



**International Covenant on
Civil and Political Rights**

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**Consideration of reports submitted by States
parties under article 40 of the Covenant**

Sixth periodic reports of States parties due in 2012

Costa Rica*

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1. The Human Rights Committee considered the fifth periodic report of Costa Rica on the implementation of the International Covenant on Civil and Political Rights at its 2492nd, 2493rd and 2508th meetings, held in October and November 2007, and issued its concluding observations in document CCPR/C/CRI/CO/5.

I. Methodology

2. This report was prepared by the Inter-Institutional Commission for the Monitoring and Implementation of International Human Rights Obligations. The Inter-Institutional Commission was established in 2011 as a permanent advisory body on human rights of the executive branch in order to coordinate the national implementation of international human rights obligations.

3. Since its establishment, the Inter-Institutional Commission has held regular meetings and its efforts have focused chiefly on preparing a national policy for a society free from racism, racial discrimination and xenophobia. The Inter-Institutional Commission has also undertaken to prepare the reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and for the universal periodic review.

4. The executive decree on the establishment of the Inter-Institutional Commission also provided for the establishment of a Standing Body for Civil Society Consultation, which has contributed to greater exchange and feedback with civil society. Existing channels notwithstanding, the Inter-Institutional Commission will continue to forge ties with civil society as there remains much scope for improvement. Since the Inter-Institutional Commission was established, the Standing Body has regulated and lent institutional legitimacy to the necessary dialogue with civil society for the preparation of reports and the definition of actions, among other human rights-related activities.

II. Aspects relating to the general provisions of the Covenant

Articles 2 and 13

Refugees and asylum seekers

5. Regarding the rights enshrined in articles 2 and 13 of the Covenant, the Human Rights Committee recommended that: “The State party should take steps to ensure full respect for the principle of confidentiality of the personal files of asylum seekers and refugees.”

6. Article 8 of the Refugee Regulations, which were issued through Decree No. 36831 of 1 November 2011, sets forth the principle of confidentiality with regard to the registration and handling of information on asylum seekers and refugees. It is based on the human right to privacy.

“Article 8 – Principle of confidentiality. Confidentiality is the guiding principle for the registration and handling of information on applicants for refugee status and refugees. It is based on the human right to privacy, which is protected under a number of international instruments to which Costa Rica is a party and is essential in order to ensure effective international protection for refugees. Failure to observe this principle may have serious repercussions on the protection and safety of refugees

and applicants for refugee status, their relatives and persons with whom they may be associated, both in Costa Rica and in their country of origin.”

7. The State is aware that failure to comply with this principle may have dire consequences on the lives of refugees and accordingly has put in place safeguards to guarantee its observance. Article 143 of the Refugee Regulations stipulates that:

“All information relating to applications for refugee status shall remain strictly confidential. To that end, both the Subdivision on Refugees and the Commission on Restricted Visas and Refugee Status shall instruct the relevant national authorities on cases, in particular with regard to communication with the authorities of applicants’ country of nationality or habitual residence.”

8. Pursuant to the safeguards, the interview, the file, the notification of the approval or rejection of the application and the initial application form are strictly confidential.

9. Furthermore, article 106 of the Decree stipulates that: “The meetings, acts and resolutions of the Commission on Limited Visas and Refugee Status shall be private and strictly confidential. The Commission shall adopt the confidentiality guidelines that it considers necessary, which shall set forth the meaning and scope of the term in relation to its activities and shall apply to its meetings, acts and resolutions. The members and any substitute delegates shall sign a confidentiality agreement when making their first statement and upon joining the Commission. Every time new members or substitutes appear before the Commission, they shall sign a one-time, equivalent agreement.”

Articles 7 to 10

The dignity of persons deprived of their liberty and provisions regarding torture and cruel, inhuman or degrading treatment

10. In relation to the provisions of articles 7 to 10 of the Covenant, the “Committee reiterates its recommendation that the State party should take the necessary legislative measures to reduce the duration of pretrial detention and to eliminate prolonged incommunicado detention, taking due care to ensure compliance in practice.”

