



Human Rights Council
Working Group on the Universal Periodic Review
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Compilation on Costa Rica

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

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. Regarding the relevant recommendations from the second cycle of the universal periodic review,³ three committees welcomed the fact that in 2014 Costa Rica had ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.⁴

3. Regarding the relevant recommendations from the second cycle of the universal periodic review,⁵ in 2015 the Committee on the Elimination of Racial Discrimination encouraged Costa Rica to ratify those international treaties to which it was not yet a party, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Inter-American Convention Against All Forms of Discrimination and Intolerance.⁶

4. In 2017, the Committee on the Elimination of Discrimination against Women welcomed the ratification of the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization (ILO).⁷

5. Costa Rica is covered by the Regional Office for Central America of the Office of the United Nations High Commissioner for Human Rights (OHCHR). OHCHR worked with Costa Rica on creating a consultation mechanism between the Government and indigenous peoples, and provided technical assistance to, inter alia, strengthen the inter-institutional mechanism for reporting and follow-up and establish a standing body for the participation of civil society in this process.⁸

6. Costa Rica made annual contributions to OHCHR during the period 2014–2017.⁹



III. National human rights framework¹⁰

7. Three committees and the United Nations country team welcomed the amendment in 2015 of article 1 of the Constitution to recognize the multi-ethnic and pluricultural character of the State.¹¹

8. In 2016, the Human Rights Committee was concerned that the activities of the Inter-Institutional Commission for the Monitoring and Implementation of International Human Rights Obligations had been limited and that the standing body for consultation with civil society was not fully operational.¹² The United Nations country team urged Costa Rica to strengthen this Commission, to submit outstanding reports to the human rights treaty bodies and to continue using the system for monitoring implementation of treaty body recommendations to develop action plans to follow up on recommendations.¹³

9. The Committee on the Elimination of Racial Discrimination commended the Office of the Ombudsman on its work.¹⁴ The Human Rights Committee recommended that Costa Rica ensure that the Office of the Ombudsman had the financial, human and material resources that it needed to carry out its functions effectively.¹⁵

10. The United Nations country team welcomed the adoption, in 2014, of the Act establishing the National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, noting that the mechanism is attached to the Ombudsman's Office.¹⁶

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

A. Cross-cutting issues

1. Equality and non-discrimination¹⁷

11. Two committees and the United Nations High Commissioner for Refugees (UNHCR) were concerned that Costa Rica did not have a comprehensive legal framework to combat discrimination and recommended that it expedite the adoption of such legislation.¹⁸ The Committee on the Elimination of Racial Discrimination recommended that Costa Rica amend its criminal law to increase the penalties for racial discrimination, and regard it as an aggravating circumstance.¹⁹

12. Three committees welcomed the adoption of the 2014–2025 national policy for a society free from racism, racial discrimination and xenophobia and its accompanying 2015–2018 action plan.²⁰ The United Nations country team urged Costa Rica to implement this policy by allocating resources, clearly determining responsibilities, strengthening the position of the Presidential Commissioner for Afrodescendent Affairs and incorporating a gender perspective.²¹ The Committee on the Elimination of Racial Discrimination also recommended that Costa Rica develop a suitable programme of actions for the implementation of the International Decade for People of African Descent (2015–2024).²²

13. The Human Rights Committee was concerned that, despite the efforts made by Costa Rica, structural discrimination against indigenous peoples and persons of African descent persisted. It was also concerned at the continued stigmatization of migrants, asylum seekers and refugees, and discrimination against persons with disabilities.²³

14. The Committee on the Elimination of Discrimination against Women acknowledged the measures adopted by Costa Rica, but was concerned about the persistence of discriminatory gender stereotypes. It recommended that Costa Rica devise a comprehensive strategy in that regard and provide capacity-building on gender equality to public and private media outlets, journalists, teachers, politicians and other opinion makers.²⁴ The Committee on the Elimination of Racial Discrimination was concerned that indigenous and Afrodescendent women faced multiple forms of discrimination.²⁵

15. The United Nations country team highlighted the legislative advances made in the fight to end discrimination against lesbian, gay, bisexual, transgender and intersex persons and the creation of the position of Presidential Commissioner for Lesbian, Gay, Bisexual, Transgender and Intersex Affairs. It recommended that the Commissioner should be provided with a budget and human resources.²⁶ It expressed concern about the acts of discrimination targeting lesbian, gay, bisexual, transgender and intersex persons that occurred during the last electoral campaign and urged the State to carry out awareness-raising campaigns to eradicate such behaviour.²⁷

16. The United Nations country team applauded the Supreme Electoral Tribunal's decision to allow transgender persons to change their names by means of a simple administrative procedure. It urged the Legislative Assembly to bring forward discussions on the bill to recognize the rights to gender identity and equality before the law and recommended that action be taken to allow people to change their sex in official records.²⁸

17. In 2016, the Independent Expert on the enjoyment of all human rights by older persons underscored the need for Costa Rica to redouble efforts to combat discrimination on the grounds of age, which particularly affected certain communities and ethnic groups such as older persons who were indigenous, of African descent, migrants or undocumented.²⁹

2. Development, the environment, and business and human rights³⁰

18. In 2014, the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment praised the outstanding environmental record of Costa Rica. However, he noted that Costa Rica also faced challenges, including the lack of robust conservation systems in maritime areas, the discharge of sewage and other pollutants into rivers, and the almost entire reliance of the transportation sector on fossil fuels.³¹ He also noted that Costa Rica faced increased criminal activity by drug traffickers and poachers in its protected areas and other environmentally sensitive areas and stressed the need to strengthen protection and monitoring by the State in these areas.³²

