

# TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

## COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS 39TH SESSION COSTA RICA, 2<sup>ND</sup> - 4<sup>TH</sup> REPORTS 6 - 7 NOVEMBER 2007

Information Submitted to the Committee .....	2
The State report .....	2
The list of issues .....	2
NGO parallel reports .....	2
Themes and Issues .....	3
Status of the Covenant under domestic law .....	3
Dominican Republic-Central America Free Trade Agreement (CAFTA) .....	3
Indigenous populations .....	4
Racial discrimination .....	5
Right to work .....	5
Gender equality in the labour market .....	7
Teenage pregnancies .....	7
Social Security .....	7
Violence against women and children .....	8
Poverty and Social inequality .....	8
Right to housing .....	9
Education .....	9
Other issues .....	10
Corruption .....	10
Adequate standard of living .....	10
Right to water .....	10
Conclusions and next steps .....	11

## Information Submitted to the Committee

### **The State report**

Costa Rica submitted its combined 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> periodic reports<sup>1</sup> to the Committee on Economic, Social and Cultural Rights (the Committee) on 22 June 2006. Costa Rica presented its initial report in 1989<sup>2</sup> and was examined by the Committee in December 1990. The 230-page combined report covers the 15-year period from 1990 to 2004 and is divided into two parts. The first part contains an analysis of the Costa Rican economic and political systems and the changes they have undergone. It also looks at Costa Rica's human rights legal framework and the institution of the Ombudsman. The report's second part contains a detailed examination of Articles 1 to 15 of the Covenant and explains the changes that have been introduced in national law to better protect the rights guaranteed by the Covenant. The combined report received positive comments from the Committee members for its quality and comprehensiveness. Costa Rica, however, was encouraged to submit future reports in a more timely manner.

### **The list of issues**

On 9 January 2007 the Committee sent its list of issues<sup>3</sup> to the State Party. Costa Rica provided its written replies on 17 October 2007.<sup>4</sup> In its list of issues the Committee requested updated information on the measures undertaken to implement the Committee's previous recommendations<sup>5</sup> and to incorporate the Covenant into national legislation and into economic policies. Furthermore, the Committee requested clarification and information on specific issues and events brought to the Committee's attention by various sources. The main issues under consideration related to: gender discrimination; foreigner's right to work; the right to just and favourable conditions of work, especially in the banana industry and Export Processing Zones; the right to social security; protection of women and children; the right to housing; forced evictions; reported cases of the misappropriation of State funds; the right to education; and the cultural rights of indigenous peoples.

### **NGO parallel reports**

Three non-governmental organisations (NGOs) submitted parallel reports to the Committee. Proyecto Caribe raised the issue of minority rights with regard to non-discrimination, gender equality, culture and education. 3D Trade-Human Rights-Equitable Economy expressed concern about the negative effects of the Dominican Republic-Central America Free Trade Agreement (CAFTA) on the enjoyment and fulfilment of human rights. Finally, the International Confederation of Free Trade Unions raised concerns about the lack of protection of labour rights in Costa Rica, with specific mention of the banana industry.

---

<sup>1</sup> Second-fourth periodic report, E/C.12/CRI/4

<sup>2</sup> E/1990/5/Add.3

<sup>3</sup> E/C.12/CRI/Q/4

<sup>4</sup> E/C.12/CRI/Q/4/Add.1

<sup>5</sup> E/C.12/1990/8

## Themes and Issues

The delegation of Costa Rica was composed entirely of women. Several members of the Committee noted this. The delegation included: Ms Laura Thompson, Ambassador and Permanent Representative of Costa Rica to the United Nations Office in Geneva; Ms Alexandra Segura, Ministry Advisor; Ms Eugenia Gutierrez, Executive Secretary of the committee that developed and drafted the report; and Ms Gioconda Ubeda, Special Missions Ambassador at the Ministry of External and Cultural Affairs of Costa Rica.

Ms Ubeda presented Costa Rica's report to the Committee. She explained that the drafting of the report had taken over two years, and that it had been a great opportunity to assess the State's compliance with the Covenant, looking at achievements and identifying priorities and challenges. She pointed out that civil society and government agencies had been heavily involved in the process, something that had not happened before. Ms Ubeda also explained that Costa Rica had experienced many changes since the preparation of its first report in 1989, and noted that these changes had led to the taking of a different approach when writing the present report. She referred to: increases in the Costa Rican population and the migration rate; the population shift to urban areas; decreases in poverty and child mortality rates; increases in public social investment; the change from a bi-party political system to a multi-party system; the growth of formal employment; and improvements in housing.

