that promote the leadership of rural and peasant women.<sup>19</sup>

24. With regard to the fourth focus of the National Policy for De Facto Equality between Women and Men, namely, redistributing power and political autonomy for women, the current Government of President Carlos Alvarado Quesada has demonstrated its commitment to gender equality by forming the first gender-balanced cabinet in the country’s history; 12 of a total of 25 ministers are women, meaning that women’s participation in ministerial leadership is 48 per cent. In addition, however, as a result of

Electoral Court Ruling No. 3603-E8-2016, which affirmed the principle of alternating gender provincial lists, the highest ever number of women representatives in the country's history were voted into office in the 2018 legislative elections, between them winning 45.6 per cent of seats in the legislative assembly.<sup>20</sup>

25. The national policy for addressing and preventing violence against women 2017–2032 is focused on: promoting a non-macho culture; promoting gender equitable and non-violent forms of masculinity; forming public-private social development initiatives; promoting effective protection, real access, due diligence and punishment while preventing revictimization; prevention; and comprehensive assistance. Efforts to promote a non-macho culture entail spotlighting and confronting symbolic violence as a means to build non-stereotypical perceptions of women and men based on principles of non-violence, equality, equal relationships, respect for the female body, dignity, and recognition and appreciation of difference.<sup>21</sup> The policy includes a component specifically focused on preventing femicide through legislative and institutional efforts to identify and address cases. The policy also sets out the defence mechanisms available in situations of risk.<sup>22</sup>

26. In accordance with the governance model established under the policy, State action to prevent, punish and eradicate violence against women is coordinated and overseen by the national service for addressing and preventing violence against women and domestic violence. In 2018 the executive branch signed a decree and directive that declared preventing and addressing violence against women to be a national priority. The decree contains some 40 lines of action and establishes a requirement for all State-level bodies to launch or expand programmes to prevent and address violence against women, inter alia, by opening new comprehensive care centres and shelters for women and their children, increasing the number of local committees providing immediate care and follow-up in situations of high risk of femicide and establishing new social advocacy offices in at-risk areas.<sup>23, 24</sup>

## 2. Children and adolescents

27. In relation to children's issues, it is important to note that public policies such as the National Policy for Children and Adolescents 2009–2021<sup>25</sup> have been reviewed on the basis of a cross-sectoral, participatory analysis of international commitments and national legislation.<sup>26</sup> The main purpose of the National Policy for Children and Adolescents is to recognize children and adolescents as full subjects of rights. The supporting action plan is incorporated within the National Agenda for Children and Adolescents 2015–2019, which establishes targets and timelines for the implementation of child-related programmes and activities.

28. To guarantee the adoption and effective implementation of strategies to reduce school dropout and exclusion rates, in the period 2015–2017 the Ministry of Education has used institutional strategies such as the “I’m signing up” (*Yo me Apunto*) campaign and the ProEDUCA project, which benefits 80 educational institutions. As a result, the national school exclusion rate has dropped to one of the lowest levels of recent years.<sup>27</sup> The exclusion rate has also fallen in technical colleges and evening schools, dipping from 13.5 per cent to 9.2 per cent.

29. The ProEDUCA project has enabled schools to equip themselves with infrastructure, equipment and materials to support teaching input and enhance the school environment. The project specifically sought to address the needs of educational institutions with a high dropout rate that are located in areas with high levels of social vulnerability. The outcomes of the project, based on 2016 data, were a marked reduction in the school dropout rate and more effective implementation of educational projects that promote inclusiveness and re-enrolment.<sup>28</sup>

30. As part of efforts to guarantee freedom of expression and opinion for children and adolescents, the National Child Welfare Agency has launched a series of programmes focusing on indigenous and Afrodescendent communities.<sup>29</sup> In application of non-discrimination policies targeting the student population, in 2015 the Government launched a reform of its educational programmes entitled “Educating for a new citizenship” (*Educación para una Nueva Ciudadanía*). The priority, in this reform, is to nurture creative and critical

individuals who recognize and respect differences of culture, ethnicity, gender, sexual orientation and religion.<sup>30</sup>

31. To protect minors from situations of violence, forced labour or sexual exploitation, work continues to implement the Government road map for making Costa Rica a country free from child labour, including its worst forms, in line with the associated action plan, which concludes in 2020.<sup>31</sup>

32. Act No. 9406, strengthening legal protection for girls and adolescent women in situations of gender-based violence associated with abusive relationships and reforming the Criminal Code, the Family Code, the Organic Act on the Supreme Electoral Court, the Civil Registry and the Civil Code, entered into force in 2017. Under this new law, sexual relations with a girl under the age of 15 years old constitute a criminal offence and marriage is prohibited for all persons under the age of 18 years old. The adoption of this law has prompted considerable efforts on the part of institutions and civil society organizations to develop public programmes to protect girls and adolescents against the risks of involvement in an abusive relationship.

33. In 2017, the Office of the Deputy Public Prosecutor with responsibility for offences involving trafficking in human beings and migrant smuggling drew up a Prosecution Service protocol for providing assistance to minors who are victims and survivors of trafficking in human beings. The protocol establishes a legal framework and procedures for the Prosecution Service's actions in this area.

34. Legislative advances have included a reform of the Criminal Code and the Anti-Trafficking in Persons Act and the creation of the National Alliance against Migrant Smuggling and Trafficking in Human Beings.<sup>32</sup> The Anti-Trafficking in Persons Act establishes that aggravating circumstances apply when minors are involved in trafficking and smuggling offences.<sup>33</sup> A key aspect of the Act are the "special assistance measures for minors" referred to in article 42, which specifies the conditions and measures that should be established for victims, paying special attention to their minor status.

### 3. Indigenous peoples

35. To safeguard the rights of indigenous peoples, and to honour the international commitments assumed under the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the United Nations Declaration on the Rights of Indigenous Peoples, the State of Costa Rica has established a mechanism for consultation with indigenous peoples. The mechanism's primary purpose is to ensure that the executive branch fulfils its obligation to consult indigenous peoples, through official mechanisms, about any measures or projects that are likely to affect them.<sup>34</sup>

36. The mechanism is the fruit of recommendations made by the United Nations Special Rapporteur on indigenous peoples and input from more than five thousand indigenous persons. To support the development of the mechanism, responsibility for building its capacities and overseeing its operation has been assigned to the Ministry of Justice.<sup>35</sup>

37. The State recognizes that it has a debt with indigenous populations and that land currently occupied by non-indigenous persons should be returned. For this reason, and to comply with Indigenous Peoples Act No. 6172, establishing the land rights of the indigenous population, the Rural Development Institute drew up the National Plan for Recovery of the Indigenous Territories of Costa Rica 2016–2022. The first phase of the National Plan, during which the lands concerned and the estimated time frame for their restitution are defined, is currently under way.<sup>36</sup>

38. Education in indigenous communities is delivered through a special indigenous education system, the aim being to ensure that specific requirements in terms of goals, languages, approach and organization are identified and addressed.<sup>37</sup> The special system guarantees access to quality education for indigenous peoples, besides ensuring that their customs, languages and beliefs are fully respected. For example, it encourages the translation of educational materials into their mother tongue as well as into Spanish.<sup>38</sup> The regulations governing the system place an emphasis on promoting intercultural perspectives and professional development in university degree courses.<sup>39</sup> With the same end in mind,

the Ministry of Education has published a series of manuals and encyclopedias that recognize the characteristics of each indigenous group living in the country.<sup>40</sup> The judiciary has established a subcommittee on access to justice for indigenous peoples to draw up policies, guidelines and directives designed to ensure access to justice for indigenous peoples as well as compliance with, and due application of, national legislation and international agreements on the subject.

