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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Costa Rica

Addendum

**Views on conclusions and/or recommendations, voluntary
commitments and replies presented by the State under
review**

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1. At the nineteenth session of the Working Group, Costa Rica made an oral presentation of its report under the universal periodic review, as this was the second time that it had submitted such a report. Since the submission of its first report, Costa Rica had submitted an additional document in 2010 presenting its positions on the recommendations, and in 2012 an intermediary report on the specific progress made and implementation of some of the recommendations.

2. During the discussion of the report for the universal periodic review, 193 recommendations were made by the delegations in attendance. During the meeting of the Working Group it was announced that five recommendations were supported by Costa Rica and were considered to have been implemented. Costa Rica postponed taking a decision on the remaining 188 recommendations. The Government regularly addresses many of these recommendations in its capacity as defender of human rights. Many of the recommendations, moreover, reiterate the same idea and are generally intended to encourage the Government of Costa Rica to persevere with its mission and endeavour to promote and ensure respect for human rights.

3. Of the 188 recommendations for which Costa Rica deferred a decision, 173 are supported by Costa Rica, which is to say that they have been accepted. Of these, four have been accepted partially and six are considered as implemented. In addition, Costa Rica has taken note of the remaining 15 recommendations. The table presented in this document contains additional information concerning those recommendations that are not supported by Costa Rica and those for which it is not possible to take up a position at present, owing to the recent change of Government, and the new positions that may be adopted on the various subjects, which need analysing with all the seriousness and commitment required by human rights. The 178 recommendations supported by Costa Rica mostly correspond to decisions and policies that Costa Rica was already implementing prior to the universal periodic review process.

4. Costa Rica attaches great importance to this exercise, which has been very useful for the formulation and implementation of public policies and actions in the field of human rights. We consider that such recommendations should be timely and specific. Furthermore, as we explained during the previous review, we think it is important to develop clearer formulations if the recommendations are to be really useful. This would require the troika and the Office of the United Nations High Commissioner for Human Rights to improve their performance, especially with regard to the clustering and screening of recommendations.

5. Costa Rica will refer to each of the recommendations included in the report of the Working Group as follows:

*Recommendation number and
country making the
recommendation*

Position of Costa Rica on the recommendation and comments

Scope of international obligations

127.1 Philippines	Accepted – implemented
127.2 Sierra Leone	
127.3 Uzbekistan	

128.3 Uruguay, Albania, Azerbaijan, Chad, Ghana, Indonesia, Nicaragua, Niger, Rwanda, Sri Lanka, Philippines	Costa Rica takes note. It considers that the Convention reflects exclusively the interests of countries of origin of major migration flows and not those of the countries receiving migrants, that have to deal with their needs.
128.4 Honduras, Argentina, Ecuador, El Salvador, Guatemala, Paraguay, Sierra Leone	In any event, the same principles as those of the Convention are enshrined in the country's legislation and case law, so that the full rights of migrant workers and their families are guaranteed.
128.5 Algeria	
128.6 Senegal	
128.7 Slovakia	Accepted. The instrument will be deposited during the sixty-ninth session of the United Nations General Assembly.
128.8 Portugal	
128.1 Benin	Accepted in part – implemented. ILO Convention No. 189 has been ratified. Costa Rica takes note of the recommendations relating to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (see positions on recommendations 128.3, 128.4, 128.5 and 128.6).
128.2 Bolivia (Plurinational State of)	

Cooperation with United Nations Human Rights Mechanisms

127.4 Norway	Accepted
127.5 Sierra Leone	

Women, equality and non-discrimination

128.39 Bhutan	Accepted ¹
128.42 Pakistan	
128.43 Rwanda	
128.45 Chile	
128.49 Colombia	
128.50 Maldives	
128.46 Botswana	Accepted
128.48 Albania	Accepted. The Act Criminalizing Violence against Women is being amended with the addition of articles 22 and 25, which specify the types of ill-treatment and offences that are considered to be offences. Adoption in 2011 of Act No. 8925 amending the Domestic Violence Act (establishing a registry of offenders).
128.51 Paraguay	Accepted
128.85 Egypt	Accepted
128.86 El Salvador	Accepted
128.88 Iran (Islamic Republic of)	Accepted
128.89 Japan	Accepted
128.90 Liechtenstein	Accepted