19. The United Nations country team urged Costa Rica to adopt measures to promote the sustainable use of terrestrial ecosystems, to combat desertification and to halt land degradation and biodiversity loss.³³

B. Civil and political rights

1. Right to life, liberty and security of person³⁴

20. Despite the efforts deployed by Costa Rica, the Human Rights Committee was concerned by the continued high levels of overcrowding and poor conditions that were prevalent in places of detention and by reports indicating excessive and prolonged use of pretrial detention.³⁵ The United Nations country team noted that three new prison units were being constructed applying a comprehensive human rights approach and welcomed the State's proposal to extend this initiative to the entire prison system.³⁶

21. The Committee on the Rights of Persons with Disabilities urged Costa Rica to ensure that the national mechanism for the prevention of torture monitored psychiatric institutions on an ongoing basis and that the competent authorities eliminated practices involving forced internment on the grounds of disability.³⁷

22. The Committee on the Elimination of Discrimination against Women noted with concern the prevalence of gender-based violence against lesbian, bisexual and transgender women and intersex persons and recommended that Costa Rica adopt measures to prevent, investigate, prosecute and punish hate crimes against them.³⁸

2. Administration of justice, including impunity, and the rule of law

23. The United Nations country team urged Costa Rica to address, as a matter of priority, the complaints of alleged corruption in the judiciary that emerged between 2016 and 2018

and to strengthen the mechanisms used to elect judges with a view to ensuring independent exercise of office.³⁹

24. The Committee on the Elimination of Racial Discrimination noted the progress made by Costa Rica towards the adoption of an institutional policy for the judiciary on access to justice for persons of African descent and the establishment of a subcommittee to facilitate access to justice for indigenous peoples.⁴⁰ It recommended that Costa Rica promote training in human rights and intercultural understanding within the judicial system and respect the methods traditionally used by indigenous peoples to punish offences committed by their members, insofar as these were consistent with internationally recognized human rights.⁴¹

25. The Committee on the Elimination of Discrimination against Women noted with concern the economic barriers to women's access to justice and the limited coverage of legal aid clinics, the limited awareness among women about their rights and about legal remedies to claim them, the discriminatory stereotypes about women seeking justice, and the limited knowledge of women's rights among law enforcement officers.⁴² It recommended that Costa Rica institutionalize and expand a public legal aid service, and strengthen capacity-building and women's outreach activities.⁴³

26. The Committee on the Rights of Persons with Disabilities recommended that Costa Rica review its administrative and judicial rules and procedures with a view to adapting them and ensuring access to justice for persons with disabilities.⁴⁴

3. Fundamental freedoms and the right to participate in public and political life⁴⁵

27. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that Costa Rica did not have a freedom of information law and encouraged it to introduce such a law in accordance with international standards and ensure progress on target 16.10 of the Sustainable Development Goals concerning public access to information and fundamental freedoms.⁴⁶

28. UNESCO had recorded no killings of journalists in Costa Rica since 2008 and noted that defamation was decriminalized.⁴⁷

29. The Independent Expert on the environment recommended that Costa Rica strengthen further its efforts not only to respond to threats and acts of violence directed against environmental human rights defenders, but also to prevent the situations that led to such problems. He suggested that Costa Rica seriously consider establishing a commission or equivalent body, with representatives from a range of stakeholders, which would have a mandate to examine the situation of environmental human rights defenders and to make recommendations about how best to improve their protection.⁴⁸

30. The Human Rights Committee reiterated its earlier concern about Catholic marriages being the only ones that were legally valid in Costa Rica, since that situation discriminated against persons who practised other religions, and it urged Costa Rica to guarantee the principle of non-discrimination between religions.⁴⁹

31. The Committee on the Rights of Persons with Disabilities regretted that Costa Rica had denied the right to vote to persons with disabilities declared legally incompetent.⁵⁰

4. Prohibition of all forms of slavery⁵¹

32. The United Nations country team urged Costa Rica to guarantee resources for the operation of the National Alliance against Migrant Smuggling and Human Trafficking and to build institutional capacity for the application of State intervention models in the care and protection of victims.⁵²

33. The Human Rights Committee recommended that Costa Rica systematically and actively investigate and prosecute those responsible for human trafficking and ensure that perpetrators were punished appropriately.⁵³

34. The United Nations country team welcomed the implementation of information campaigns to raise awareness of the crime of trafficking in persons. It recommended that

Costa Rica continue with this strategy and draw attention to the relationship between trafficking in persons and other transnational crimes.⁵⁴

5. Right to privacy and family life⁵⁵

35. The United Nations country team welcomed the ruling declaring the ban on same-sex marriage to be unconstitutional but pointed out that it had been decided that the unconstitutional provisions would remain in force for 18 months, until the law could be changed.⁵⁶

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁵⁷

36. In 2016, the Committee on Economic, Social and Cultural Rights welcomed the adoption of the national employment and production strategy in 2014 and of the Labour Law Reform Act in 2015.⁵⁸ However, it was concerned that, despite the country's efforts, unemployment and underemployment were high, and disproportionately affected young persons, women, persons with disabilities, members of indigenous peoples, persons of African descent, migrants, asylum seekers and refugees.⁵⁹ It was also concerned about the large number of persons who worked in the informal economy and were therefore not properly covered by labour laws, the social protection system or the National Occupational Health Policy.⁶⁰

37. Three committees were concerned about the low labour participation rate of women, the persistence of occupational segregation in the workplace and the considerable gender wage gap.⁶¹ The ILO Committee of Experts on the Application of Conventions and Recommendations requested that Costa Rica amend its legislation to give full expression to the principle of equal remuneration for men and women for work of equal value.⁶²