### **Status of the Covenant under domestic law**

Committee member Mr Atangana asked the delegation to provide examples of cases where the Covenant had been invoked. Ms Ubeda replied that Article 7 of the Constitution establishes that the Covenant prevails over national legislation, and further explained that the Constitutional Chamber of the Supreme Court of Justice is the supreme judicial body with regard to the protection of human rights and, therefore, its rulings are binding. Ms Ubeda also highlighted three examples provided by Costa Rica in its the written replies to the list of issues, all of which were based on a direct invocation of the Covenant.

Committee member Mr Sa'di asked the delegation to provide information on steps taken to implement the Committee's previous recommendations. Ms Ubeda replied that the Committee had remarked at Costa Rica's last examination that its 1989 State Party report was very legalistic and needed to better address practical measures taken by the State<sup>6</sup>. Accordingly, Costa Rica had taken this into account when writing the present report. Ms Ubeda also cited the participation of civil society in the preparation of the report, and pressed that a number rights that did not exist at the time of the previous examination were now guaranteed in Costa Rican law.

### **Dominican Republic-Central America Free Trade Agreement (CAFTA)**

CAFTA was discussed extensively. Mr Sa'di pointed out that any trade agreement has implications with regard to the Covenant, and asked the delegation to comment on the implications of CAFTA on its Covenant obligations. Committee member Mr Marchan Romero enquired about the extent to which the Government could compensate the parts of the population most affected by the Agreement. Committee member Ms Bonoan-Dandan asked about the positive affects of CAFTA.

Ms Ubeda stated that Costa Rica had been the last country to sign the Agreement, having signed it in January 2005. Further, the Agreement had been approved in October 2007 by a referendum in the Legislative

---

<sup>6</sup> Paragraph 193, E/C.12/1990/8

Assembly. Ms Ubeda noted that there had been a division in the country regarding CAFTA, but pointed out that this division was leading to a dialogue that was bringing sectors together.

Regarding CAFTA itself, Ms Ubeda noted that CAFTA was 'not a panacea to solve all the problems of Costa Rica'. She explained that Costa Rica had chosen an open economy as a development model and that CAFTA was therefore a natural process. She added that Costa Rica believes in an economic growth policy that includes social programmes and human development. Further, Ms Ubeda stated that while some sectors had been impacted more than others by the treaty, CAFTA would further benefit already dynamic sectors, and that thought would be given to how to compensate those sectors that benefit less.

Ms Ubeda also explained that Costa Rica had evaluated the social impact of the Agreement, and informed the Committee that there were laws in place addressing the breaking up of monopolies. Costa Rica also had social programmes and social compensation measures in place to ensure that there was not too much of a negative impact on vulnerable populations. In the area of social security, Ms Ubeda stated that the State had to be careful about CAFTA's effects but, in general, there is no reason to think that it would have an impact on Costa Rica's social security system.

Finally, Ms Ubeda told the Committee that the greater the economic growth was, the more investment there would be in the education system and the more quality employment there would be. She expressed hope that CAFTA would promote economic development in Costa Rica without leaving the human aspect behind, and that it would help with social programmes.

### **Indigenous populations**

Mr Marchan Romero pointed out that the indigenous population of Costa Rica consists of 40,000 people living in 22 indigenous 'reserves'. He expressed concern at the use of the term 'reserve' and asked the delegation to explain the connotation of the word. Mr Marchan Romero also enquired about the rights of indigenous people, asking whether these reserves corresponded to traditional ancestral lands. The delegation explained that the term 'reserve' meant communal territories. Ms Ubeda also pointed out that measures had been taken to protect indigenous peoples and to allow them to practice their culture and have their own territory. Ms Ubeda also explained that reserves were the property of the community and could not be sold to people by way or concession, or to persons who were not part of the community.