39. In 2019, the Government adopted procedural guidelines for the participatory and intercultural development of public policy for indigenous peoples 2019–2024. The main aim of these guidelines is to promote the conditions necessary for realization of the individual and collective rights of indigenous peoples, taking an intercultural, intergenerational approach underpinned by gender equality.

#### **4. Racism, racial discrimination and related intolerance**

40. In its previous universal periodic review report, Costa Rica reported that it had promulgated a national policy for building a society free from racism, racial discrimination and xenophobia. The State recognizes, however, that implementing this policy and collecting data have been a challenge. Although the policy is designed to address issues affecting indigenous groups, Afrodescendants and migrants and refugees, the legal framework for its implementation is based on the human rights of all persons without distinction.<sup>41</sup> Challenges arose when it came to evaluating the policy's application in the different institutions because there was no clearly defined methodology for data collection. For this reason, the indicators set for the 2015–2018 Action Plan were adjusted so as to ensure that the 2020–2025 Action Plan was designed in such a way that actions and outcomes could be assessed more effectively. The Inter-Agency Commission for the Oversight and Implementation of International Human Rights Obligations, meanwhile, has been revising the policy on an ongoing basis while working to raise awareness of its provisions.

41. Education regulations and policies have been amended so that teachers share responsibility for creating an environment free from discrimination. Ministry of Education Directive No. DM-45-08-2018-MEP, issued in 2018, reaffirms the commitments made in the fight against discrimination. Primary focuses of the Directive include the absolute rejection of all discriminatory forms of expression and all discriminatory acts and the promotions of educational institutions as discrimination-free spaces.<sup>42</sup> The Directive also reaffirms the right of all minors to receive free public education, stipulating that the exercise of this right shall not under any circumstances be compromised by discrimination on the grounds of a student's socioeconomic situation, migrant status, status as a foreign national, social status, place of residence, disability or other condition.<sup>43</sup>

42. Steering Committee Agreement No. 048-2016 of April 2016 established an institutional policy for reflecting ethnic and racial perspectives in the production and dissemination of statistics.<sup>44</sup>

43. In 2015, the judiciary's subcommittee on access to justice for persons of African descent formulated an institutional policy for access to justice for persons of African descent and a related action plan. The aim was to facilitate access to justice for the Afrodescendent population and to provide a service of quality that is reflected in the attention given to their needs both in judicial proceedings and in auxiliary justice and administrative procedures.<sup>45</sup> In addition, a national health-care policy for persons of African descent has been formulated for the period 2018–2021. The main aim of this policy is to help to improve the quality of life of the Afrodescendent community through cross-sectoral and inter-agency coordination. This policy also takes an intercultural approach.

44. The General Directorate for Migration is currently running an advertising campaign to mitigate the effects of discrimination, xenophobia and racism against migrants and refugees and to promote their integration in Costa Rican society. The main aim of the campaign is to inform Costa Rican society about the rights and responsibilities of migrants and refugees and the importance of their being fully integrated in the country.

## 5. Lesbian, gay, bisexual, transgender and intersex persons

45. In the past five years, significant progress has been made towards guaranteeing equality and preventing discrimination against persons on the grounds of sexual orientation. In 2016, Costa Rica requested the Inter-American Court of Human Rights to issue an advisory opinion, in order to obtain guidance as to whether certain rights related to sexual orientation and gender identity are protected under the American Convention on Human Rights. The Government also sought clarification as to whether the country's domestic legislation was in conformity with the Convention.<sup>46</sup> Upon conclusion of the consultations, in 2018 the Court notified the country that it had established the parameters with which States must comply to guarantee protection, without discrimination, for the rights of lesbian, gay, bisexual, transgender and intersex persons under the Convention.

46. Subsequently, the Government issued Executive Decree No. 41173-MP and Presidential Directive No. 015-P requiring all State institutions to amend the internal records, forms and documents of transgender persons who wish to change their name, photograph, sex or gender.

47. In addition, with a view to guaranteeing equality and equal rights for lesbian, gay, transgender, bisexual and intersex persons, the Government issued a series of decrees and directives aimed at eliminating sources of discrimination for these groups. These included, *inter alia*, a decree establishing the position of Presidential Commissioner for issues related to lesbian, gay, transgender, bisexual and intersex persons;<sup>47</sup> regulations governing the migration rights of same-sex couples;<sup>48</sup> and regulations establishing foreign nationals' right to have their sexual and gender identity recognized on their identity card for foreign residents (DIMEX), the aim being to ensure that the name, image and reference to sex or gender on the identity card accord with the holder's sexual and gender identity.<sup>49</sup> In addition, Executive Decree No. 41313-S was amended to recognize the concept of biphobia as a form of discrimination. The directives addressed issues including access to family housing bonds for same-sex couples and lifted the ban on same-sex marriages and the penalties previously incurred by notaries who conducted same-sex marriages and recorded them in the civil register.<sup>50</sup>

48. As part of efforts to guarantee equal rights to health for the most vulnerable groups, guidelines for protecting the right to health of lesbian, gay, bisexual, transgender and intersex persons have also been issued. The purpose of these guidelines is to provide a source of reference that defines responsibilities and offers guidance as to what must be done to guarantee the right to health of members of the lesbian, gay, bisexual, transgender and intersex community.<sup>51</sup>

49. A programme of education in human rights for lesbian, gay, transgender, bisexual and intersex persons has been developed with a view to empowering members of the lesbian, gay, transgender, bisexual and intersex community who are studying within the national education system. An educational programme for public servants that addresses issues of sexuality and diversity has also been launched. By holding meetings with students and running workshops for teaching staff, the authorities are aiming to create an environment where educational institutions become safe spaces in which lesbian, gay, transgender, bisexual and intersex persons can express themselves without fear of being discriminated against and will be less vulnerable to educational exclusion. A protocol addressing bullying against lesbian, gay, transgender, bisexual and intersex students is also being drafted.

## 6. Migrants, refugees and stateless persons

50. The main objective of the Comprehensive Migration Policy for the period 2013–2023 is to establish an inter-agency coordination system that promotes efficient management of migration in line with development needs and with respect for human rights. The approach advocated under the policy is therefore varied, but always underpinned by human rights principles including diversity, integration, human security and interculturalism, among others.