38. The Committee on the Elimination of Discrimination against Women recommended that Costa Rica adopt legislation to introduce a legal entitlement to paid paternity leave and promote equal sharing of parental responsibilities between women and men.⁶³

39. The Committee on the Rights of Persons with Disabilities recommended that Costa Rica promote the employment of persons with disabilities in the private sector and monitor compliance with employment quotas in the public sector.⁶⁴

40. The ILO Committee of Experts encouraged Costa Rica to continue promoting dialogue with trade unions with a view to adopting measures to reinforce the right to collective bargaining in the public sector, including the ratification of the Labour Relations (Public Service) Convention, 1978 (No. 151) and the Collective Bargaining Convention, 1981 (No. 154).⁶⁵

41. The Committee on Economic, Social and Cultural Rights found it regrettable that Costa Rica had not yet enacted the bill to amend article 60 of the Constitution that would remove the prohibition on foreigners from holding leadership posts in trade unions.⁶⁶

42. The same Committee recommended that Costa Rica ensure that the working conditions of domestic workers were fair and just, and that it establish effective complaint mechanisms for reporting abuse or exploitation.⁶⁷ The Committee on the Elimination of Discrimination against Women recommended that Costa Rica develop a plan for implementing the ILO Domestic Workers Convention, 2011 (No. 189).⁶⁸

2. Right to social security

43. The Independent Expert on older persons recommended that the Government develop a plan of action to simplify procedures and reduce time limits for the award of pensions and called for the elimination of obstacles preventing people from receiving the benefits of the non-contributory pension scheme, including through the simplification of administrative formalities and the provision of assistance in completing the required forms and documentation.⁶⁹

44. The Committee on Economic, Social and Cultural Rights urged Costa Rica to intensify its efforts to ensure universal social security coverage and to redouble its efforts to set a social protection floor that included basic social security guarantees.⁷⁰

3. Right to an adequate standard of living⁷¹

45. The Committee on Economic, Social and Cultural Rights was concerned that the measures taken by Costa Rica had not been sufficiently effective in reducing the levels of poverty and extreme poverty or in tackling the rising levels of inequality. It recommended that Costa Rica ensure that the National Poverty Reduction Strategy contained specific targets, was implemented using a human rights-based approach, was allocated sufficient resources, and paid due attention to existing disparities and gaps between different social groups.⁷²

46. The same Committee recommended that Costa Rica ensure that the Presidential Social Council had the sufficient authority and capacity to coordinate the various bodies responsible for implementing social policies, as well as sufficient financial, human and technical resources to operate effectively.⁷³

47. The Committee also recommended that Costa Rica adopt a comprehensive social housing strategy that was based on the right of every individual to adequate and affordable housing, that gave due priority to disadvantaged and marginalized groups and individuals living in informal settlements or uncertain and unfavourable conditions and protected them from forced evictions, that combated segregation and social exclusion and that provided for adequate resources and an accountability framework.⁷⁴

48. The Independent Expert on the environment noted that water demand was exerting significant pressure on water resources and that many Costa Ricans continued to lack adequate sanitation facilities.⁷⁵ The United Nations country team noted that a bill on integrated water resource management was before the legislature and urged the State to guarantee water availability, sustainable water management and sanitation for all, and to further implement the actions proposed under the National Policy for Wastewater Management.⁷⁶

4. Right to health⁷⁷

49. The Independent Expert on older persons noted that life expectancy in Costa Rica stood at 79 years and was one of the highest in Latin America.⁷⁸

50. The Committee on Economic, Social and Cultural Rights was concerned about the long waiting times for health-care services, in particular primary care services, owing in part to a lack of specialized medical personnel, appropriate infrastructure and equipment in some health-care facilities and of a unified information system.⁷⁹

51. The same Committee was concerned about the high rates of teenage pregnancy.⁸⁰ The United Nations country team recommended that Costa Rica fulfil its commitment to expand the supply of contraceptive methods and that it ensure universal access, with an intercultural perspective, to sexual and reproductive health services.⁸¹

52. Three committees were concerned that abortion was permitted only when there was a serious risk to the pregnant woman's life or health and that, even in those cases, access to the procedure was not ensured due to the lack of protocols determining when it should be carried out. They recommended that Costa Rica legalize abortion in cases of rape, incest or severe fetal impairment, decriminalize abortion in all other cases and expedite the adoption of a protocol ensuring access to abortion when there was a risk to the pregnant woman's life or health.⁸²

53. The United Nations country team welcomed the adoption of Executive Decree No. 39616-S of 2016, which authorized the application of in vitro fertilization and embryo transfer, and urged the State to ensure the Decree's implementation.⁸³

54. The Human Rights Committee recommended that Costa Rica adopt specific measures to raise awareness of HIV/AIDS with a view to countering prejudice against persons living with HIV/AIDS, and step up efforts to ensure that persons living with

HIV/AIDS, particularly persons deprived of their liberty, lesbian, gay, bisexual, transgender and intersex persons and migrants in an irregular situation, enjoyed equal access to health care and medical treatment.⁸⁴

55. The Committee on the Rights of Persons with Disabilities was concerned about the scant progress made towards ensuring that health services were fully accessible to persons with disabilities.⁸⁵ It was also deeply concerned at the practice of forcing women and girls with disabilities to undergo sterilization.⁸⁶

56. The Independent Expert on older persons recognized the efforts made by Costa Rica in setting up the Care Network for Older Persons, but recommended that home assistance and home-based medical services be expanded to provide comprehensive assistance.⁸⁷