Mr Marchan Romero also commented on information received by the Committee alleging that the National Commission (ECONAI) was not representing the interests of indigenous peoples as a whole. He asked the delegation to comment on this information and to explain how the Commission was constituted. The delegation admitted that the composition of the Commission's upper management was not entirely representative of ethnic minorities and conceded that Costa Rica needed to work on this.

Further, Mr Marchan Romero enquired about the scope of application of the draft law on indigenous people and asked the delegation to explain what changes were to be introduced to improve the rights of indigenous people. The delegation replied that there was a bill on indigenous people before the National Assembly, which has been supported by many sectors. Ms Ubeda explained that the bill provides for substantial legal change as it would enable indigenous people to participate in decision-making on issues that affect them.

Finally, Mr Marchan Romero asked the delegation to explain why there was no representation of minorities in the Costa Rican Parliament. The delegation replied that this had not been a subject of discussion in Costa Rica, but that the absence of indigenous parliamentarians was due to the fact that indigenous persons had not run for office.

## **Racial discrimination**

Committee member Mr Tirado Mejia expressed concern at xenophobic trends in Costa Rica, pointing out an incident in which the Minister of Public Order had made derogatory remarks about immigrants. The delegation responded that the statements of the minister were very unfortunate and assured the Committee that cases of xenophobia were isolated incidents. Ms Ubeda also pointed out that Costa Rica had one of the highest per capita refugee populations and stated that Costa Rica acknowledged the existence and needs of refugees.

Mr Tirado Mejia also asked the delegation to provide information on the new Migration Act adopted in 2006 and the possible adverse impact that it may have on the situation of immigrants and asylum seekers. The delegation explained that the Act addressed issues including the criminalisation of trafficking and the setting up of monitoring bodies. It further explained that some articles of the new law had been amended given that the law had been criticised for violating human rights, including the principle of non-refoulement. These amendments would be adopted soon.

Committee member Mr Pillay wanted to know whether there had been any racial discrimination cases brought before the courts. He also enquired about the proportionality of the crime and punishment with regard to racial discrimination, given that the accorded punishment in Costa Rica was only a fine. Mr Tirado Mejia shared this concern. Ms Ubeda, in response, stated that while national laws may be deficient in this respect, non-discrimination and equality issues were addressed by the Constitutional Chamber, which was easy to access with no cost involved.

Mr Tirado Mejia asked the delegation to provide information regarding the possible amendment of the Constitution to state that Costa Rica is a multicultural society. To this, the delegation replied that there a bill has been introduced to declare that Costa Rica is a multiethnic pluralistic society, but the Legislative Assembly had not yet discussed it.

Finally, Ms Bonoan-Dandan enquired about the educational campaigns that Costa Rica had in place to sensitise the general public in regard to racial discrimination and discrimination against minority ethnic groups, especially black women. The delegation explained that Costa Rica was slowly moving forward in a progressive manner, but acknowledged that there remained a number of challenges.

## **Right to work**

### ***Migrants and asylum seekers***

Committee member Ms Wilson asked the delegation to clarify why Costa Rica had not ratified the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. The delegation explained that this Convention had been discussed and analysed and that Costa Rica had come to the conclusion that Costa Rican law provided a higher protection to migrant workers than the rights provided for in the Convention. Ms Ubeda did add, however, that the ratification of the Migrant Workers Convention would be discussed further at the national level.

Ms Wilson also asked the delegation to clarify information stating that preference was given to Costa Rican workers over non-nationals.<sup>7</sup> The delegation explained that this was linked to the fact that in the past businesses had to ensure that 90% of their employees were Costa Rican nationals. However, in 1999 this was declared anti-constitutional and was reversed.

---

<sup>7</sup> Paragraph 297, E/C.12/CRI/4

Ms Wilson pointed out that asylum seekers are not guaranteed the right to work by Costa Rican law. Both her and Mr Tirado Mejia asked the delegation to provide information on the new Labour Code, recommending that asylum seekers be included in it. The delegation replied that the reform of the Labour Code would include a specific chapter on migrants. Ms Ubeda also explained that there was a belief among employers that refugees did not have the right to work, but that measures had been taken to show employers that this was not true. She also stated that foreigners have the same rights and obligations as Costa Ricans, except those related to elections.

Responding to the delegation's reply, Mr Tirado Mejia pointed out that, according to many sources, persons seeking asylum did not have the right to work. The delegation replied that under article 19 of the Constitution foreigners had the right to work, and asylum seekers had the right to work where recognised as refugees.