51. The National Integration Plan for the period 2018–2022, which supports the Comprehensive Migration Policy 2013–2023, provides tools and an action plan for

identifying the areas in which integration processes for migrants, refugees and asylum seekers in Costa Rica might be enhanced. It is estimated in the Plan that the migrant population could reach around 650,000 persons, equivalent to about 13 per cent of the total population of Costa Rica, with a diverse and complex composition accentuated by the recent pattern of transitional migration.<sup>52</sup>

52. After signing the New York Declaration for Refugees and Migrants in 2016, thereby reaffirming the State's vision and policy on migrants and refugees, in 2018 the Government of Costa Rica, with the support of Costa Rican society, adopted the national comprehensive refugee response framework, known locally as MINARE (an acronym for *Marco Integral Nacional de Atención y Respuesta a los Refugiados*), for addressing all issues related to refugees. This framework represents Costa Rica's contribution to the regional comprehensive refugee response framework and the global compact on refugees and provides a blueprint for the protection and integration of refugees in middle-income countries that is in line with international law and best practice.

53. It is estimated that, between January and September 2018, nearly 52,000 migrants, most of them of Nicaraguan nationality, entered and remained in Costa Rica. In 2018 as a whole, 27,933 persons formally applied for refugee status by completing the relevant forms and submitting them to the Costa Rican immigration authorities. Of this total, 23,138 were Nicaraguans.

54. The needs of migrants and refugees are mainstreamed in the following public policies in Costa Rica: national policy for a society free from racism, racial discrimination and xenophobia; public policy for young people; national policy for children and adolescents; public policy for older persons; national policy on sexuality; national policy for gender equality and equity; national policy on disability; and the migration policy of the judiciary. All programmes and projects associated with all public policies issued by the Costa Rican State encompass the migrant and refugee population, as human rights issues apply to all persons present in the country, whether they are Costa Rican or a foreign national. According to disaggregated data<sup>53</sup> compiled by the Fund for Social Development and Family Allowances, in 2017 a total of 46,836 persons received assistance from institutions and agencies including the National Housing Bonds Scheme, the "Insured by the State" programme, the "City of Children" programme, the National Council for Persons with Disabilities, the National Scholarship Fund, the National Directors for Education and Nutrition Centres, Integrated Care Centres for Young Children and the Inter-Agency Institute for Social Assistance.

55. In the course of 2016, guidelines were issued to judicial personnel on how to give effect to the right to access judicial services for migrants, particularly migrants who do not have valid documentation.<sup>54</sup>

56. The Tripartite Commission of the National Child Welfare Agency (PANI), the General Directorate for Migration and the Ministry of Foreign Affairs (DGME) have drawn up a series of protocols for the care and protection of migrants in Costa Rica who are under 18 years old, irrespective of their status.<sup>55</sup>

57. To ensure that foreign nationals have access to health insurance and pensions, and to support the General Directorate of Migration in the task of regularizing migrants' status, the Costa Rican Social Insurance Fund has made provision for migrants to join the voluntary and self-employed worker's insurance scheme on a temporary basis. With regard to compulsory insurance for waged foreign workers, when labour inspectors perceive there to be an employment relationship, the worker in question will be added to the employer's payroll either at the request of the employer, as the result of a complaint or as part of the inspectors' routine management activities, irrespective of his or her migrant status. Thus, waged foreign workers benefit from the insurance cover administered by the Costa Rican Social Insurance Fund.

58. With regard to action to combat trafficking in human beings, it is important to note that a number of mechanisms have been established in application of Act No. 9095 with a view to building a specific framework of supplementary protection and assistance for victims of trafficking and their dependants.<sup>56</sup> A national fund for combating trafficking in human beings and migrant smuggling has been created to support the implementation of

Act No. 9095. According to data for 2016, the fund had a budget of approximately \$2 million, which was used for institution-building, community security, collecting intelligence information and mapping criminal activity. Costa Rica also supports the Blue Heart Campaign against human trafficking, which seeks to generate collective awareness about how to contribute to the fight against crimes of this nature.

59. On issues of statelessness, as the first Latin American country to develop an established procedure and facilities for the naturalization of stateless persons, Costa Rica provides a benchmark for the subcontinent. The status determination procedure for stateless persons applied in Costa Rica is set out in Decree No. 39620-RE-G, issued in 2016.

## **7. Disability**

60. The National Council for Persons with Disabilities came into being in implementation of Act No. 9303, of 2015, which establishes that the agency shall have maximum functional autonomy and a separate legal personality. The Council is the lead agency for disability in Costa Rica, with a social vision underpinned by persons with disabilities' efforts to guarantee their dignity and human rights. The Council regulations establish that the composition of the new agency must include, on an alternating basis, representatives of persons with physical disabilities, persons who are hard of hearing, persons with visual impairments and people with cognitive or psychosocial disabilities.

61. Coordination and cooperation between the different actors that contribute to the human development of persons with disabilities is of particular importance for the formulation of policies built on a vision underpinned by human rights and, above all, human dignity, the legal framework for the protection of these rights, and the international commitments assumed by the State of Costa Rica, particularly under the Convention on the Rights of Persons with Disabilities.<sup>57</sup>

62. The promulgation of Act No. 9379, promoting the personal autonomy of persons with disabilities, was another important demonstration of Costa Rica's commitment to implementing the Convention and strengthening initiatives under way that help to ensure that persons with disabilities are able to exercise their rights. The Act's main objective is to guarantee the full exercise, on an equal footing with others, of the right to personal autonomy for persons with disabilities. A continuation of the National Disability Policy 2011–2021, which has four central focuses – namely, human rights, community-based inclusive development, gender equity and results-based social management – is also being developed.

63. The Ministry of Education has approved guidelines for the special educational support services provided at the preschool level and in the first and second cycles of primary education. The purpose of these guidelines is to ensure that the methods used by special education support teachers are in line with the social model of disability. The overarching principle is that students with disabilities should not be treated like patients, but should be provided with support, as students, that eliminates or reduces the barriers to learning and participation that the educational environment imposes upon them. Costa Rica is thus meeting its targets under Agenda 2030, and specifically under Sustainable Development Goal 4, which is to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.<sup>58</sup>

## **8. Older Persons**

64. Costa Rica has taken an important step forward in its recognition of the human rights of older persons by adopting the Inter-American Convention on Protecting the Human Rights of Older Persons. The Convention was ratified by Act No. 9394 of 8 September 2016 and Executive Decree No. 39973 of 12 October 2016. The relevant judicial and administrative bodies have started to apply this legislation, especially through the case law of the Constitutional Court.

65. The National Council for Older Persons is the lead agency in the care of older persons in situations of social vulnerability, including those that are victims of violence or neglect, those in need or facing destitution, and those living in street situations, and is responsible for planning the State's strategy for addressing these issues.

66. Costa Rica is seeing an alarming increase in the number of cases of neglect of older persons, in various settings. Such cases are referred to the authorities by hospitals of the Costa Rican Social Insurance Fund, the courts, the police force or, in some cases, private individuals seeking a place in which the older person in question can be rehoused. By means of various institutional programmes, the State has established a series of mechanisms to ensure that every rehousing request, without exception, receives a timely response and follow-up. A care programme for persons exposed to abuse or neglect, which was launched at the end of 2015, provides direct access for those in need to previously approved spaces in centres that have signed resource transfer agreements. In addition, a progressive support network for the comprehensive care of older persons in Costa Rica has been established to address their multiple needs.