5. Right to education⁸⁸

57. UNESCO noted the legislative framework of Costa Rica in the field of education and the legislative and policy initiatives taken in that area since the previous universal periodic review.⁸⁹ UNESCO encouraged Costa Rica to ensure the availability of preschool education for children living in unfavourable socioeconomic conditions, and to reduce dropout and repeat rates in secondary education, including by amending the Fundamental Education Act No. 2160 to ensure compulsory education at secondary level and by increasing the quality of secondary education infrastructure and teaching, particularly in rural and remote areas.⁹⁰

58. The Committee on Economic, Social and Cultural Rights was concerned that access to higher education remained limited, in particular for students from disadvantaged and marginalized groups, and recommended that Costa Rica take all necessary measures to progressively introduce free higher education.⁹¹

59. UNESCO encouraged Costa Rica to eliminate structural discrimination and any barrier against indigenous peoples, persons of African descent, persons with HIV or AIDS, transgender persons, migrants, asylum seekers and refugees with regard to their access to education.⁹²

60. The United Nations country team observed that, while the indigenous education system guaranteed the right to education for indigenous persons, gaps existed in respect of school attendance and completion, learning achievements and equal opportunities.⁹³

61. The Committee on the Elimination of Racial Discrimination recommended that Costa Rica step up its efforts to ensure that the national education system fostered an awareness and fuller knowledge of the distinctive cultural practices of the Afrodescendent and indigenous populations and their contribution to Costa Rican history and culture.⁹⁴

62. The United Nations country team congratulated Costa Rica for having adopted legislative and administrative measures to combat bullying and recommended the development of prevention strategies that involved parents and society.⁹⁵

63. The United Nations country team drew attention to the persistence of exclusionary education methods that were applied in a differentiated manner to students with disabilities. It noted the implementation of the Executive Decree on achieving inclusion and accessibility in the education system and urged Costa Rica to continue the implementation process and ensure funding to provide a quality education for students with disabilities.⁹⁶

D. Rights of specific persons or groups

1. Women⁹⁷

64. The United Nations country team welcomed the progress made in terms of women's representation in the Legislative Assembly and the executive branch and recommended that steps be taken to ensure gender parity in political participation in all institutions, especially in local government.⁹⁸

65. The Committee on the Elimination of Discrimination against Women welcomed the fact that the Executive President of the National Institute for Women had been upgraded to

the rank of Minister of the Status of Women, and acknowledged the progress with regard to the national policy on gender equality and equity.⁹⁹ It recommended that Costa Rica strengthen the national gender unit network as well as the municipal offices for women's affairs.¹⁰⁰

66. The same Committee recommended the adoption of temporary special measures at the local level to address intersecting forms of discrimination against indigenous women, women of African descent, migrant, refugee and asylum-seeking women, female heads of household and women with disabilities.¹⁰¹

67. The Committee was concerned about the absence of legal mechanisms to provide for the recognition of intangible assets, such as work-related benefits, for purposes of property distribution upon divorce, and the inadequacy of legal aid for women in divorce proceedings.¹⁰² It was also concerned about the insufficient protection of women in de facto unions, including in cases of separation.¹⁰³

68. The Human Rights Committee was concerned that, notwithstanding the legislative framework in place, the phenomenon of violence against women in Costa Rica, including domestic violence and femicide, remained widespread. It was also concerned by the low number of convictions in connection with such acts of violence and the insufficient number of shelters for victims.¹⁰⁴ The United Nations country team welcomed the creation of the high-level commission responsible for ensuring compliance with the Act on the Criminalization of Violence against Women and urged the State to redouble its efforts in view of the increase in femicide.¹⁰⁵

69. The Committee on the Elimination of Discrimination against Women was concerned at the large number of reported cases of sexual harassment of women in public places and on public transportation.¹⁰⁶ The United Nations country team urged the State to finalize the protocol for dealing with cases of harassment in public places and to expedite the legislative passage of the bill against street harassment.¹⁰⁷

2. Children¹⁰⁸

70. UNHCR applauded the positive steps taken by Costa Rica in addressing birth registration among indigenous populations and children born in Costa Rica to Panamanian and Nicaraguan parents, including by easing barriers for late registration and documentation procedures.¹⁰⁹ The Human Rights Committee recommended that Costa Rica continue its efforts to ensure that all children born in its territory were registered and received an official birth certificate.¹¹⁰

71. The Committee on Economic, Social and Cultural Rights appreciated the efforts made by Costa Rica to protect children and adolescents from economic exploitation and all forms of violence. However, it was concerned by information received about child labour and the fact that many children were the victims of physical and psychological violence, including within the family. It urged Costa Rica to continue adopting effective measures to combat child labour by, inter alia, strengthening child labour oversight mechanisms and increasing support for poor families so that they could keep their children in the education system.¹¹¹ The United Nations country team called for the adoption of a coordinated strategy, which involved local governments, and for guaranteed funding to combat the worst forms of child labour, particularly labour involving migrant and indigenous children.¹¹²

72. While taking note of the efforts deployed to improve the juvenile justice system, the Human Rights Committee was concerned by the lack of effective measures for the social reintegration of children in conflict with the law and recommended that Costa Rica take steps to guarantee the effective implementation of rehabilitation programmes.¹¹³

73. The United Nations country team welcomed the adoption of the Improper Relationships Act and urged the State to implement the new law effectively.¹¹⁴

3. Persons with disabilities¹¹⁵

74. The Committee on the Rights of Persons with Disabilities took note of the adoption of legislation in 2014 to bring the definition of persons with disabilities and of accessibility

into line with the Convention on the Rights of Persons with Disabilities.¹¹⁶ However, it was concerned that Costa Rica continued to use inappropriate and pejorative terminology when referring to persons with disabilities in various pieces of legislation.¹¹⁷ It recommended that Costa Rica systematically revise its domestic law, including the Constitution, in order to bring it into line with the Convention.¹¹⁸