### ***Unemployment in vulnerable groups***

Ms Wilson asked the delegation to comment on the situation of indigenous, black and Afro-Costa Rican populations, and the fact that there were no specific programmes to integrate them into the labour market. Ms Ubeda explained that the indigenous populations live in the most remote areas of Costa Rica and, thus, there were difficulties incorporating them into the labour market. However, Ms Ubeda added that Costa Rica was taking measures to deal with this situation.

Ms Wilson also enquired about unemployment and the measures taken to integrate other vulnerable groups, such as young people, the disabled, the poor and women, into the labour market. The delegation explained that a number of measures have been introduced which aimed at ensuring access to quality employment, and ensuring the best possible conditions for workers. Ms Ubeda added that Costa Rica was also seeking to achieve equality in employment with regard to gender.

### ***Work conditions***

Mr Sa'di pointed out that there had been a massive migration of people from rural to urban areas, which suggested that working conditions in rural areas were below the standards set by the Covenant. He asked the delegation to explain the causes for this migration. The delegation explained that this trend was common to Latin American States. Ms Ubeda noted that the economy had changed very rapidly from being an open economy to tourism being the main sources of income. She admitted that Costa Rica needed to work harder on linking export to national economy, which would create more job opportunities.

### ***Banana industry***

Ms Bonoan-Dandan asked the delegation about the banana industry and the reported dismissal of unionised workers. The delegation stated that the Government did not own any banana plantations and that they were all private enterprises. It explained that there had been no complaints brought by banana workers to the courts, and while there had been a case of a complaint of unfair practice in the central Pacific region, it had been dropped before it got to the courts, as anti-union activities could not be proved. The delegation also pointed out that there had been attempts to prevent anti-union practice and that labour inspections were carried out in every region.

Ms Bonoan-Dandan pointed out, however, that the implementation of the Covenant was the responsibility of the State Party, and that the State was accountable regardless of whether the enterprises were private or public. She also referred to a report published by the International Confederation of Free Trade Unions on this issue.<sup>8</sup> The delegation stated that no complaint had been received in regard to this matter and that if there were any, 'it would be very useful for them to know' of them.

---

<sup>8</sup> <http://www.icftu.org/displaydocument.asp?Index=991223950&Language=EN>

### **Free zones**

The Committee asked the delegation to provide information on the status of “free zones” and about the rights guaranteed in them. The delegation replied that these were tax free zones, but were not exempt from national law. Human rights are respected in free zones, including the right to education, the right to form trade unions, the right to association and the right to strike.

### **Gender equality in the labour market**

Mr Tirado Mejia asked the delegation to provide specific information on equality regarding access to work for men and women and projects to ensure this equality. He also enquired about the budget allocated to this end. The delegation stated that this was a major challenge in Costa Rica. Ms Ubeda noted that the main achievement in this area had been the creation of the National Institute of Women (INAMU). Other measures included: the enactment of a law criminalising violence against women; reforms in the Code of Labour with regard to domestic workers; the creation of a unit on gender equality within the Ministry of Labour and Social Safety; a training programme on gender equality within the Court of Justice; and the provision of support to pregnant teenagers.

Committee member Mr Zhan highlighted the high unemployment rate of women and asked the delegation to explain the reason for this problem. The delegation explained that Costa Rica was aware of its high rates of unemployment in general, but noted that these rates had fallen since July 2006. Ms Ubeda explained that programmes had been introduced to target women, leading to the growth of employment and easier access for women to the labour market.

### **Teenage pregnancies**

Committee member Mr Riedel noted the high percentage of teenage pregnancies (14%) in Costa Rica, while acknowledging that this was a slight improvement from previous figures. He asked the delegation to provide information on the measures Costa Rica had taken since 2001 to combat teenage pregnancy. Ms Ubeda stated that this phenomenon was of great concern to the State Party, explaining that it was normally linked to lack of information on sex, sexual violence, the absence of fathers in the household, and a lack of assistance in healthcare. She noted, however, that 95% of pregnant women receive national health care and that there are State programmes targeting this issue, with legislation protecting teenage mothers in place.

