

**Universal Periodic Review (33rd session, April-May 2019)**  
**Contribution of UNESCO**

**Costa Rica**

**I. Background and framework**

Scope of international obligations: human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO.

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	State Party to this Convention (10/09/1963)	Reservation to this Convention shall not be permitted		Right to education
<i>Convention on Technical and Vocational Education 1989</i>	Not a State Party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	23/08/1977 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	23/02/2007 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	15/03/2011 Ratification			Right to take part in cultural life

**II. Promotion and protection of human rights on the ground**

**Right to Education**

1. The **Constitution of Costa Rica of 1949, as amended in 2011**,<sup>1</sup> provides that public education is organized as a complete process from the preschool to university (article 77). “Preschool, basic general and diversified education are obligatory and, in the public system, [are] gratuitous [...]” (article 78). The same article specifies that public expenditure will not be inferior to an annual 8% of GDP. The **1957 Fundamental Education Act N°2160**<sup>2</sup> concerns the right to education and the organization of Education. It states that every citizen has the right to education and that the state must provide it in the most adequate and extensive way (article 1). Primary education is compulsory, and this, together with pre-school and middle school, are free (article 8).

### **Freedom of opinion and expression**

#### ➤ Constitutional and Legislative Framework:

2. According to Article 29 of the Constitution “everyone has a right to communicate his thoughts verbally or in writing and publish them without prior censorship; but they will be responsible for abuses committed in the exercise of this right, in cases and in the manner established by law”.<sup>3</sup>

3. Defamation is decriminalized in Costa Rica.

4. A freedom of information law does not currently exist in Costa Rica.

#### ➤ Implementation of Legislation:

5. The radio and TV frequencies and licenses are issued by the Ministry of Communication (Ley n° 8642).<sup>4</sup>

#### ➤ Safety of Journalists:

6. UNESCO recorded no killing of journalists in Costa Rica since 2008.

### **III. Review and specific recommendations**

7. The previous UPR recommendations evoked the need to elaborate legislation on the justiciability of the right to education and to extend the coverage of education. Costa Rica was recommended to intensify efforts on realizing gender equality and counter structural racism, reduce school dropout rates, facilitate access to education for indigenous communities and ensure inclusive education for children and persons with disabilities.

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<sup>1</sup> [https://www.constituteproject.org/constitution/Costa\\_Rica\\_2011.pdf?lang=en](https://www.constituteproject.org/constitution/Costa_Rica_2011.pdf?lang=en)

<sup>2</sup> [https://www.oei.es/historico/quipu/costarica/Ley\\_2160.pdf](https://www.oei.es/historico/quipu/costarica/Ley_2160.pdf)

<sup>3</sup> [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=416270](http://www.wipo.int/wipolex/en/text.jsp?file_id=416270)

<sup>4</sup> [https://sutel.go.cr/sites/default/files/normativas/ley\\_general\\_de\\_telecomunicaciones.pdf](https://sutel.go.cr/sites/default/files/normativas/ley_general_de_telecomunicaciones.pdf)

### Legislative framework

- Following an **agreement of the Board of Directors of the National Board of Children N°003-2016, of January 7, 2016, a Regulation** was issued for the allocation, rotation, control and supervision of educational scholarships aimed at pregnant adolescents and / or adolescent mothers in vulnerable condition.<sup>5</sup>
- The **Executive decree no°40314-MP-MEP-MDIS<sup>6</sup>** of March 30, 2017 - amending the Executive Decree no°34786-MP-S-MEP, of October 1, 2008 - establishes as beneficiaries of the *Avancemos Program*, adolescents, young people and adults from the age of eleven belonging to families in vulnerable situation, that need economic support to stay in the educational system at the secondary level.
- The **Law to Strengthen the School Lunch and School and Teen Nutrition Program N°9435 of April 5, 2017** aims to promote equity, inclusion, prevent student absenteeism, fight against poverty through the strengthening of the School and Adolescent Dining Program (article 1).