11. The Committee further recommended that: “The State party should take steps to end overcrowding in detention centres, including those administered by the migration authorities, and to ensure compliance with the requirements of article 10. In particular, the State party should take into consideration the Standard Minimum Rules for the Treatment of Prisoners.”

12. Prison overcrowding is an issue of deep concern for the Ministry of Justice and Peace and the Directorate-General for Social Rehabilitation. Accordingly, in mid-2012, the Directorate-General together with the National Criminology Institute drafted and adopted circular No. 06-2012 to regulate extraordinary assessments, as defined in article 26 of the Technical Regulations on the Prison System.

13. As a result of this circular, the National Criminology Institute has approved the transfer of nearly 120 inmates from the Closed Rehabilitation Programme to the Semi-Open Rehabilitation Programme. These efforts are part of the policies for responsible and objective deinstitutionalization promoted by the Directorate-General.

14. The circular applies to both male and female prisoners, removes the requirement to have served one third of the sentence, and incorporates into internal prison rules the possibility of exceptions, on humanitarian grounds, due to institutional requirements or situations arising during imprisonment.

15. Prior to 2012, approximately 1,540 persons were in the Semi-Open Rehabilitation Programme. Following the implementation of the circular and other actions to make the process more flexible, 2,800 have now benefited from the programme change. Furthermore, the National Criminology Institute recently adopted circular No. 02-2014, which consolidates circulars No. 07-2010 and No. 06-2012, in order to strengthen the deinstitutionalization process.

16. Thanks to such efforts, the Standard Minimum Rules for the Treatment of Prisoners are now being observed, especially with regard to the obligation for prison authorities to implement measures for the social reintegration of offenders.

17. Regarding defendants and suspects, Immediate Action Plans (PAI) are in place that set out interdisciplinary specialized assistance and care procedures in various specific technical areas.

18. These Plans aim to meet the needs of detained suspects in areas such as education, health, work, sports and leisure in general.

19. Both Immediate Action Plans and Technical Assistance Plans (PAT) are based on a comprehensive approach to persons deprived of their liberty and are meant to provide specialized care and assistance in areas identified as potential causes of recidivism.

20. Another of the approved measures that will be implemented in the near future is the construction of 2,700 additional places to accommodate persons deprived of their liberty, of which 700 will be reserved for women. The project is financed in part through a loan from the Inter-American Development Bank.

21. The Directorate-General for Social Rehabilitation has undertaken various actions to address the problem of prison overcrowding, including the use of the budget allocated by the Board of Construction, Facilities and Property Acquisition for the period 2010–2011 to build more than 1,600 additional prison places with all complementary facilities.

22. In addition to the aforementioned actions to mitigate the impact of overcrowding, work has been carried out in almost all of the country's centres and programmes. For example:

- Approximately 275 million colones (C) were invested at the Closed Rehabilitation Centre in Limón to build two minimum-security units to house inmates who are being reintegrated. Four medium-security units were also built, at a cost of C455 million;
- Some C575 million were spent at Puntarenas prison to build four minimum-security units and other complementary facilities;
- Three minimum-security units and complementary facilities were built at the Closed Rehabilitation Centre in San Rafael at a cost of nearly C411 million;
- Some C13.3 million were invested to build a warehouse at Pococi Prison;
- Four minimum-security units and complementary facilities were built at Pérez Zeledón, at a cost of C576 million;
- San Carlos Prison was allocated C462 million for the construction of three minimum-security units and the necessary infrastructure;
- Four minimum-security units and secondary facilities were built at Liberia Prison, at a cost of C513 million;
- El Buen Pastor prison received possibly the largest sum, with nearly C730 million invested in the construction of a 68-bed minimum-security unit and 4 rooms for conjugal visits and the enlargement of the nursery, which itself cost C222 million;

- In addition, two medium-security units were also built at El Buen Pastor, using €1,500 million from the National Emergency Commission;
- Some €237 million were spent on various projects at La Reforma;
- Some €48 million were spent on facility upgrades at the office of the Ciudad Neily Community Programme.