### **Social Security**

Mr Riedel asked the delegation to provide disaggregated data on social security. Ms Ubeda stated that this information would be provided to the Committee, and that 90% of the population was covered by the social security system in normal circumstances, and 100% during emergency situations. She noted, however, that there are differences in the geographical distribution of social security, explaining that the level of coverage fluctuated between 53% and 77% in rural and border area, ‘well below the national average’. A system was set up in 1995 to correct this situation, and primary health care services were put in place across the country.

Mr Riedel also asked the delegation to explain why Costa Rica had not yet ratified ILO Conventions 118 and 103. The delegation stated that it would work on these issues.

Committee member Mr Abdel-Moneim referred to the State Party report’s reference to the passing of a law to decentralise hospitals and clinics under Costa Rican Social Security Fund<sup>9</sup>. He asked the delegation to explain to what extent this had been achieved. He also asked about the Costa Rican health insurance model, which

---

<sup>9</sup> Paragraph 576, E/C.12/CRI/4

had been compared to those in ‘continental Europe’ in the State Party report.<sup>10</sup> Mr Abdel-Moneim asked the delegation to explain to what extent this model was applicable in a developing country. No reply was provided by the delegation.

### **Violence against women and children**

Mr Atangana asked the delegation to clarify the extent of violence against women in Costa Rica. Ms Wilson asked the delegation to clarify whether the bill criminalising violence against women mentioned in paragraph 330 of the State Party report had entered into force. Both members also asked about the measures Costa Rica had taken to combat violence against women. The delegation replied that the law on the criminalisation of violence against women entered into force in May 2007. Ms Ubeda explained that there were measures in place to provide assistance to women and children who suffered from domestic violence. These included legal assistance, shelters and psychological support.

Mr Sa’di asked the delegation to clarify whether marital rape and other rapes were treated in the same way. The delegation replied that the crime of rape was treated and sanctioned the same way regardless of whether it occurred inside or outside of marriage. Ms Wilson also asked delegation about corporal punishment and whether its use was criminalised in the school and in the family. The delegation replied that the Family Code stated that parents could correct their children in a moderate form. Ms Ubeda stated that there was no concrete law banning corporal punishment, but indicated that in the culture and society, people were against using corporal punishment. She also explained that there was a bill before the Legislative Assembly aiming to prohibit corporal punishment that was still being discussed.

### ***Sexual exploitation and trafficking***

Mr Atangana asked the delegation to provide information on the measures it had taken to deal with sex tourism and Mr Sa’di enquired about prosecutions. The delegation replied that commercial sexual exploitation seemed to be increasing and that the relationship with tourism could not be ignored. Ms Ubeda explained that Costa Rica had amended the Criminal Code to address sexual exploitation. These amendments increased the protection of minors, increased sentences, and criminalised the possession of pornographic materials. Ms Ubeda also explained that it was necessary to tackle the causes of the problem and to transform the conditions that lead to it. She cited a series of preventive campaigns undertaken by the Institute of Children and the Foreign Ministry at the national, regional and local levels.

### **Poverty and Social inequality**

Ms Ubeda pointed out that poverty rates had been at 35% and even 50% during the economic crisis of the 1980s, and at an average of 20% during the 1990s and in the early 2000s. The figure for poverty in 2007 was 17.5%.

Mr Zhan noted the widening of the gap between the highest and lowest per capita incomes, and asked the delegation to provide information on the measures taken by the Government to reduce this gap. The delegation replied that social inequality had been a permanent feature over the last five years despite decreases in poverty. Ms Ubeda added that there had also been a reduction in extreme poverty, which was responsible for most of this gap. She explained that a series of measures had been taken to reduce this gap, such as programmes in the education, labour and health sectors, especially directed at vulnerable populations.

---

<sup>10</sup> Paragraph 585, E/C.12/CRI/4

## **Right to housing**

Mr Pillay referred to the State Party report's reference to 10,000 families living in poverty and in need of housing.<sup>11</sup> He asked the delegation to clarify whether government programmes for the promotion of the construction of low-income housing had been directed at these families. The delegation stated that legislation guaranteed Costa Rican families the right to decent housing. Ms Ubeda explained that there had been a State programme in place since 1986 to correct the housing deficit. She also added that there were other programmes aimed at improving housing and that measures had also been taken to provide housing to vulnerable groups.