128.94 Norway Accepted

128.96 Russian Federation Accepted

128.97 Singapore

128.101 Spain

128.141 Russian Federation Accepted

128.143 Ghana Accepted

Rights of the Child

128.9 Albania Accepted²

128.22 Ukraine

128.31 Venezuela Accepted

128.32 Viet Nam Accepted³

128.105 United States of
America

128.113 Slovakia

128.33 El Salvador Accepted⁴

128.37 Iran (Islamic
Republic of)

128.35 Germany Accepted⁵

128.106 Bangladesh

128.107 Belgium

128.36 Germany Accepted

128.38 Palestine

128.111 Malaysia

128.121 Libya

128.126 Sri Lanka

128.128 Canada

128.116 Botswana

128.102 Sudan Accepted⁶

128.108 France Accepted (for prison environments, see 128.136, Zambia).

128.109 Italy Accepted

128.110 Liechtenstein Accepted⁷

128.129 United Kingdom of
Great Britain and Northern
Ireland Accepted⁸

128.137 Portugal Accepted

128.178 Turkmenistan Accepted

Right to life, liberty and security of the person

128.19 United Kingdom of
Great Britain and Northern
Ireland Accepted⁹

128.23 Honduras	Accepted — implemented — article 172 (a) of the Criminal Code.
128.25 Mexico	
128.41 Congo	Accepted
128.28 France	Accepted
128.82 United States of America	Accepted
128.115 Bolivia (Plurinational State of)	
128.123 Morocco	
128.125 Slovakia	
128.127 Sudan	
128.83 Algeria	Accepted
128.84 Australia	Accepted
128.120 Indonesia	Accepted
128.124 Russian Federation	Accepted — implemented — 2012–2015 National Coalition against Human Trafficking and Smuggling of Migrants (CONATT) strategic work plan.
128.130 Switzerland	Accepted
128.131 Cote d’Ivoire	Accepted – Office of the Deputy Public Prosecutor for Human Trafficking and Smuggling of Migrants (FACTRA).

Administration of justice and rule of law

128.10 Bulgaria	Costa Rica takes note.
128.20 Estonia	Accepted – The adoption of legislative Bill No. 18514 introducing amendments is currently under way and is running its course.
128.21 Tunisia	
128.24 Ireland	Accepted ¹⁰
128.26 Spain	Accepted – The adoption of a bill for the integrated management of water resources is currently under way and undergoing the appropriate procedure.
128.34 Estonia	Accepted ¹¹
128.87 France	Accepted
128.91 Mexico	Accepted
128.92 Montenegro	
128.93 Netherlands	
128.95 Paraguay	
128.98 Slovenia	
128.103 Canada	
128.99 Slovenia	Accepted
128.100 Spain	Accepted

128.104 Trinidad and Tobago	Accepted
128.114 Bahrain	Accepted – Act No. 9095 has been adopted and the corresponding regulations are currently being adopted.
128.117 Egypt	Accepted ¹²
128.119 India	
128.122 Montenegro	
128.118 Ethiopia	Accepted
128.132 Australia	Accepted
128.133 Belgium	Accepted
128.134 Australia	
128.135 Bahrain	Accepted
128.144 Uruguay	Accepted

Right to work and to fair and just working conditions

128.187 El Salvador	Accepted
128.188 Nicaragua	Accepted

Right to social security and an adequate standard of living

128.27 Egypt	Accepted – will be forwarded to the responsible body.
128.67 Honduras	Accepted ¹³
128.145 Venezuela	Accepted
128.146 China	Accepted
128.147 China	
128.148 Colombia	
128.149 Cote d'Ivoire	
128.150 El Salvador	
128.151 Philippines	
128.152 Sri Lanka	
128.153 Bolivia (Plurinational State of)	Accepted
128.154 Thailand	Accepted
128.155 Egypt	
128.156 Singapore	Accepted