## **B. Civil and political rights**

### **1. Right to life, liberty and security of person**

67. To advance efforts to combat domestic violence, the judiciary has established an integrated victim support service platform. This is an institution-wide project that brings all judicial services together in a single physical space. The service platform incorporates the psychological, legal, forensic medical and social services that are provided free of charge, as well as other services that guarantee effective access to justice, in order to prevent or mitigate revictimization.<sup>59</sup>

68. The national system for addressing and preventing violence against women and domestic violence provides legal assistance and support for victims of domestic violence<sup>60</sup> through 77 local networks throughout the country that are organized into eight regions. The networks are composed of representatives of government agencies, non-governmental organizations and civilian actors and are working to build a mechanism for cross-sector coordination in the development of local policies for preventing, detecting and addressing domestic violence and sexual abuse outside the family.<sup>61</sup>

### **2. Rule of law: administration of justice and the prison system**

69. In 2017 Costa Rica adopted a system of open justice. This move placed the judicial branch of Costa Rica at the vanguard, as the first in the region to establish a policy that aims to unite transparency, citizen participation and cooperation in a new form of justice administration. One of the challenges of this process is the cultural shift required on the part of the judiciary to democratize decision-making forums and open up channels for consultation and dialogue. Another challenge is how to improve mechanisms for including civil society in the forums for participation created under the policy and ensure that these mechanisms are sustainable over time and not merely short-term solutions.

70. Costa Rican law has two key legal instruments designed to guarantee immediate access to justice for women who have been victims of domestic violence – the Domestic Violence Act and the Criminalization of Violence against Women Act. Cases under the former are handled by the domestic violence courts, while cases under the latter are heard by the criminal courts. The legal aid mechanisms in place include legal advice provided by the National Institute for Women, social advocacy services and the Victim and Witness Protection Office. In the judiciary, there is a gender committee, consisting of three female judges and three male judges, and a technical secretariat for gender issues.

71. Protection is also available for women victims through legal channels. Women who experience domestic violence can request protection from the justice system, which may involve any of the following: an order for the perpetrator to leave the couple's home, a restraining order, authorization of a separate home, a search of the home, a ban on the possession of firearms or sharp weapons, the confiscation of weapons, the suspension of custody and involvement in the upbringing and education of children, the suspension of visiting rights, protective custody of children, a prohibition on harassment and assault, an alimony order, an attachment order, a property inventory, award of the exclusive right to use household items, an order to pay monetary reparation for damages, a protection order or police assistance.<sup>62</sup>

72. Costa Rica has a number of reinsertion and integration programmes for persons deprived of their liberty. In 2018, there was an increase in the number of persons enrolled in the various educational initiatives.<sup>63</sup>

73. A major achievement in relation to university education was the signature of an outreach agreement with the National Distance Learning University under which quarterly grants can be awarded to students in semi-open prisons to allow them to enrol in courses free of charge, thanks to their grant. There are plans for all centres with a resident prison population to have computer labs with Internet access, as this will facilitate prisoners' participation in educational programmes. Improving infrastructure and increasing the number of classrooms in the various prisons are recognized as challenges, but are of paramount importance to ensuring the right to education for all prisoners.

74. Protocols have been drawn up to address all forms of violence or rights violations, including any acts that might constitute torture, that are committed against juvenile offenders by the officers responsible for them, whether in an administrative or judicial setting. Restorative justice measures have also been established, the idea being to propose alternatives to detention and thus help to reduce the number of minors placed in detention centres.<sup>64</sup>

75. Free health services are available in all prisons, and prisoners receive the same quality of care as any other citizen of Costa Rica. All persons deprived of their liberty receive the medical treatment they need, free of charge. There is no interruption of treatment for persons with chronic illnesses, and their condition is closely monitored.<sup>65</sup>

76. As part of efforts to ensure respect for the human rights of the prison population, the Ministry of Justice and Peace, as the body responsible for enforcing custodial sentences, has been encouraging the use of alternatives to imprisonment such as housing prisoners in semi-open institutions,<sup>66</sup> using electronic monitoring devices and conducting preliminary assessments. In addition, it has promoted a reform of article 77 of Act No. 82014 (77 bis), concerning community service, through the amendment of article 56 bis of the Criminal Code. As a result of these actions, the overcrowding rate fell from 48.1 per cent in May 2016 to 31.1 per cent by July 2018. In June 2017 the prison system was 3,866 persons over capacity but by June 2018 overcrowding had dipped to 3,411 persons in absolute terms.

77. According to data, there is currently no overcrowding in the women's prison. An extension of facilities for women from two to four regional units is scheduled for 2019. In 2018 a prison clinic exclusively for women was opened. In addition, mother-and-child units were opened in the two prisons that accommodate women: the Vilma Curling Institutional Care Centre for adult women and the Zurquí Juvenile Training Centre for women under 18 years old, which has spaces suitable for children under 3 years of age to stay with their mothers, separate from the rest of the facility's population.

## C. Economic, social and cultural rights

### 1. Right to work and to just and favourable conditions of work

78. The National Employment Programme provides for employment-generating activities such as the construction of infrastructure, job skills training and grants for productive ideas. The "Get a Job" (*Empléate*) programme offers labour market insertion support for young persons aged between 17 and 24 years old who are unemployed and socially vulnerable, and has so far helped a total of 7,944 young people. The Directorate for a Solidarity-Based Socioeconomic System contributed to 89 projects in 2017 and provided assistance to a total of 75 organizations. In the same period, the National Support Programme for Micro and Small Enterprises funded a total of 1,014 microloans for poor families and individuals.<sup>67</sup>

79. Including the refugee population in Costa Rica's economic development is one of the strategic objectives set under the National Development Plan 2014–2018. To achieve this goal, the State organizes structured technical support activities to help refugees to escape poverty.<sup>68</sup>

80. In addition, the Plan of Action implementing State policy for gender equality and gender equity provides for the introduction of an insurance scheme for domestic workers as a means to protect workers in this sector, including migrant women.

81. Similarly, the regulations on refugee affairs provide that the General Directorate for Migration may grant authorization to enter waged employment or work on a self-employed basis to persons seeking refugee status, who are given a period of three months to regularize their status.<sup>69</sup> In addition, the General Directorate for Migration has launched a programme entitled “Live integration” (*Vivir la Integración*) to promote the integration of refugees.<sup>70</sup>

82. The Labour Law Reform Act was also a very important advance, since, by introducing the principle of orality, it will serve to streamline legal proceedings and reduce the backlog of cases. The new Act also increases protection for workers engaged in trade union activities, pregnant women, adolescents, persons affected by discrimination and persons who report cases of sexual harassment, among others. In addition, it will guarantee access to justice by making free legal assistance available to workers earning less than the lowest minimum wage.