75. The United Nations country team congratulated Costa Rica for having designated a mechanism to monitor the implementation of the Convention on the Rights of Persons with Disabilities and for the progress it had made in improving access to, inter alia, education, employment, political participation and the physical environment for persons with disabilities. However, it noted that implementation of the monitoring mechanism had been delayed and that insufficient progress had been made in improving access to services.¹¹⁹

76. The Committee on the Rights of Persons with Disabilities recommended that Costa Rica establish permanent consultation mechanisms with organizations of persons with disabilities.¹²⁰

77. The same committee urged Costa Rica to adopt regulations on accessibility to the physical environment, transport, information and communication, and to implement accessibility plans with measurable goals and timetables, as well as sanctions for non-compliance.¹²¹ It also urged Costa Rica to prohibit discrimination on the basis of disability and to explicitly include denial of reasonable accommodation as a form of discrimination on the basis of disability.¹²²

78. The Committee on Economic, Social and Cultural Rights welcomed the adoption, in 2016, of the Act on the Promotion of the Personal Autonomy of Persons with Disabilities (No. 9379).¹²³

79. The Committee on the Rights of Persons with Disabilities urged Costa Rica to immediately adopt a deinstitutionalization policy for persons with disabilities and a policy of developing community services so that persons with disabilities could be included in the community.¹²⁴

4. Minorities and indigenous peoples¹²⁵

80. The Committee on the Elimination of Racial Discrimination was concerned that bodies established by the State, such as the comprehensive development associations and the National Commission on Indigenous Affairs, had supplanted indigenous peoples' own institutions in their relations with the State.¹²⁶

81. The United Nations country team highlighted that the bill on the autonomous development of indigenous peoples had been pending before the Legislative Assembly for more than 20 years. It urged Costa Rica to update the bill and expedite its discussion and expressed support for the executive branch's plan to develop a public policy on indigenous peoples for the period 2019–2024.¹²⁷

82. Two committees were concerned about the failure by Costa Rica to consistently respect the right of indigenous peoples to prior consultation in order to secure their free, prior and informed consent in respect of decision-making processes that may affect their rights.¹²⁸ The United Nations country team congratulated Costa Rica for having created a general mechanism for consultation with indigenous peoples and urged it to advance the mechanism's development by establishing a technical unit for consultation with indigenous peoples and allocating the necessary resources. However, it noted the absence of any strategy that might allow indigenous peoples to participate in their own language.¹²⁹

83. Three committees were concerned that, despite the legal recognition of indigenous peoples' traditional territories, many of these were occupied by non-indigenous persons and little action had been taken by the State to recover such territories, giving rise to serious land conflicts. The committees recommended that Costa Rica take administrative and legal action to protect the rights of indigenous peoples to their traditional territories.¹³⁰ The United Nations country team noted that indigenous land recovery and boundary-marking processes were progressing slowly and recommended that the State take action to address the land recovery situation, particularly in the cantons of Pérez Zeledón and Buenos Aires.¹³¹

84. The Committee on the Elimination of Racial Discrimination was concerned about Afrodescendants' right to land, particularly in the southern Caribbean coastal area.¹³²

5. Migrants, refugees, asylum seekers and internally displaced persons¹³³

85. The Committee on the Elimination of Racial Discrimination remained concerned about the vulnerable situation of migrant workers, in particular of indigenous migrants who had temporary jobs on coffee plantations and of migrant women employed as domestic workers.¹³⁴

86. UNHCR noted the efforts made by Costa Rica, including the adoption of the Public Policy for Eliminating Racial Discrimination and Combating Xenophobia, but noted that persistent structural discrimination against refugees and other persons under the mandate of UNHCR continued to hinder their local integration and well-being.¹³⁵

87. In 2018, the United Nations system in Costa Rica condemned the discriminatory and xenophobic attacks and protests that had taken place at several locations in San José and appealed for the safety and human rights of migrants and refugees to be protected and for the country to engage in an open, peaceful and respectful dialogue.¹³⁶

88. The Committee on Economic, Social and Cultural Rights welcomed the progress made by Costa Rica with regard to the procedure for recognizing refugee status, but it was concerned that excessive delays continued to occur in the processing of asylum applications and issuance of relevant documentation.¹³⁷ UNHCR recommended that Costa Rica provide adequate resources to national asylum authorities to ensure timely processing of refugee status determination cases, and that it amend national legislation and regulations to ensure that refugees had access to identity documentation by reducing or removing administrative or other fees.¹³⁸

6. Stateless persons

89. UNHCR commended the efforts by Costa Rica towards achieving the goal of eliminating the risk of statelessness in the country, which had included the enactment in 2016 of the Statelessness Status Determination (Regulations) which reinforced the legal framework for the protection of stateless persons.¹³⁹

Notes

¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Costa Rica will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/CRIndex.aspx.

² For relevant recommendations, see A/HRC/27/12, paras. 127.1–127.5 and 128.1–128.8.

³ A/HRC/27/12, para. 128.7 (Slovakia) and para. 128.8 (Portugal).

⁴ CEDAW/C/CRI/CO/7, para. 6 (a) and (b); E/C.12/CRI/CO/5, paras. 4 and 5 (a); and CCPR/C/CRI/CO/6, para. 4 (c) and (d). See also A/HRC/33/44/Add.1, para. 8.