23. A total of approximately €8,615 million were invested in 2010–2011 and €10,500 million in 2010–2013 with a view to providing persons deprived of their liberty with better living conditions in prison.

24. Initiatives to tackle overcrowding go beyond the mere building of extra space. Consideration has also been given to designing, building and equipping productive units to serve as education and employment centres in order to promote the social reintegration of persons in conflict with the law.

25. The construction of these productive units is seen as a medium-term option to address overcrowding and to train and improve the skills of a large number of persons deprived of their liberty. These facilities will provide the necessary conditions for inmates to serve their sentence and for the development of a range of employment projects, thereby facilitating their reintegration in the labour market and reducing the risk of recidivism.

26. In concrete terms, every productive unit will have:

- Low- and medium-security housing blocks for inmates of both sexes, with an estimated capacity of 90 per medium-security unit and 64 per low-security unit;
- Entrances and exits for supplies;
- Industrial production units providing employment in inter alia manufacturing (e.g. textiles), mechanics and technology, depending on the design of the unit, which must also include monitoring offices for administrative staff and foremen;
- Supply and product stores with two checkpoints at the entrance and exit of the production units to monitor the movement of supplies;
- Classrooms in line with the stipulations of the National Training Institute;
- Secure dormitories for approximately 32 prison guards;
- Rooms for conjugal visits that comply with the necessary security standards for the restraint or protection of users in the event of an emergency;
- A general visiting, leisure and sports area;
- Offices for public servants responsible for providing professional technical assistance to persons deprived of their liberty;
- A basic, equipped staff kitchen and refectory.

27. In addition, there will be internal monitoring posts, a guard office, a kitchen and refectory, a doctor's office, interior and perimeter fences and access roads for light- and freight vehicles.

28. According to current plans, these productive units will have an initial capacity for 2,648 inmates, shared among the following prisons:

| <i>Prison</i> | <i>Number of inmates</i> |
|---|--------------------------|
| La Reforma Closed Rehabilitation Centre | 180 |
| San Rafael Closed Rehabilitation Centre | 180 |

| <i>Prison</i> | <i>Number of inmates</i> |
|--|--------------------------|
| Pococí Closed Rehabilitation Centre | 360 |
| San Carlos Closed Rehabilitation Centre | 180 |
| Puntarenas Closed Rehabilitation Centre | 180 |
| Liberia Closed Rehabilitation Centre | 244 |
| Pérez Zeledón Closed Rehabilitation Centre | 360 |
| Buen Pastor Closed Rehabilitation Centre | 360 |
| Nicoya Semi-Open Rehabilitation Centre | 540 |
| San Luis Semi-Open Rehabilitation Centre | 64 |
| Total | 2 648 |

29. Similar projects have also been considered for Cartago and Gerardo Closed Rehabilitation Centres with a view to expanding capacity to 2,700. These construction projects are due for completion in 2017. The authorities are currently accepting expressions of interest for the design of the model in advance of the call for tenders for the actual construction.

30. In addition to the projects described above, there are plans also to allocate some of the 2013 budget to building infrastructure in a number of prisons. The relevant authorities, with the authorization of the Office of the President, have set aside €3,700 million of the budget of the Board of Construction of the Directorate-General for Social Rehabilitation for building seven medium-security units at a number of centres. Public call for tenders No. 2012LN-000099-99999 for the construction of seven medium-security units at the Puntarenas, Pérez Zeledón and La Reforma Closed Rehabilitation Centres was opened on 4 December 2012 and closed by agreement at the 1817th board meeting of the Board of Construction, Facilities and Property Acquisition, held on 26 February 2013.

31. Furthermore, in compliance with the recommendations, the Ministry of Justice and Peace and the Directorate-General for Social Rehabilitation have sought to adopt alternatives to pretrial detention through a bill on the use of electronic monitoring devices in criminal matters, which was submitted to the Legislative Assembly with a view to streamlining the recourse to pretrial detention and reducing prison overcrowding. The bill would have promoted the use of electronic devices as an alternative to deprivation of liberty and authorized electronic monitoring as a precautionary measure; however, it was not approved by the Legislative Assembly.