## 2. Right to social security and to an adequate standard of living

83. The National Policy for Wastewater Management 2016–2045 is the fruit of an inter-agency effort to rethink notions of what constitutes safe wastewater management and also part of the drive to achieve the Sustainable Development Goals. The Policy is designed to ensure that individual or collective wastewater treatment systems do not harm the environment while at the same time continuing national efforts to address the issues identified as priorities in the analysis of the sanitation system in Costa Rica.<sup>71</sup>

84. Act No. 9590, authorizing the use of water for human consumption and the construction of the related infrastructure in areas forming part of the State’s natural heritage, was designed to reinforce the existing laws that guarantee access to water. The Act regulates the methods used by public service providers and establishes requirements for the use of surface water sources and for the construction, operation and improvement of water supply systems. Although it proved impossible to adopt a law expressly based on the right to water, there is a clear and comprehensive policy framework that recognizes the fundamental right to life, which is linked to health and, thus, by extension, to access to drinking water.<sup>72</sup>

85. To guarantee that the births of all indigenous and migrant children are registered, the Integration and Development Division of the General Directorate for Migration runs mobile migration units in conjunction with officials of the Supreme Electoral Court in order to promote the registration of newborn girls and boys, to inform parents about the procedure to be followed and to make the actual registrations. In partnership with the Office of the United Nations High Commissioner for Human Rights, the Division runs the “Chiriquitos” programme, designed to facilitate the formalities necessary for late birth registration in indigenous communities and, subsequently, for the issuance of documentation.<sup>73</sup>

86. As the lead agency for public programmes and policies designed to combat poverty and improve quality of life, the Inter-Agency Institute for Social Assistance coordinates projects that cater for the needs of persons, families, groups and communities meriting priority attention and help to improve the conditions in which they live.

87. The Multidimensional Poverty Index is one of the key tools used to measure poverty levels. In addition to measuring poverty based on income insufficiency and the poverty line, the Index tracks poverty levels in the country as a whole, so providing a measure of the effects of social policy. Use of the Multidimensional Poverty Index allows the Government to develop comprehensive, targeted policies based on expert information and to identify the challenges the country faces in combating and reducing poverty and extreme poverty.

88. Of particular importance in the fight against poverty is the National Strategy for Poverty Reduction 2015–2018, also known as the “Bridge to Development” strategy. The main objective of this strategy, as set out in Executive Decree No. 38954, is to tackle family poverty using a cross-sectoral and cross-agency approach and to reduce extreme poverty by

guaranteeing access to a comprehensive range of sustainable and coordinated inter-agency programmes and services.<sup>74</sup>

89. The methodology espoused under the “Bridge to Development” strategy tackles employment and income problems by providing support for families and building a sense of shared responsibility between them and the relevant agencies. The aim is to create, through joint efforts, the conditions necessary for engagement in productive processes or employment. The inter-agency coordination necessary to the success of this component of the strategy has been achieved thanks to the leadership of the Ministry of Labour and Social Security and by using public-private partnerships for activities in the field.<sup>75</sup>

90. The “Bridge to Development” strategy also tackles social protection issues, health, family dynamics, education and training, housing, work and income. The range of services was designed to give families access to upward mobility and the wherewithal to attain, through their own efforts and building on small achievements, the economic independence that enables them to improve their quality of life.<sup>76</sup>

91. It is important to emphasize that, because the Sustainable Development Goals are incorporated in the National Development and Public Investment Plan, poverty eradication programmes and projects are given priority. The Ministry of National Planning and Economic Policy has also included the indicators of the Sustainable Development Goals in the National Development and Public Investment Plan. The aim is to ensure fulfilment of the corresponding national targets, the ultimate goal of which is to eradicate poverty and guarantee inclusive sustainable development.

92. With regard to access to health, the guiding principles and main focuses of the National Health Plan 2016–2020 are equity, timeliness and quality in health care, reducing service gaps, social cohesion and system sustainability. This Plan, together with the related health policy for the period 2014–2018, establishes that the State has a responsibility to guarantee the right of access to a quality health-care system.

93. Cancer has become a public-health problem at the national level. Cervical cancer remains one of the main causes of premature death among women in Costa Rica. However, the incidence of cervical cancer was 1.85 times lower in 2011 than in 2000 and the related mortality rate was 1.58 times lower in 2013 than in 2000. According to data for 2014, there were 29.3 cases of cervical cancer per 100,000 women, resulting in 5.42 deaths per 100,000 women. The mortality rate changed little between 2002 and 2015, with an average annual decline of 0.2 per cent. For these reasons, on 14 June 2018, the Government approved plans to include the human papillomavirus vaccine (HPV) in the national vaccination programme and instructed the Costa Rican Social Insurance Fund to carry out the required formalities and the outreach campaigns necessary to make the general public aware of the benefits of HPV vaccination for girls from the age of 10 years onwards. The Social Insurance Fund’s vaccination programme is scheduled to start in May or June 2019.

94. The Costa Rican Social Security’s Fund budget for 2018 included provision for implementation of the single electronic health record system. The new system should advance progress towards universal access to quality medical services and will provide patients with an electronic record of their full medical history.<sup>77</sup> It is important to note that electronic health records are considered legal documents and that the new system’s adoption therefore entailed a complete overhaul of traditional hospital systems.<sup>78</sup>

95. The main programme for reducing HIV prevalence and improving access to quality treatment is the National Strategic Plan on HIV and AIDS 2016–2021. The Plan defines the main lines of action to be used in the fight against HIV and provides an analysis of the context, the legal framework and the possible national responses for ensuring compliance with international agreements.<sup>79</sup>

### **3. Right to education and to participate in the cultural life of the community**

96. To ensure access to quality education, the National Development and Public Investment Plan sets out the current figures, the challenges and the strategies that foster the development of the personal skills necessary for harmonious coexistence in society and integration in the labour market.<sup>80</sup> The Plan identifies key challenges in this area, such as

reducing student exclusion in upper secondary and diversified education, improving the skills of students in areas in which they have fallen behind (which might be reading or mathematics), reducing the percentage of young people between the ages of 15 and 24 who neither work nor study and increasing access to higher education for persons in situations of socioeconomic vulnerability.

97. Taking a holistic approach to education, technical and vocational educational centres also have plans to purchase specialized equipment for the agricultural, industrial, commercial and service sectors through which to provide education tailored to the needs of the labour market. This includes developing multilingual skills in both students and teachers.<sup>81</sup>

98. Human rights education is included in study programmes, particularly in the civic education programme. The topics covered include the right to a violence-free environment, the right to life and physical integrity, the right to an environment free from natural hazards, the right to recognition of the human person as an individual with a personal and social identity, the right to recognition of the human person as an individual with a gender identity, the right to equity and equality, the right to cultural diversity, and the right to democracy and political participation, including respect for the law and standards.<sup>82</sup>

99. The authorities are also working to reduce school dropout rates through social programmes such as “Let’s move forward” (*Avancemos*), which gives secondary school-age students the opportunity to enter and remain in formal education by providing conditional cash transfers that supplement family income in order to cover the costs associated with education. The programme also provides school kits for children from poor or extremely poor families who are enrolled in primary education to help them to remain in the formal education system.<sup>83</sup>

#### **D. Sexual and reproductive rights**

100. There has been a decline in the number of teenage pregnancies in recent years thanks to the work of the Inter-Agency Council on Care for Adolescent Mothers and the Mesoamerican Health Initiative. According to Ministry of Health data, in 2013 18.4 per cent of babies were born to mothers under the age of 20 years old but by 2017 this figure had dropped to 14.8 per cent. Challenges remain, nonetheless, since, according to data published by the National Statistics and Censuses Institute, the percentage of babies born to mothers under 20 years of age with two or more children rose from 18.4 per cent in 2013 to 19.6 per cent in 2017.