Right to education and to participate in the cultural life of the community

128.40 Cuba	Accepted
128.158 Viet Nam	Accepted
128.160 Bulgaria	Accepted ¹⁴
128.162 Malaysia	Accepted

128.163 Portugal Accepted

128.166 Ethiopia

128.167 Ecuador

128.168 Egypt

Minorities and indigenous peoples

128.12 Spain Accepted

128.13 Uzbekistan Costa Rica takes note.¹⁵

128.177 Iran (Islamic Republic of)

128.30 Venezuela Accepted

128.68 Senegal Accepted

128.112 Sierra Leone Accepted

128.11 Congo Accepted¹⁶

128.142 Romania Accepted

128.159 Bulgaria Accepted

128.164 Palestine

128.161 Ireland Accepted

128.165 Palestine

128.173 Togo Accepted

128.174 Uzbekistan Accepted

128.175 Bolivia (Plurinational State of) Accepted

128.176 El Salvador Accepted

128.179 Iran (Islamic Republic of) Accepted

128.180 Italy Accepted

128.181 India

128.182 Angola Accepted

Migrants and refugees

128.183 Zambia Costa Rica takes note.

128.184 Brazil Accepted

128.185 Colombia Accepted

128.186 Trinidad and Tobago Accepted — implemented — Comprehensive Migration Policy, 2013–2023.

Sexual and reproductive rights

- 128.14 Belgium Costa Rica takes note.¹⁷
128.15 Switzerland
128.16 France
128.17 Iceland
128.18 Norway
128.157 Belgium

Follow-up to universal periodic review

- 128.44 Bhutan Accepted

Prison system

- 128.29 Hungary Accepted¹⁸
128.136 Zambia Accepted¹⁹
128.138 Serbia Accepted²⁰
128.73 United States of
America Accepted
128.74 Australia
128.75 Switzerland
128.76 Egypt
128.77 Germany
128.78 Japan
128.79 Mexico
128.80 Russian Federation

- 128.81 Canada Accepted

Disabilities

- 128.169 Thailand Accepted
128.170 Bahrain Accepted
128.171 Chile Accepted
128.172 Spain Accepted – implemented.²¹

Racism, discrimination, xenophobia and related intolerance

- 128.47 Nicaragua Accepted²²
128.53 Ecuador
128.54 Trinidad and Tobago
128.55 Turkmenistan
128.56 Brazil
128.57 France
128.59 India
128.60 Iran (Islamic
Republic of)
128.61 Niger

128.52 Togo Accepted
128.58 Ghana

128.62 Pakistan	Accepted
128.63 Azerbaijan	Accepted
128.64 Tunisia	Accepted
128.65 Ghana	
128.66 Guatemala	
128.69 Argentina	Accepted
128.70 Netherlands	Accepted in part. Costa Rica takes note regarding the possibility of using cohabitation contracts to remove inequalities relating to inheritance, health care and social security. ²³
128.71 Slovenia	Accepted
128.72 Uruguay	Accepted in part. Costa Rica takes note regarding the amendment of laws.
Family	
128.139 Bangladesh	Costa Rica takes note. In Costa Rica the concept of the family is diversified.
128.140 Mauritania	

Notes

- ¹ Costa Rica has a National Policy for Gender Equality and Equity (PIEG), for 2007–2017, which consolidates the State’s commitments to close gender gaps in employment and income, family responsibilities, education and health and to ensure the effective protection of the rights and political participation of women.
- ² General Act on Migration (Act No. 8764) and its Regulations. Comprehensive Migration Policy for Costa Rica, 2013–2023. Act Abolishing Corporal Punishment and Any Form of Abuse or Degrading Treatment of Children and Adolescents.
- ³ Specific protocol for dealing with harassment, hooliganism or bullying and cyberbullying at secondary schools; “Convivir” programme; “Avancemos” programme and the road map to rid Costa Rica of child labour and the worst forms of child labour.
- ⁴ National Policy for Children and Adolescents (PNNA) 2009–2021; Executive Decree No. 36524-MP-MBSF-PLAN-S-MTSS-MEP (2011); National Disability Policy 2011–2021.
- ⁵ National Commission against Commercial Exploitation (CONACOES), amendment to article 167 of the Criminal Code (pornographic material in virtual media) and amendment to article 162 of the Criminal Code (sexual tourism).
- ⁶ Standing Committee on the Prevention of Domestic Violence.
- ⁷ Addition of article 189 bis of the Criminal Code, on exploitation of workers, with aggravating circumstances if the victim is under 18 years old.
- ⁸ Establishment of the Office of the Deputy Public Prosecutor for Human Trafficking and Smuggling of Migrants, August 2013.
- ⁹ Established by Act No. 7319 of 1992 and its Regulations.
- ¹⁰ The Regulations under Act No. 9095 are in the final phase of adoption. Article 94, paragraph 10, of Act No. 8764, the Migration Act, mentions victims of human trafficking as a specific category. The Directorate-General for Migration has granted refugee status to a trafficking victim.
- ¹¹ Article 167 of the Criminal Code, updated in 2012, on the use of social media or any other computerized or telecommunications systems in ways detrimental to minors.
- ¹² Article 172 of the Criminal Code defines the offence of human trafficking.
Subparagraph (a) stipulates that the penalty is more severe if the victim is under 18 years old.
Article 383 of the Criminal Code on smuggling of minors.
Article 73 of Act No. 9095 on human trafficking defines civil action for damages.