### ***Forced evictions***

Mr Pillay asked the delegation whether forced evictions were carried out in compliance with the guidelines from the Committee's General Comments 4 and 7.<sup>12</sup> He also asked the delegation whether there was any case law related to forced evictions. In addition, Mr Riedel enquired about alternative housing and measures to prevent homelessness. The delegation replied that forced evictions generally occur because of squatting on land that is designated for construction. Ms Ubeda explained that forced evictions were subject to strict procedures based on law and due process, which ensured the rights of those concerned. She also explained that a Commission for resettlement had been set up.

## **Education**

In her presentation of the State Party report, Ms Ubeda stated that 99% of children received preschool and basic primary education, but that increasing State investment in education was a continuing challenge.

Ms Bonoan-Dandan enquired about the cost of education. The delegation responded that primary education was free and compulsory, but that school materials were not free of charge. Ms Ubeda explained that there was, however, a scholarship fund (FUNABE) which covered transport, uniform and textbook costs. She added that 70% of students of public schools have access to cafeterias, which guaranteed a daily meal meeting the nutritional needs of children. Ms Bonoan-Dandan further enquired about salary difference between public and private education. In reply, Ms Ubeda explained that 93% of schools are public and seven percent are private. She also stated that the difference in the salaries in both types of institutions was not very significant, with the exception of people teaching higher grades.

Ms Bonoan-Dandan also asked the delegation about the reasons for the high rates of illiteracy in certain parts of Costa Rica, as identified in the State Party report<sup>13</sup>. She also asked about the extent to which artistic education was part of the curriculum in schools. In answer to the first question, Ms Ubeda pointed out that 95% of the population could read. However, this rate varied across Costa Rica due to the difficulty of setting up schools in remote areas or finding teachers that spoke indigenous languages. Ms Ubeda assured the Committee that there were programmes in place to improve the situation in those remote areas however. In answer to the second question, the delegation explained that artistic education was part of school curriculum. Other curricula included ethics, moral values and citizenship.

Ms Wilson pointed out that the budget allocated for education was low and asked whether it would be increased. She also enquired about steps taken to improve access to basic education for indigenous people and people with disabilities, and the steps taken to protect indigenous languages and cultural heritage.

---

<sup>11</sup> Paragraph 771, E/C.12/CRI/4

<sup>12</sup> <http://www2.ohchr.org/english/bodies/cescr/comments.htm>

<sup>13</sup> Paragraph 1050, E/C.12/CRI/4

The delegation replied that the education budget was six percent of the gross domestic product, and noted that this percentage was quite high for a developing country. Ms Ubeda explained that Costa Rica had also received a US\$30 million loan from the World Bank to improve the quality of education of indigenous people, migrants, Afro-Caribbeans and those who live in border areas. Investments had also been made in the training of indigenous people and in adapting school the curricula to indigenous language and culture. The delegation further explained that in order to protect indigenous languages, the Government was promoting bilingual education, allowing the indigenous language to be the first language, and Spanish the second. In the rest of the country, the second language was English and the third French. The delegation also explained that efforts had been made to improve school infrastructure to guarantee access for disabled persons.

Mr Pillay asked the delegation to comment on information received by the Committee regarding the existence of textbooks that depicted black people in a derogatory and stereotyped way. The delegation replied that these texts had been revised.

## Other issues

### **Corruption**

Mr Rzeplinski asked the delegation to provide information on measures taken by the Government to deal with political and economic corruption. The delegation acknowledged that Costa Rica faced challenges on this issue from legal, economic and political points of view. Ms Ubeda explained that there had been two scandals in Costa Rica, for which two former presidents were being tried. However, she qualified that this did not mean that corruption was systemic. Ms Ubeda further explained that there were mechanisms in place to monitor certain areas, and discussions had started at the national level on an anti corruption laws.

Mr Riedel asked the delegation to clarify whether there had been mismanagement in the Costa Rican social security fund, as the reply given by the State seemed to be contradictory.<sup>14</sup> He also asked the delegation to provide information on the cases of corruption covered in the press in 2004 and brought before the courts with regard to two loans given to Costa Rica. The delegation replied that the complaints brought before the courts had concerned a Spanish loan that represented 0.5% of the total investment in health. Ms Ubeda explained that any impropriety was not related to internal management of the social security fund but, rather, to the purchasing of equipment.