### Policy framework

- On education, the **National Development Plan (*Plan Nacional de Desarrollo - PND*) 2015 -2018, “Alberto Cañas Escalante”,<sup>7</sup>** covers the following areas:<sup>8</sup>
  1. Increase coverage in pre-school education at the Interactive II level in the framework of early childhood care
  2. Guarantee the universalization of a second language in education
  3. Give attention to the Basic General Education (III cycle) and diversified academic and technical education
  4. Food and nutrition
  5. Quality infrastructure in educational centers
  6. Develop capacities in the use of ICT in students
  7. Resource centers for learning
  8. Educate for nonviolence
  9. Affirmative actions in search of a relevant curriculum that meets the characteristics of the various groups
  10. Improvement of Indigenous Education
  11. International Baccalaureate Diploma Program
  12. International tests.
- The **National Plan for Ongoing Formation<sup>9</sup>** unifies the training of teachers of the different cycles of the education system and aims to optimize, systematize and generate clear lines of action, in terms of lifelong learning<sup>10</sup>.

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<sup>5</sup> <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101233/121862/F487385598/ACUERDO%20003-2016%20COSTA%20RICA.pdf>

<sup>6</sup> [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=106075&p\\_country=CRI&p\\_count=461&p\\_classification=09&p\\_classcount=16](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=106075&p_country=CRI&p_count=461&p_classification=09&p_classcount=16)

<sup>7</sup> <https://www.mideplan.go.cr/instrumentos/pnd>

<sup>8</sup> *Unofficial translation*

<sup>9</sup> [http://idp.mep.go.cr/sites/all/files/idp\\_mep\\_go\\_cr/publicaciones/actualizandonos\\_version\\_final\\_3.pdf](http://idp.mep.go.cr/sites/all/files/idp_mep_go_cr/publicaciones/actualizandonos_version_final_3.pdf)

<sup>10</sup> <https://www.mep.go.cr/noticias/mep-lanza-plan-nacional-formacion-permanente>

- The **Third plan of action of the national policy on gender equality and equity**<sup>11</sup> covering the period 2015-2018 provides for measures to prevent teenage pregnancy and introduce scholarships for victims of gender-based discrimination<sup>12</sup>.

#### Preschool education

- The availability of preschool education for children from families living in unfavourable socioeconomic conditions is limited.<sup>13</sup>

#### Secondary education

- There is a high level of repetition and dropout rates and there are reports on the “poor quality of education, in particular in rural and remote areas owing in part to a lack of adequate infrastructure and qualified teachers”<sup>14</sup>.

#### Higher education

- Access to higher education remains limited particularly for students from disadvantaged and marginalized groups.<sup>15</sup>

#### Adult education

- Measures to reduce illiteracy among older persons, especially among those belonging to indigenous populations and populations of African descent, and the promotion of lifelong learning opportunities covering access to new technologies have been recommended<sup>16</sup>.

#### Non-Discrimination and access to education

- Structural discrimination against indigenous peoples, persons of African descent, persons with HIV or AIDS, migrants, asylum seekers and refugees hinders their access to education. The absence of identification documents essential for them to access education<sup>17</sup> is problematic.
- Language barriers remain an issue.<sup>18</sup>
- Gender discrimination persists and the lack of legal recognition of gender identity is a barrier for transgender persons to have access to education.<sup>19</sup>

#### Women and girls

- Costa Rica reached commendable levels (female adult literacy rate: 97.71% ; female youth literacy rate: 99.43%) and implemented educational campaigns on gender equality.<sup>20</sup>

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<sup>11</sup> <http://pieg.inamu.go.cr/wp-content/uploads/2016/03/IIIPlanPIEG-baja.pdf>

<sup>12</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women, CEDAW/C/CRI/CO/7, 24 July 2017, para 4 (c).

<sup>13</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights, E/C.12/CRI/CO/5, 21 October 2016, para. 58.

<sup>14</sup> *Ibid.*

<sup>15</sup> Concluding observations of the CESCR, E/C.12/CRI/CO/5, 21 October 2016, *op.cit.*, para. 58.

<sup>16</sup> Report of the Independent Expert on the enjoyment of all human rights by older persons on her mission to Costa Rica, A/HRC/33/44/Add.1, 4 August 2016, para.108 and 109.

<sup>17</sup> Concluding observations of the CEDAW, CEDAW/C/CRI/CO/7, 24 July 2017, *op.cit.*, para. 38(b)

<sup>18</sup> Report of the Independent Expert, A/HRC/33/44/Add.1, 4 August 2016, *op.cit.*, para.5.