32. The judiciary has ordered measures to reduce overcrowding in prisons and detention centres, including through a number of decisions of the Constitutional Chamber of the Supreme Court¹ since 1996. The Constitutional Chamber has insisted on the State's obligation to prevent overcrowding as a violation of the fundamental rights of those deprived of their liberty.

33. For example, in decision No. 2011-3742 of 24 March 2011, the Constitutional Chamber stated that:

“[...] Article 40 of the Constitution stipulates that ‘no one shall be submitted to cruel or degrading treatment’, and ill-treatment and cruel or degrading treatment can take

¹ E.g. Rulings No. 6336 of 6 April 2005 and No. 7980 of 22 June 2005 and Opinion No. 11762 of 11 August 2006; Opinions No. 1332 of 30 January 2009 and No. 4815 of 13 April 2009; Opinions No. 3742 of 23 March 2012, No. 2053 of 17 February 2012, No. 5310 of 27 April 2012, No. 6925 of 25 May 2012 and No. 5740 of 7 November 2012.

a number of shapes and may result from a deliberate act, deficiencies in the organization of prison services or insufficient resources. However, as a rule, proven subhuman conditions in prisons, regardless of the cause, are an unequivocal violation of inmates' human rights which the State, as warden, is obliged to remedy. It being an infringement of this constitutional provision to keep prisoners in established dire conditions, [...] this Chamber acknowledges the efforts of the appellee authorities to mitigate the effects of overcrowding, specifically by increasing the amount of food, providing additional and improved places and introducing staggered meal and visiting times, among other verified actions. Nevertheless, given that overcrowding at the appellee centre has been demonstrated, this Chamber finds that human dignity is being undermined.”

34. Pursuant to the constitutional rulings, the Sentence Enforcement Court of the First Judicial Circuit of San José issued a decision in September 2013, ordering the closure of the San José Closed Rehabilitation Centre, the reduction of the prison population and the transfer of convicted offenders to other detention centres. The decision also prohibited the admission of any additional inmates to the Centre until further notice from the Court. Moreover, although the Centre is theoretically meant for pretrial detainees and those awaiting sentencing, it was found to be holding definitively sentenced offenders, who were all ordered to be transferred to rehabilitation centres for convicted offenders. If no room was found in other centres within the established time frame, alternatives, such as weekly overnight release and semi-open placement with the obligation of having a fixed address, were to be provided for the 370 inmates closest to completing their sentence; a report was to be submitted on the implementation of the solutions. The decision is being put into effect.

35. Sentence enforcement judges have begun to authorize the release of large numbers of inmates nearing the end of their sentence and petty offenders in order to reduce prison overcrowding. However, the State faces the challenge of implementing a procedure for the exhaustive assessment of eligible offenders, given that grievous deficiencies in the previous system resulted in the re-detention of a large number of individuals who had benefited from these measures. There is also a pressing need to build new detention centres able decently to hold the country's offenders.

36. The State acknowledges that it should approach this issue comprehensively, consider reviewing the various mechanisms in place, including pretrial detention, and discuss the implementation of alternatives to detention for those awaiting trial or definitive sentencing, in an effort to prevent prison overcrowding.

Articles 2, 18, 23 and 26

Religious freedom

37. Although article 75 of the Constitution defines a State religion, the Government wishes to clarify that freedom of worship is guaranteed under the Constitution and the international law instruments to which Costa Rica is a party.

38. The Constitutional Chamber of the Supreme Court has developed considerable case law stating that international human rights conventions prevail over the Constitution.

39. Notwithstanding the above, there is an ongoing debate in the media and political circles about the possibility of amending the Constitution to declare a secular State; however, no bill has been drafted to that end.

Article 19

Freedom of the press

40. Regarding Criminal Code amendments and the offence of divulging State secrets, in April 2013 the Cybercrimes Act was amended to ensure that the penalties apply only to those who divulge duly identified State secrets. The Journalists' Association and the executive branch contributed to drafting the amendment bill, in keeping with the Committee's recommendation.