101. Reducing the number of pregnancies among women under the age of 20 years old is one of the goals of the National Strategic Plan for Adolescent Health 2010–2018, the aims of which are to prevent teenage pregnancies and improve teenagers’ sexual and reproductive health. These efforts should equip all institutions serving adolescents at the local level to provide better integrated, more comprehensive responses within an inter-agency and cross-sectoral policy framework for the prevention and care of teenage pregnancies that retains a protective focus, providing for continuing education and comprehensive health care with an emphasis on sexual and reproductive health.<sup>84</sup>

102. The National Policy on Sexuality 2010–2021 provides both a conceptual and regulatory framework and an analysis of the current situation through which to determine approaches, criteria and areas of intervention. The policy and institutional framework is linked to the National Health Plan 2010–2021, which addresses the needs of the population in general and the needs of the groups most vulnerable and excluded in health terms in particular.

103. In 2016, the Costa Rican Social Insurance Fund instructed its directors to include in their plans provision for the construction of an in vitro fertilization unit at the Hospital for Women. At the same time, it determined that a high complexity reproductive medicine unit that fulfilled the infrastructure, input, material, equipment and human resource requirements necessary to guarantee full-practice conditions should be built. The main aim

of the high complexity reproductive medicine unit is to provide care for couples and single women with fertility problems who require assisted human reproduction techniques.

104. The National Policy on Sexuality also identifies significant weaknesses, such as the perception of sexual health as being related solely to reproduction and illness, the lack of a holistic approach to the prevention and treatment of sexually transmitted infections including HIV/AIDS, the lack of equipment and technologies adapted for persons with disabilities, obstacles linked to the values and morals of health-care personnel, and restricted access to information on contraception and effective contraceptive techniques for men and women, among others.<sup>85</sup> A strategy of universal access to male and female condoms has been launched throughout the country to promote condom usage, guarantee access and accessibility and thus contribute to the exercise of the right to safe, satisfactory and mutually responsible sexuality.

105. To regulate the concept of *aborto impune* (abortions that are permitted by law, also known as therapeutic abortion), in May 2015 the State of Costa Rica began drafting technical guidelines for implementing the provisions of the Criminal Code. The aim is to ensure that the provisions are effectively applied within the Costa Rican health system.

106. The programme to create a sustainable model of integrated prevention and care services for the Costa Rican population of men who have sex with men and transgender women, which is known as the HIV-CR project and subsidized by the Global Fund, has to date provided assistance to over 10,000 men who have sex with men and 400 transgender women in the form of preventive advice and counselling on sexual and reproductive health. Rapid HIV tests are also offered as part of this service, free of charge and in conditions of respect and confidentiality. This has proved to be very much appreciated by the population groups in question, who in many cases, owing to stigma and discrimination, have neither the opportunity nor the confidence to approach the health services. As a result, in three years, 4,425 men who have sex with men and 310 transgender women have had rapid HIV tests.

## **E. Human rights and the environment**

107. Under the Constitution, all persons are accorded the right to a healthy and ecologically balanced environment, meaning that the quality of the environment is in effect a measure of quality of life. On this basis, Costa Rica has highlighted the connection between environment and human rights in various forums. In negotiations on the Paris Agreement work programme, Costa Rica joined forces with countries including Norway and Peru to advocate, among other issues, for human rights to remain one of the criteria on which countries must report as part of their nationally determined contributions in 2020. In addition, Costa Rica was one of the sponsors of a resolution of the Human Rights Council in which it was recognized that “sustainable development and the protection of the environment, including ecosystems, contribute to human well-being and to the enjoyment of human rights, including the rights to life, to the enjoyment of the highest attainable standard of physical and mental health, to an adequate standard of living, to adequate food, to safe drinking water and sanitation and to housing, and cultural rights”. In this resolution, the Human Rights Council also requests the application of “a gender perspective by, inter alia, considering the particular situation of women and girls and identifying gender-specific discrimination and vulnerabilities, and addressing good practices where women and girls act as agents of change in safeguarding and managing sustainably the environment”.

108. Costa Rica has also led the “For All Coalition” initiative, which encourages States and negotiating groups to support a reinforcement of the gender equity and human rights-related commitments contained in all multilateral environmental agreements, thereby promoting a consistent and coherent approach to these issues in such agreements. In this connection, it organized events within the framework of the Conference of the Parties to the Convention on Biological Diversity, held in Egypt from 17 to 29 November 2018, and the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Poland from 3 to 14 December 2018, which served as a meeting of the parties to the Paris Agreement.

## IV. Concluding remarks

109. Costa Rica still faces many challenges in its efforts to guarantee the promotion and protection of the human rights of its citizens in a comprehensive manner. For example, it still needs to define racial discrimination and enforced disappearance as specific offences within its legislation. Persons in particularly vulnerable situations such as indigenous teenage mothers should be a central focus of the targets that the country sets in the next few years for closing the gaps between those who have least and the rest of society.

### Notes

- <sup>1</sup> Cf. Recomendación. 127.1, 127.2, 127.3, 128.144.
- <sup>2</sup> Cf. Recomendación 128.7, 128.8.
- <sup>3</sup> En referencia a la Convención de Derechos Civiles y Políticos.
- <sup>4</sup> Cf. Recomendación 128.20.
- <sup>5</sup> Cf. Recomendación 128.19.
- <sup>6</sup> Informe de Costa Rica de la Convención sobre los Derechos Civiles y Políticos: Financiación de la Defensoría de los Habitantes.
- <sup>7</sup> La DHR recibió en el año 2017, la acreditación tipo A, luego de ser evaluada por el Subcomité de Acreditación de la Alianza Global de las Instituciones Nacionales para la Promoción y Protección de los Derechos Humanos (GANRHI).
- <sup>8</sup> El Mecanismo de Participación surge de una subcomisión la cual se dedica exclusivamente a las conversaciones con la Sociedad Civil. El mismo Decreto que rige la CIIDDHH, crea un Ente Permanente de Consulta plantea la participación de estos grupos en procesos de discusión, elaboración de políticas y planes que atiendan obligaciones internacionales en materia de Derechos Humanos.
- <sup>9</sup> Plan Nacional de Desarrollo y de Inversión Pública 2019–2022.
- <sup>10</sup> Principios del Acuerdo de París.
- <sup>11</sup> Cf. Recomendación 128.39.
- <sup>12</sup> Cf. Recomendación 128.45. Impulsadas principalmente por la Instituto Nacional de las Mujeres (INAMU).
- <sup>13</sup> Cf. Recomendación. 128.94. Esta campaña se lanzó el día de hoy, su divulgación será en redes sociales y en 450 pantallas electrónicas que poseen 200 unidades de buses que circulan por el Gran Área Metropolitana. En una segunda etapa, se lanzarán mupis, partes traseras de buses y se divulgará en salas de cine.
- <sup>14</sup> Cf. Recomendación 128.101. En el 2015 y el 2016 se atendieron 7085 mujeres, por parte del Centro de Información y Orientación de INAMU. En el Poder Judicial se capacitaron 11.462 mujeres y 14.480 hombres, en el resto de instituciones. del Estado se reportan 4769 personas. Entre los manuales y guías se encuentran los siguientes. entre ellas la actualización de la Guía de Atención Integral a las Mujeres, Niños y Niñas en el Periodo Perinatal Parto y Post Parto se aplicó en el 2016); Elaboración del Manual de Educación Perinatal para Mujeres Gestantes y sus Familias (en implementación del I Nivel de Atención), actualización de la Historia Clínica Perinatal (en revisión en Gerencia Médica para implementar 1° semestre 2016), atención prioritaria al proceso de coordinación nacional del Ministerio de Salud para la actualización de la Norma de Alto Riesgo Obstétrico; actualización de la norma de Bajo Riesgo Obstétrico y elaboración de la Norma sobre Perdidas Gestacionales Tempranas (en proceso bajo coordinación del Ministerio de Salud), entre otros.
- <sup>15</sup> Cf. Recomendación 128.143. El INAMU cuenta con un departamento llamado Área de Ciudadanía Activa, Liderazgo y Gestión Local. Algunas de sus acciones pueden consultarse en: <https://www.inamu.go.cr/gestion-de-actividad-local>
- <sup>16</sup> Cf. Recomendación 128.89. En conjunto del INAMU, con el Ministerio de Educación Pública y la Caja Costarricense del Seguro Social (CCSS).
- <sup>17</sup> Cf. Recomendación 128.42, 128.43.
- <sup>18</sup> Según el registro de información del INDER durante los años 2014–2016 se han dado un total 303 asignaciones de parcelas a mujeres a nivel nacional y durante el mismo período se han realizado 740 titulaciones de propiedad también a nivel nacional.
- <sup>19</sup> Proceso en el que han participado 9.873 mujeres rurales representando un 46 % del total de personas participantes, (11.434 hombres, 54 %). Los 28 territorios tienen una representación fija dentro del Comité Directivo del Consejo Territorial, para impulsar los temas de las Mujeres Rurales, para fortalecer su trabajo se ha creado la Red de representantes de las mujeres rurales.
- <sup>20</sup> Los partidos políticos deberán definir, en su normativa interna, los mecanismos que den cumplimiento a este régimen paritario. En caso de que se presente nóminas de candidatos que