<sup>19</sup> Concluding observations of the CESCR, E/C.12/CRI/CO/5, 21 October 2016, *op.cit.*, para. 20.

<sup>20</sup> Concluding observations of the CEDAW, CEDAW/C/CRI/CO/7, 24 July 2017, *op.cit.*, para. 14 and 26

However, there is an absence of disaggregated data<sup>21</sup> and insufficient measures aimed at reducing school dropout rates among pregnant adolescent girls and ensuring their right to return to school.<sup>22</sup>

- There is concern over the sexual harassment and other forms of gender-based violence in the education system.<sup>23</sup> Furthermore, there is a concentration of women in traditionally female-dominated fields of study and an underrepresentation of women in decision-making positions.<sup>24</sup>

#### Child Labour

- The elimination of child labor is set out in the National Development Plan 2015-2018 and there has been a reduction in children engaged in work (from 2.2% to 1.1% in 2016)<sup>25</sup>. However, cases continue to be reported<sup>26</sup>.

#### **IV. Specific recommendations**

8. Costa Rica should be encouraged to submit comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, especially the Convention against discrimination in education.
9. Costa Rica should be encouraged to ensure availability of preschool education for children from families living in unfavourable socioeconomic conditions and extend compulsory education to one year of pre-school.
10. Costa Rica should be encouraged to take measures to reduce dropout and repeat rates in secondary education, including by amending the Fundamental Education Act N°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.
11. Costa Rica should be encouraged to take measures to ensure access to higher education for disadvantaged and marginalized groups by progressively introducing free education.
12. Costa Rica should be encouraged to address illiteracy amongst older people and promote lifelong learning opportunities covering access to new technologies.
13. Costa Rica should be encouraged to remove language barriers through bilingual education in the native tongues of indigenous peoples and persons of African descent.
14. Costa Rica should be encouraged to eliminate structural discrimination and any financial or bureaucratic barriers against indigenous peoples, persons of African descent, persons with HIV or AIDS, migrants, asylum seekers and refugees with regard to their access to education. It should also be encouraged to remove legal barriers preventing transgender persons to have effective access to education.

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<sup>21</sup> *Ibid.* para. 26(a).

<sup>22</sup> *Ibid.* para. 26(b).

<sup>23</sup> *Ibid.*, para. 26(c).

<sup>24</sup> *Ibid.* para. 26(d) and (e).

<sup>25</sup> Committee of Experts on the Application of Conventions and Recommendations (CEACR) on the Minimum Age Convention, 1973 (N°138) Costa Rica, 2018, accessible at:

[https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3340947:NO](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3340947:NO)

<sup>26</sup> *Ibid.*

15. Costa Rica should be encouraged to collect data on women and girls, in particular their enrolment, completion and dropout rates, reinforce measures to reduce school dropout rates among pregnant adolescent girls and ensure their right to return to school. To this extent, comprehensive, age-appropriate content on sexual and reproductive health in primary and secondary education curricula should be encouraged.
16. Costa Rica should strongly be encouraged to enforce the law protecting children against economic exploitation, strengthen child labour oversight mechanisms and increase support for poor families so that they can keep their children in the education system.
17. Costa Rica should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education<sup>27</sup>.

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### **Freedom of opinion and expression**

18. Costa Rica is encouraged to introduce a freedom of information law that is in accordance with international standards and to ensure progress on Sustainable Development Goal 16.10 concerning public access to information and fundamental freedoms.

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### **Cultural rights**

19. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)<sup>28</sup>, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)<sup>29</sup> and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)<sup>30</sup>, Costa Rica is encouraged to fully implement the relevant provisions that promote access to, and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Costa Rica is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young people and people with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

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### **Freedom of scientific research and the right to benefit from scientific progress and its applications**

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<sup>27</sup> <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

<sup>28</sup> Periodic Report available at: <http://whc.unesco.org/document/123037>

<sup>29</sup> Periodic Report available at: <http://ich.unesco.org/doc/download.php?versionID=37450>

<sup>30</sup> Periodic Report available at: <http://en.unesco.org/creativity/monitoring-reporting/periodic-reports/available-reports->

20. **Costa Rica** has not submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore **Costa Rica** is encouraged to report to UNESCO in future on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to the Right to Science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.