### **Adequate standard of living**

Committee member Mr Kolovsov stated that Costa Rica, since ratifying the Covenant, had had enough time to comply with its provisions and that 'having people naked, without housing or hungry nowadays [was] not acceptable'. Mr Kolovsov pressed that Costa Rica had to 'triple its efforts to show in the next report that there are no people that are hungry, naked or that live in the street'.

The delegation, in reply, stated that 'there are not many people without clothes, housing or hungry'. Ms Ubeda emphasised that the abject poverty line was at 3.3 percent, affecting the most vulnerable populations. She also explained that Costa Rica had not achieved 100% of its target, but noted that there were programs in place to help vulnerable populations.

### **Right to water**

---

<sup>14</sup> Paragraphs 153-155, E/C.12/CRI/Q/4/Add.1

Mr Ridel asked the delegation to clarify its situation with regard to the right to water as 75% of the population did not have access to drinkable water in 2003. The delegation explained that there was a programme for the modernisation of the water supply system that would ensure that the population had access to water and sewage systems. Ms Ubeda explained that it was not a problem of lack of water, but a problem of poor distribution and treatment of wastewater.

## Conclusions and next steps

As the session ended, the Chairman thanked the delegation for its active participation, openness and sincerity throughout its dialogue with the Committee. He also thanked the delegation for taking the time to translate its written replies into English, anticipating the deficiencies in the translation services at OHCHR. Lastly, he stated his hope that Costa Rica's next report would be received in five years.

The delegation thanked the Committee for the questions put to it and stated that such questions had helped the delegation and Costa Rica to confront the issues before them. Ms Ubeda stated that it had been an enriching experience, admitting that Costa Rica was aware of the work that needed to be done regarding vulnerable populations. She also noted that Costa Rica needed to make adaptations in sectors affected by CAFTA.

Other treaty bodies have also provided recommendations on issues that were raised by the Committee. In relation to minorities, the Committee on the Rights of the Child (CRC) recommended that the State continue to pay due attention to the needs of indigenous people by taking appropriate measures to address the high rate of infant mortality among indigenous communities, and to substantially increase their level of education and standard of living.<sup>15</sup> These issues were also addressed in recommendations of the Committee on the Elimination of Racial Discrimination (CERD) presented in 2007<sup>16</sup>, in which CERD urged Costa Rica to remove without delay the legislative obstacles preventing the adoption of the *Autonomous Development of Indigenous Peoples Bill*.<sup>17</sup>

With regard to the principle of non-discrimination, CERD urged the State Party to step up its efforts to improve the situation of migrants in Costa Rica, and particularly that of women migrants. It stated that Costa Rica should ensure that *Act No. 8487* amending the *Migration and Aliens Act* fully guaranteed migrants' rights. CERD also encouraged the State party to consider ratifying the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*.<sup>18</sup>

Addressing gender equality in the labour market, the Committee on the Elimination of Discrimination Against Women (CEDAW) recommended that Costa Rica adopt legislative, administrative or other measures to ensure that women domestic workers, including migrant workers, temporary wage earners, women in the informal sector and rural and indigenous women have access to social security and other employment benefits, including paid maternity leave.<sup>19</sup>

With regard to teenage pregnancies, the CRC recommended that the State party continue to strengthen reproductive health education in secondary schools to prevent teenage pregnancies, and that professional and administrative staff be adequately trained in order to improve their interactions with teenage mothers.<sup>20</sup>

---

<sup>15</sup> UN Doc. CRC/C/15/Add.266, para. 19 (2005)

<sup>16</sup> UN Doc. CERD/C/CRI/CO/18, para 14 (2007)

<sup>17</sup> UN Doc. CERD/C/CRI/CO/18, para 9 (2007)

<sup>18</sup> UN Doc. CERD/C/CRI/CO/18, para 16 (2007)

<sup>19</sup> UN Doc. A/58/38(SUPP), para. 63 bis (2003)

<sup>20</sup> UN Doc. CRC/C/15/Add.266, para. 44 (2005)

Similarly, CEDAW recommended strengthening support programmes for pregnant teenagers and women and sex education programmes aimed at preventing pregnancies among the teenage population.<sup>21</sup>