⁵ A/HRC/27/12, para. 128.2 (Plurinational State of Bolivia); para. 128.3 (Uruguay) (Albania) (Azerbaijan) (Chad) (Ghana) (Indonesia) (Nicaragua) (Niger) (Rwanda) (Sri Lanka) (Philippines); para. 128.4 (Honduras) (Argentina) (Ecuador) (El Salvador) (Guatemala) (Paraguay) (Sierra Leone); para. 128.5 (Algeria); and para. 128.6 (Senegal).

⁶ CERD/C/CRI/CO/19-22, para. 33. See also CEDAW/C/CRI/CO/7, para. 47; E/C.12/CRI/CO/5, para. 66; and A/HRC/33/44/Add.1, paras. 9 and 68.

⁷ CEDAW/C/CRI/CO/7, para. 6 (d). See also United Nations country team submission, p. 2.

⁸ See *OHCHR Report 2017*, pp. 233–237; *OHCHR Report 2016*, pp. 208–209; *OHCHR Report 2015*, pp. 188–189; and *OHCHR Report 2014*, pp. 201–202.

⁹ See *OHCHR Report 2017*, pp. 79, 83, 89 and 125; *OHCHR Report 2016*, pp. 79, 83, 89 and 124; *OHCHR Report 2015*, pp. 61, 65, 71 and 105; and *OHCHR Report 2014*, pp. 63, 67, 72 and 108.

¹⁰ For relevant recommendations, see A/HRC/27/12, paras. 128.8, 128.19–128.21, 128.28 and 128.44.

¹¹ E/C.12/CRI/CO/5, para. 3 (a); CCPR/C/CRI/CO/6, para. 3 (a); CERD/C/CRI/CO/19-22, para. 3; and United Nations country team submission, para. 54.

¹² CCPR/C/CRI/CO/6, paras. 5–6. See also E/C.12/CRI/CO/5, para. 10; and A/HRC/33/44/Add.1, paras. 10 and 72.

¹³ United Nations country team submission, paras. 4 and 49.

- ¹⁴ CERD/C/CRI/CO/19-22, para. 8.
- ¹⁵ CCPR/C/CRI/CO/6, paras. 7–8. See also A/HRC/33/44/Add.1, para. 74.
- ¹⁶ United Nations country team submission, para. 24.
- ¹⁷ For relevant recommendations, see A/HRC/27/12, paras. 128.45, 128.47, 128.52–128.60, 128.62–128.66 and 128.69–128.72.
- ¹⁸ E/C.12/CRI/CO/5, paras. 16–17; CCPR/C/CRI/CO/6, paras. 9–10; and UNHCR submission, p. 5. See also CRPD/C/CRI/CO/1, para. 12.
- ¹⁹ CERD/C/CRI/CO/19-22, para. 20.
- ²⁰ E/C.12/CRI/CO/5, para. 18; CCPR/C/CRI/CO/6, para. 3 (d); and CERD/C/CRI/CO/19-22, para. 7 (a).
- ²¹ United Nations country team submission, paras. 45 and 59. See also E/C.12/CRI/CO/5, para. 19; and CERD/C/CRI/CO/19-22, para. 12.
- ²² CERD/C/CRI/CO/19-22, para. 36.
- ²³ CCPR/C/CRI/CO/6, para. 9. See also E/C.12/CRI/CO/5, para. 18; and United Nations country team submission, paras. 54–55.
- ²⁴ CEDAW/C/CRI/CO/7, paras. 14 and 15 (a) and (c). See also E/C.12/CRI/CO/5, para. 22; and United Nations country team submission, para. 6.
- ²⁵ CERD/C/CRI/CO/19-22, para. 31.
- ²⁶ United Nations country team submission, paras. 3 and 54. See also CCPR/C/CRI/CO/6, para. 11; and E/C.12/CRI/CO/5, para. 21.
- ²⁷ United Nations country team submission, para. 60.
- ²⁸ *Ibid.*, para. 58.
- ²⁹ A/HRC/33/44/Add.1, para. 79.
- ³⁰ For the relevant recommendation, see A/HRC/27/12, para. 128.27.
- ³¹ A/HRC/25/53/Add.1, paras. 16–17 and 60–61.
- ³² *Ibid.*, para. 55.
- ³³ United Nations country team submission, para. 30.
- ³⁴ For relevant recommendations, see A/HRC/27/12, paras. 128.29, 128.73–128.81, 128.131, 128.136, 128.138 and 128.41.
- ³⁵ CCPR/C/CRI/CO/6, para. 27.
- ³⁶ United Nations country team submission, para. 50.
- ³⁷ CRPD/C/CRI/CO/1, para. 34.
- ³⁸ CEDAW/C/CRI/CO/7, paras. 16 and 17 (f).
- ³⁹ United Nations country team submission, para. 32.
- ⁴⁰ CERD/C/CRI/CO/19-22, para. 21.
- ⁴¹ *Ibid.*, para. 22.
- ⁴² CEDAW/C/CRI/CO/7, para. 8 (a)–(c).
- ⁴³ *Ibid.*, para. 9 (a) and (b).
- ⁴⁴ CRPD/C/CRI/CO/1, para. 26.
- ⁴⁵ For the relevant recommendation, see A/HRC/27/12, para. 128.141.
- ⁴⁶ UNESCO submission, pp. 2 and 6. See also United Nations country team submission, para. 33.
- ⁴⁷ UNESCO submission, p. 2.
- ⁴⁸ A/HRC/25/53/Add.1, para. 67.
- ⁴⁹ CCPR/C/CRI/CO/6, paras. 33–34.
- ⁵⁰ CRPD/C/CRI/CO/1, para. 59.
- ⁵¹ For relevant recommendations, see A/HRC/27/12, paras. 128.23–128.25, 128.114–128.120, 128.122–128.125, 128.127–128.129 and 128.133–128.134.
- ⁵² United Nations country team submission, para. 23. See also CEDAW/C/CRI/CO/7, paras. 5 and 21.
- ⁵³ CCPR/C/CRI/CO/6, para. 24. See also CEDAW/C/CRI/CO/7, para. 21; and www.ilo.org/dyn/normlex/es/f?p=1000:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CO DE:3340939,en:NO.
- ⁵⁴ United Nations country team submission, para. 25.
- ⁵⁵ For relevant recommendations, see A/HRC/27/12, paras. 128.70 and 128.139–128.140.
- ⁵⁶ United Nations country team submission, para. 58.
- ⁵⁷ For relevant recommendations, see A/HRC/27/12, paras. 128.51, 128.113 and 128.144.
- ⁵⁸ E/C.12/CRI/CO/5, para. 3 (c) and (d).
- ⁵⁹ *Ibid.*, para. 25.
- ⁶⁰ *Ibid.*, para. 30. See also CEDAW/C/CRI/CO/7, para. 28 (b).
- ⁶¹ CEDAW/C/CRI/CO/7, para. 28 (a); CCPR/C/CRI/CO/6, paras. 15–16; and E/C.12/CRI/CO/5, para. 22. See also United Nations country team submission, para. 36.
- ⁶² See www.ilo.org/dyn/normlex/es/f?p=1000:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CO DE:3276259,en:NO. See also CEDAW/C/CRI/CO/7, para. 29 (a).
- ⁶³ CEDAW/C/CRI/CO/7, para. 29 (d). See also E/C.12/CRI/CO/5, para. 23 (b).