The protection of trafficking victims is initially provided by the various police forces and the rapid response teams (ERIs). There is also Act No. 8720, the Act on the Protection of Victims, Witnesses and Other Parties Involved in Criminal Proceedings.

Article 26 of Act No. 9095 includes a confidentiality clause and contains a full chapter on protection of information and privacy.

Various bodies are involved in victim assistance. If the victims are minors, the National Child Welfare Agency (PANI); for older persons, assistance is provided by the National Council for Older Persons (CONAPAM) (and if they are women, the National Institute for Women (INAMU) as well). For cases involving disabilities, the National Council on Rehabilitation and Special Education (CNREE).

- ¹³ Since 2011, children, migrants and foreign children born in our country have been documented as part of the migration procedure in the Los Santos region.
- ¹⁴ In view of the importance of human rights in affective matters and sexuality, the Ministry of Education has placed human rights at the centre of education, underscoring the importance of the person, his or her identity and rights, and emphasizing that with every right comes the obligation to respect the rights of others.
- ¹⁵ The bill on the autonomous development of indigenous peoples is currently under consideration for adoption and will undergo the appropriate procedure.
- ¹⁶ The restitution of land to indigenous communities is under way. In the Salitre area the land has been demarcated and land improvement has begun. In other areas delimitation and demarcation have begun.
- ¹⁷ The constitutional framework and the current legislation reflect the standards of Costa Rican society for the protection of human life. The recommendations go beyond the provisions of the current legislation governing abortion; they involve other branches of government, such as the legislative branch, in keeping with the political and electoral mandate of legislators. From the point of view of the Government, in accordance with the principle of legality, the executive branch is only permitted to regulate the legislation in force, relating to therapeutic abortion, covered by article 121 of the Criminal Code.
- ¹⁸ In addition to the prisons of the Ministry of Justice and Peace and the cells of the law enforcement services, the national preventive mechanism also monitors cells run by the Judicial Investigation Agency of the judicial branch, the National Psychiatric Hospital, the Hospital for Persons with Psychiatric Disorders in Conflict with the Law, the Centre for Undocumented Migrants and the detention facility at Juan Santamaría International Airport.
- ¹⁹ The national preventive mechanism carries out periodic visits to the prison facilities of the juvenile detention programme. It jointly conducts investigations with the Directorate for Children and Adolescents of the Ombudsman's Office regarding serious cases of violence occurring in such facilities.
- ²⁰ It is considered that deprivation of liberty should be the exception and not the rule and that alternative solutions to detention should be made available.
For example, support is given to local governments, civil society and the National Youth Programme to provide employment grants to young people who are deprived of liberty. Assistance is also provided for drug dependent persons.
- ²¹ The plan of action of the National Disability Policy (PONADIS) 2012–2014 is currently being revised to take stock of the progress made and set new objectives for the period from 2015 to 2018.
- ²² Decree No. 38140-RE-PLAN, of 20 February 2014: National Policy for a society free from racism, racial discrimination and xenophobia, published in the Official Gazette.
- ²³ On 22 May 2014 the board of directors of the Social Insurance Fund of Costa Rica agreed to amend two articles so as to allow same-sex couples to be insured. It also approved unrestricted visits to health centres when one member of such a couple is hospitalized. Similarly, Decision No. 2013-22-0041a of the Constitutional Chamber ordered the Bar Association to give same-sex couples passes for access to and the use of its facilities and, when the proper applications were filed, to handle their cases so that they could be included as beneficiaries of life insurance and voluntary insurance policies.