incumplan este requerimiento, por la razón que sea, el Registro Electoral, previo sorteo de rigor, realizará los reordenamientos que resulten necesarios en esas nóminas. Existen dos proyectos de Ley en esta materia proyecto de Ley No. 20.001 “Adición del artículo 5 bis a la ley de la promoción de la igualdad social de la mujer” y No. 18719, “Contra el Acoso Político” los cuales actualmente se encuentran en discusión.

- <sup>21</sup> Cf. Recomendación 128.46. En concordancia con lo que establece la Convención Interamericana para Prevenir, Sancionar y Erradicar la Violencia contra la Mujer. 128.94, 128.96, 128.97.
- <sup>22</sup> En Costa Rica existen dos clasificaciones de femicidio: una que responde al artículo 21 de la LPVcM, cuyo ámbito de aplicación está restringido al matrimonio y a la unión de hecho; y la otra definida como “femicidio ampliado”, que abarca las muertes violentas de mujeres en contextos, manifestaciones y escenarios definidos por la Convención de Belém do Pará.
- <sup>23</sup> Decreto Ejecutivo No 40846-MCM-JP-S-MSP. [http://planovicr.org/sites/default/files/documentos/decreto\\_40846-mcm-jp-s-msp.pdf](http://planovicr.org/sites/default/files/documentos/decreto_40846-mcm-jp-s-msp.pdf)
- <sup>24</sup> Cf. Recomendación 128.141. Protocolo Interinstitucional de Intervención y Valoración de riesgo en situaciones de Violencia contra las mujeres, Circular 197-2014, aprobado mediante sesión número 76-14 celebrada el 26 de agosto del 2014. Convenio Marco Normativo entre el Poder Judicial y la Caja Costarricense del Seguro Social, Convenio N° 06-2014. Protocolo de Actuación de Abordaje de Justicia Restaurativa en delitos de violencia de Género: Violencia Doméstica, Violencia intrafamiliar, Delitos Sexuales, contenido en la Circular del Ministerio Público N° 09-ADM-2015.
- <sup>25</sup> El organismo gubernamental responsable de coordinar la aplicación de la Convención y sus Protocolos facultativos en Costa Rica, es el Consejo Nacional de la Niñez y la Adolescencia (CNNA).
- <sup>26</sup> Cf. Recomendación 128.34. V y VI Informe Periódico de Costa Rica. Pág. 8.
- <sup>27</sup> El cual fue dirigido a estudiantes del 3er ciclo y Educación Diversificada para que permanecieran o se reintegraran al Sistema Educativo Público.
- <sup>28</sup> Cf. Recomendación 128.32, 128.158.
- <sup>29</sup> Cf. Recomendación 128.33. En el 2016, la elaboración de una Guía para Facilitadores, Trabajo con niños y adolescentes para la Promoción de derechos de niños, niñas y adolescentes indígenas, Modulo I y II.
- “Metodologías para el diagnóstico y definición de estrategias para fortalecer los derechos de niñas, niños y adolescentes indígenas” (2017), entre otros.
- <sup>30</sup> Educar para una Nueva Ciudadanía Fundamentación Pedagógica de la Transformación Curricular. Ministry of Education. Pág. 8.
- <sup>31</sup> Cf. Recomendación 128.35. 128.02 128.05 128.113., 128.111, 128.113. El Protocolo fue elaborado en conjunto con el ACNUR, la DGME, PANI y la Asociación de Consultores y Asesores Internacionales. Protocolo Nacional de Alerta y Procedimiento para la Coordinación y Reacción Inmediata entre las Instituciones Públicas y Privadas ante la Desapariciones o Sustracción de PME (2015).
- <sup>32</sup> Cf. Recomendación 128.07. Mediante la Ley N° 954. Cf. Recomendación 128.06, 128.121, 128.126, 128.129. Además de los Protocolos presentados por el CONATT en años anteriores.
- <sup>33</sup> Cf. Recomendación 128.117, 128.119, 128.22.
- <sup>34</sup> Decreto Ejecutivo No. 40932-MP-MPJ. “Mecanismo General de Consulta a Pueblos Indígenas”. Artículo 1.
- <sup>35</sup> Cf. Recomendación 128.30, 129.142, 128.176, 128.177, 128.180, 128.181.
- <sup>36</sup> Cf. Recomendación 128.12, 128.11, 128.179.
- <sup>37</sup> Reforma al Subsistema de Educación Indígena Decreto Ejecutivo No. 37801. Artículo 1.
- <sup>38</sup> Decreto Ejecutivo No. 37801. Artículo 3: Idiomas maternos vigentes. Se reconocen como idiomas maternos vigentes en los territorios indígenas reconocidos sin perjuicio de que otros puedan ser también incorporados en planes y programas del Ministerio de Educación Pública, el Cabécar, el Bribri, el Ngöbe, el Buglé y el Maleku. En proceso de revitalización el Teribe y el Boruca.
- <sup>39</sup> Cf. Recomendación 128.161.
- <sup>40</sup> Cf. Recomendación 128.159, 128.161 <https://www.mep.go.cr/educatico/modulos-educacion-intercultural> <https://www.mep.go.cr/educatico/minienciclopedias-pueblos-indigenas>
- <sup>41</sup> Política Nacional para una Sociedad Libre de Racismo, Discriminación Racial y Xenofobia. Enfoques de la Política.
- <sup>42</sup> Directriz No. DM-45-08-2018-MEP. Ministerio de Educación Pública.
- <sup>43</sup> Cf. Recomendación 128.47. Reglamento de matrícula y de traslados de los estudiantes No. 40529-MEP.
- <sup>44</sup> La Política se crea finalidad de brindar orientaciones para la producción y divulgación de estadísticas pertinentes y oportunas que permitan dar cuenta de la situación de las poblaciones afrodescendientes, indígenas y otros grupos étnicos, y por tanto, facilite la adecuada planificación, diseño y evaluación de políticas públicas orientadas a eliminar todo tipo de desigualdad y discriminación, lo que a su vez fortalezca la igualdad de oportunidades y la mejora de las condiciones de vida de la población en su diversidad.
- <sup>45</sup> Cf. Recomendación 128.53.