- ⁶⁴ CRPD/C/CRI/CO/1, para. 56. See also www.cr.undp.org/content/costarica/es/home/presscenter/pressreleases/2017/09/06/nuevo-proyecto-mejorar-las-opportunidades-economicas-de-las-personas-con-discapacidad.html.
- ⁶⁵ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3300840.
- ⁶⁶ E/C.12/CRI/CO/5, para. 33. See also www.ilo.org/dyn/normlex/es/f?p=1000:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CO DE:3301187,en:NO.
- ⁶⁷ E/C.12/CRI/CO/5, para. 28 (a) and (c).
- ⁶⁸ CEDAW/C/CRI/CO/7, para. 29 (e). See also www.ilo.org/dyn/normlex/es/f?p=1000:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CO DE:3333850,en:NO.
- ⁶⁹ A/HRC/33/44/Add.1, paras. 88–89. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19989&LangID=E.
- ⁷⁰ E/C.12/CRI/CO/5, para. 36. See also CEDAW/C/CRI/CO/7, para. 32.
- ⁷¹ For relevant recommendations, see A/HRC/27/12, paras. 128.26–128.27, 128.32, 128.145–128.153 and 128.175.
- ⁷² E/C.12/CRI/CO/5, paras. 39–40 (a). See also A/HRC/33/44/Add.1, paras. 6, 63 and 90.
- ⁷³ E/C.12/CRI/CO/5, para. 13.
- ⁷⁴ *Ibid.*, paras. 46–47.
- ⁷⁵ A/HRC/25/53/Add.1, para. 59.
- ⁷⁶ United Nations country team submission, para. 30. See also E/C.12/CRI/CO/5, paras. 49–50.
- ⁷⁷ For relevant recommendations, see A/HRC/27/12, paras. 128.14–128.18 and 128.154–128.157.
- ⁷⁸ A/HRC/33/44/Add.1, para. 3.
- ⁷⁹ E/C.12/CRI/CO/5, para. 51.
- ⁸⁰ *Ibid.*, para. 55.
- ⁸¹ United Nations country team submission, paras. 10–11. See also CEDAW/C/CRI/CO/7, para. 31 (c); E/C.12/CRI/CO/5, para. 56; and CCPR/C/CRI/CO/6, para. 18 (d).
- ⁸² CEDAW/C/CRI/CO/7, para. 31; E/C.12/CRI/CO/5, paras. 53–54; and CCPR/C/CRI/CO/6, paras. 17–18 (b). See also United Nations country team submission, para. 9.
- ⁸³ United Nations country team submission, para. 11. See also CEDAW/C/CRI/CO/7, para. 31 (e); CCPR/C/CRI/CO/6, paras. 19–20; and E/C.12/CRI/CO/5, paras. 64–65.
- ⁸⁴ CCPR/C/CRI/CO/6, para. 14. See also E/C.12/CRI/CO/5, para. 19.
- ⁸⁵ CRPD/C/CRI/CO/1, para. 49.
- ⁸⁶ *Ibid.*, para. 37.
- ⁸⁷ A/HRC/33/44/Add.1, para. 98.
- ⁸⁸ For relevant recommendations, see A/HRC/27/12, paras. 128.10, 128.40, 128.53, 128.158–128.169 and 128.173.
- ⁸⁹ UNESCO submission, pp. 2–4.
- ⁹⁰ *Ibid.*, p. 5. See also E/C.12/CRI/CO/5, para. 58; and United Nations country team submission, paras. 19, 22 and 47.
- ⁹¹ E/C.12/CRI/CO/5, paras. 60–61. See also UNESCO submission, p. 5.
- ⁹² UNESCO submission, p. 5. See also United Nations country team submission, para. 47.
- ⁹³ United Nations country team submission, para. 43. See also UNESCO submission, p. 5; E/C.12/CRI/CO/5, para. 63 (a); and CERD/C/CRI/CO/19-22, para. 16.
- ⁹⁴ CERD/C/CRI/CO/19-22, para. 16.
- ⁹⁵ United Nations country team submission, para. 13.
- ⁹⁶ *Ibid.*, para. 53. See also CRPD/C/CRI/CO/1, paras. 45–48.
- ⁹⁷ For relevant recommendations, see A/HRC/27/12, paras. 128.39, 128.42–128.43, 128.46, 128.48–128.50, 128.82–128.101, 128.103–128.104, 128.130, 128.135 and 128.143.
- ⁹⁸ United Nations country team submission, para. 8. See also CEDAW/C/CRI/CO/7, paras. 24–25; and CCPR/C/CRI/CO/6, para. 16.
- ⁹⁹ CEDAW/C/CRI/CO/7, paras. 5 (c) and 10. See also tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CRI/INT_CEDAW_FUL_CRI_19246_E.pdf; and United Nations country team submission, para. 5.
- ¹⁰⁰ CEDAW/C/CRI/CO/7, para. 11.
- ¹⁰¹ *Ibid.*, para. 13.
- ¹⁰² *Ibid.*, para. 42 (c).
- ¹⁰³ *Ibid.*, para. 42 (d).
- ¹⁰⁴ CCPR/C/CRI/CO/6, para. 21. See also CEDAW/C/CRI/CO/7, paras. 4 (a), 5 (a) and 16 (a).
- ¹⁰⁵ United Nations country team submission, para. 26.
- ¹⁰⁶ CEDAW/C/CRI/CO/7, para. 16 (d).
- ¹⁰⁷ United Nations country team submission, para. 7.
- ¹⁰⁸ For relevant recommendations, see A/HRC/27/12, paras. 128.9, 128.22, 128.31, 128.33–128.38,