Regarding violence against women, CEDAW asked Costa Rica to strengthen programmes combating violence against women, including training and awareness-raising for court officials and judges, and encouraging judges to reduce utilisation of ‘conciliation’ between aggressors and victims and to ensure that the rights of women were duly protected in such ‘conciliation meetings’.<sup>22</sup>

Addressing corporal punishment, the CRC recommended that the State incorporate the prohibition of corporal punishment into legislation and continue to take appropriate measures to raise awareness on the negative consequences of corporal punishment.<sup>23</sup>

In relation to trafficking, the CRC recommended that Costa Rica increase its efforts to combat trafficking and child sexual exploitation by adequately implementing a Programme of Action against Trafficking of Children for the purpose of Sexual Exploitation. The CRC also recommended that Costa Rica provide the National Commission against Smuggling of Migrants and Trafficking of Persons with adequate resources.<sup>24</sup>

On poverty, the CRC recommended that the State Party continue to give support, including financial support, to projects aimed at poverty reduction.<sup>25</sup> CEDAW also called on Costa Rica to: pay specific attention to households headed by women and to groups of women in vulnerable situation when drawing up and implementing programmes to combat poverty; and seek to ensure women’s access to production resources, education and technical training.<sup>26</sup>

In relation to housing, the CRC called on Costa Rica to provide street children with recovery and reintegration services and where necessary with adequate nutrition, housing, health care and educational opportunities.<sup>27</sup>

With regard to education, the CRC recommended that the State Party continue to take effective measures to increase enrolment in primary and secondary school, reduce the high rate of student drop-outs and repeaters (particularly in rural areas), and to find ways to address the lack of school infrastructure in rural areas. The CRC also called for improvements to be made to secondary education.<sup>28</sup>

*Last revised and updated: 1 February 2008.*

---

<sup>21</sup> UN Doc. A/58/38(SUPP), para. 69 bis (2003)

<sup>22</sup> UN Doc. A/58/38(SUPP), para. 55 bis (2003)

<sup>23</sup> UN Doc. CRC/C/15/Add.266 para. 32, (2005)

<sup>24</sup> UN Doc. CRC/C/OPSC/CRI/CO/1, para 21 (2007)

<sup>25</sup> UN Doc. CRC/C/OPSC/CRI/CO/1, para. 27 (2007)

<sup>26</sup> UN Doc. A/58/38(SUPP), para. 67 (2003)

<sup>27</sup> UN Doc. CRC/C/15/Add.266, para. 52 (2005)

<sup>28</sup> UN Doc. CRC/C/15/Add.266, para. 46 (2005)

## **TREATY BODY MONITOR STAFF**

**Gareth Sweeney**, Deputy Manager, Geneva

**Ben Lee**, Human Rights Officer, Geneva

**Michelle Evans**, Representative to the UN, New York

**Vanessa Jackson**, Human Rights Officer, New York

## **AUTHORS OF THE COSTA RICA REPORT**

**Rosa Sanz**, Intern

## **ABOUT THE PUBLICATION**

The *Treaty Body Monitor* forms part of the Human Rights Monitor Series produced by ISHR. It reports on each country reviewed by the six treaty bodies (all but the Committee on the Rights of the Child) and provides an overview of every treaty body session. It is currently an online publication that can be found at <http://www.ishr.ch/hrm>.

## **COMMENTS AND FURTHER INFORMATION**

We would welcome your feedback on this publication so please send any comments and suggestions to [information@ishr.ch](mailto:information@ishr.ch). You can check the latest Treaty Body Monitor reports published on [www.ishr.ch](http://www.ishr.ch).

## **COPYRIGHT AND DISTRIBUTION**

Copyright © 2007 International Service for Human Rights

Material from this publication may be reproduced for training, teaching or other non-commercial purposes as long as ISHR is fully acknowledged. You can also distribute this publication and link to it from your website as long as ISHR is fully acknowledged as the source. No part of this publication may be reproduced for any commercial purpose without the prior express permission of the copyright holders.

## **DISCLAIMER**

While every effort has been made to ensure the accuracy and reliability of the information contained in this publication, ISHR does not guarantee, and accepts no legal liability whatsoever arising from any possible mistakes in the information reported on or any use of this publication. We are however happy to correct any errors you may come across so please notify [information@ishr.ch](mailto:information@ishr.ch).