- <sup>46</sup> Instrumento vinculante para Costa Rica
- <sup>47</sup> DECRETO EJECUTIVO N° 41158-MP.
- <sup>48</sup> Decreto Ejecutivo No. 41329-MGP.
- <sup>49</sup> Documento de identidad y Migratorio para Extranjeros (DIMEX). Decreto Ejecutivo No. 41337.
- <sup>50</sup> DIRECTRIZ N° 038-MIVAH-MP.
- <sup>51</sup> También se elabora el documento “Acciones en el marco de la Rectoría en Salud para la garantía del derecho a la Salud de personas LGTBI”. Este documento busca trazar la ruta que como Ministerio de Salud vamos a seguir para asumir nuestras responsabilidades rectoras en salud en la lucha contra las diferentes formas de discriminación. Norma Nacional para la Atención en salud libre de estigma y discriminación a personas Lesbianas, gais, bisexuales, trans, intersex (LGTBI) y otros hombres que tienen sexo con hombres. Ministry of Health.
- <sup>52</sup> En cuanto los instrumentos nacionales utilizados para la integración de la población migrantes y refugiada, se reconoce el Artículo 19 de la Constitución Política el cual reconoce que las personas extranjeras cuentan con los mismos deberes y derechos individuales y sociales que los costarricenses. Al igual con el Artículo 33: que garantiza que toda persona es igual ante la ley y no podrá practicarse discriminación alguna contraria a la dignidad humana.
- <sup>53</sup> Incluye migrantes de Nicaragua, Centroamérica, Colombia y otros.
- <sup>54</sup> Cf. Recomendación 128.183. La subcomisión cuenta con su propia política “Política Institucional para el acceso a la justicia por parte de la población migrante y refugiada”.
- <sup>55</sup> El protocolo para la atención y protección de las PME extranjeras no acompañadas o separadas de su familia., El protocolo de regularización de la permanencia de las PME extranjeras bajo la protección del PANI., El protocolo para la atención de las PME extranjeras, cuyos padres se encuentran sometidos a un proceso de deportación. El protocolo para la detección, atención y protección integral de las PME que requieren protección internacional, sean solicitantes de la condición de refugiado, refugiadas o apátridas, Protocolo de actuación de los y las funcionarios de la DGME-INA-PANI, para atender a las P.M.E estudiantes extranjeros que requieren regularizar su situación migratoria.
- <sup>56</sup> Cf. Recomendación 128.114. Capítulo 1 de la Ley 9095.128.135.
- <sup>57</sup> Cf. Recomendación 128.170.
- <sup>58</sup> Cf. Recomendación 128.169. Además del Decreto Ejecutivo N°40955-MEP “Establecimiento de la inclusión y la accesibilidad en el sistema educativo costarricense”, el cual fue explicado en el derecho a la educación.
- <sup>59</sup> Cf. Recomendación 128.87.
- <sup>60</sup> Cf. Recomendación 128.99. 128.104. Sistema Nacional para la Atención y al Prevención de la Violencia contra las Mujeres y la Violencia Intrafamiliar, cuya Secretaría Técnica está a cargo del INAMU.
- <sup>61</sup> Política Nacional para la Atención y la Prevención de la Violencia contra las Mujeres 2017–2032. Pág. 17.
- <sup>62</sup> Cf. Recomendación 128.135.
- <sup>63</sup> Cf. Recomendación 128.140.
- <sup>64</sup> Cf. Recomendación 128.104. Justicia Restaurativa en los Centros Cívicos por la Paz.
- <sup>65</sup> Cf. Recomendación 128.73 Incluyendo el tamizaje por VIH, para promover la detección y manejo oportuno de esa enfermedad.
- <sup>66</sup> Modalidades de cárceles abiertas.
- <sup>67</sup> Cf. Recomendación 128.145, 128.149.
- <sup>68</sup> Cf. Recomendación 128.188.”. Este modelo está operacionalizado por el Alto Comisionado de las Naciones Unidas para los Refugiados, en coordinación con la Dirección General de Migración y Extranjería.
- <sup>69</sup> Contándose a partir de llenar el formulario.
- <sup>70</sup> Este es un programa de Responsabilidad Social Empresarial, dirigido por el Alto Comisionado de las Naciones Unidas para los Refugiados (ACNUR), la Asociación Empresarial para el Desarrollo (AED), la Oficina de Migración y en su momento ACAI.
- <sup>71</sup> Cf. Recomendación 128.27. Política Nacional de Saneamiento de Aguas Residuales 2016. Ministerio de Ambiente y Energía, Ministerio de Salud, Instituto Costarricense de Acueductos y Alcantarillados.
- <sup>72</sup> Cf. Recomendación 128.26. 128.153 artículo 21 de la Constitución Política. Política Nacional de Agua Potable 2017–2030.
- <sup>73</sup> Cf. Recomendación 128.67. El proyecto Chiriquitos fue dirigido para las poblaciones Ngäbe – Buglé. Igualmente existe el programa.
- <sup>74</sup> Decreto Ejecutivo No. 38954-MTSS-MDHIS-MIDEPLAN. Implementación y articulación de la estrategia puente al desarrollo. Artículo 3 y 4.
- <sup>75</sup> Cf. Recomendación 128.146, 128.147, 128.148, 128.151.
- <sup>76</sup> En el periodo 2015-2017 la Estrategia Puente al Desarrollo logró sacar de la pobreza a 30.800 personas pasando de 22.3% hogares en condición de pobreza en el 2014 a un 20.5% en el año 2016.
- <sup>77</sup> Cf. Recomendación 128.154.

- <sup>78</sup> Ley No. 9162. Expediente Digital Único de Salud.
- <sup>79</sup> Cf. Recomendación 128.156. Plan Estratégico Nacional PEN en VIH y SIDA 2016–2021.
- <sup>80</sup> Capítulo 5 “Educación para el desarrollo sostenible y la Convivencia”. Plan Nacional de Desarrollo y de Inversión Pública 2019–2022.
- <sup>81</sup> Cf. Recomendación 128.40, 128.162, 128.163, 128.166.
- <sup>82</sup> Cf. Recomendación 128.60.
- <sup>83</sup> Cf. Recomendación 128.167, 128.168.
- <sup>84</sup> Comunicado del Ministerio de Salud.
- <sup>85</sup> Áreas de Intervención de la Política Nacional de Sexualidad.
-