128.67–128.68, 128.102, 128.105–128.112, 128.121, 128.126, 128.132, 128.136–128.138 and 128.178.

- ¹⁰⁹ UNHCR submission, p. 3.
- ¹¹⁰ CCPR/C/CRI/CO/6, para. 38.
- ¹¹¹ E/C.12/CRI/CO/5, paras. 37–38. See also CCPR/C/CRI/CO/6, para. 35; www.ilo.org/dyn/normlex/es/f?p=1000:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CO DE:3340947,en:NO; UNESCO submission, pp. 5–6; and www.ilo.org/dyn/normlex/es/f?p=1000:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CO DE:3340943,en:NO.
- ¹¹² United Nations country team submission, para. 16.
- ¹¹³ CCPR/C/CRI/CO/6, paras. 39–40.
- ¹¹⁴ United Nations country team submission, para. 17.
- ¹¹⁵ For relevant recommendations, see A/HRC/27/12, paras. 128.170–128.172.
- ¹¹⁶ CRPD/C/CRI/CO/1, para. 4.
- ¹¹⁷ *Ibid.*, para. 5.
- ¹¹⁸ *Ibid.*, paras. 6 and 8.
- ¹¹⁹ United Nations country team submission, para. 54.
- ¹²⁰ CRPD/C/CRI/CO/1, para. 10.
- ¹²¹ *Ibid.*, para. 20. See also A/HRC/33/44/Add.1, para. 95.
- ¹²² CRPD/C/CRI/CO/1, para. 12.
- ¹²³ E/C.12/CRI/CO/5, para. 3 (b).
- ¹²⁴ CRPD/C/CRI/CO/1, para. 40.
- ¹²⁵ For relevant recommendations, see A/HRC/27/12, paras. 128.11–128.13, 128.30, 128.61, 128.142, 128.174, 128.176–128.177 and 128.179–128.182.
- ¹²⁶ CERD/C/CRI/CO/19-22, para. 25.
- ¹²⁷ United Nations country team submission, para. 41. See also E/C.12/CRI/CO/5, para. 8; CCPR/C/CRI/CO/6, para. 42; and CERD/C/CRI/CO/19-22, para. 26.
- ¹²⁸ E/C.12/CRI/CO/5, para. 8; and CCPR/C/CRI/CO/6, para. 41.
- ¹²⁹ United Nations country team submission, para. 34.
- ¹³⁰ E/C.12/CRI/CO/5, paras. 8 and 9 (c); CCPR/C/CRI/CO/6, paras. 41 and 42 (c) and (d); and CERD/C/CRI/CO/19-22, paras. 27–28. See also CEDAW/C/CRI/CO/7, para. 37 (a).
- ¹³¹ United Nations country team submission, para. 42.
- ¹³² CERD/C/CRI/CO/19-22, para. 27. See also CEDAW/C/CRI/CO/7, para. 36.
- ¹³³ For relevant recommendations, see A/HRC/27/12, paras. 128.183–128.188.
- ¹³⁴ CERD/C/CRI/CO/19-22, para. 29. See also CEDAW/C/CRI/CO/7, para. 38 (a)–(c); and United Nations country team submission, para. 41.
- ¹³⁵ UNHCR submission, p. 5.
- ¹³⁶ See www.acnur.org/es-es/noticias/press/2018/8/5b7aeb1f4/costa-rica-naciones-unidas-rechaza-manifestaciones-xenofobicas-contra-nicaraguenses.html.
- ¹³⁷ E/C.12/CRI/CO/5, para. 42. See also UNHCR submission, p. 4.
- ¹³⁸ UNHCR submission, pp. 4–5. See also United Nations country team submission, para. 35.
- ¹³⁹ UNHCR submission, p. 3. See also United Nations country team submission, para. 38; and www.acnur.org/noticias/press/2018/10/5bb3b3b54/acnur-reconoce-el-compromiso-y-los-esfuerzos-de-costa-rica-en-la-erradicacion.html.