Articles 2 and 24

The protection of children and women

41. Regarding articles 2 and 24 of the Covenant, the Committee recommended that:

“The State party should reinforce measures to combat trafficking in women and children and, in particular:

- (a) Ensure that penalties commensurate with the seriousness of the acts are imposed on anyone engaging in such exploitation;
- (b) Continue its efforts to generate public awareness of the unlawful nature of the sexual exploitation of women and children;
- (c) Provide training courses for the competent authorities;
- (d) Protect victims so that they may find refuge and testify against those charged in criminal or civil cases, and award them compensation.”

42. Regarding the penalties for trafficking, article 172 of the Criminal Code sets out penalties ranging from 6 to 16 years' imprisonment and covers the following purposes of trafficking: the carrying out of one or several acts of prostitution, sexual or labour exploitation or servitude, slavery and related practices, forced labour or services, forced marriage, begging, unlawful organ harvesting and illegal adoption.

43. The key element of the Government's efforts to tackle this issue in a comprehensive manner is the adoption of Act No. 9095 on trafficking in persons and the establishment of the National Coalition against Smuggling of Migrants and Trafficking in Persons, which constitutes a significant legislative step towards addressing the various forms occurring in the country.

44. The Act also provides for the establishment of the National Fund against Smuggling of Migrants and Trafficking in Persons, which will be financed by charging an extra dollar on the country exit fee and will enable the National Coalition to pursue its efforts. The National Coalition consists of 21 public institutions and its work is divided into four commissions (Assistance, Prevention, Justice and Information, Analysis and Research).

45. The Act also criminalizes labour exploitation in order to punish those who recruit staff and then oblige them to work in conditions that infringe their fundamental human rights, an act that previously incurred merely an administrative penalty. A provision was also added to the Criminal Code to penalize the promotion of Costa Rica as a sex tourism destination in an effort to eradicate such activities in the country. The Justice Commission has undertaken to draft the regulations for Act No. 9095, which should be completed in 2014.

46. Between 1 April and 17 December 2012, the Office of the Deputy Public Prosecutor for Organized Crime launched 32 new investigations into the offences of trafficking in persons and migrant smuggling. These do not include cases opened for rape, aggravated

rape, procurement, aggravated procurement, pimping or paid sexual acts with minors as no statistics are currently produced on these topics. By April 2014, there had been five convictions for trafficking.

47. In order to raise awareness of the criminal nature of sexual exploitation, various member institutions of the National Coalition carried out campaigns in 2012. For example, at two job fairs held at San Pedro mall, the Judicial Investigation Agency presented its campaign “No todo es lo que parece” (Not everything is what it seems), which began in 2011, targets a younger audience and focuses chiefly on trafficking in persons for the purpose of labour exploitation, although it does broach trafficking for the purpose of sexual exploitation.

48. In the second half of 2012, the National Institute for Women reran its “No más trata de mujeres” (No more trafficking in women) joint campaign with the International Organization for Migration in a bid to encourage the use of the telephone hotline to report possible cases.

49. In 2012, the Technical Secretariat of the National Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents, in coordination with the technical boards of the National Child Welfare Agency, ran a campaign on the social networking site Facebook entitled “Memes, memes everywhere” which targeted 13 to 17-year-olds. It was preventive and informative and the language and content were tailored to adolescents. It dealt with the prevention of various types of rights violations, including trafficking in persons and sexual exploitation. By December 2012 there were some 43,000 followers.

50. The International Centre for the Human Rights of Migrants (CIDEHUM) designed a campaign entitled “A Usted También: Necesidades de Protección para personas desplazadas forzadas en Centroamérica” (The protection needs of forcibly displaced persons in Central America). The objective was to develop and roll out tangible institutional actions for the protection of populations displaced through violence caused by organized crime in Central America, human trafficking and migrant smuggling, in coordination with international organizations and with the participation of government and civil society representatives.

51. The Rahab Foundation produced and broadcast 25 television, radio and press reports and 35 television, radio and cinema advertisements focused on preventing and reporting sexual exploitation and human trafficking for the purpose of sexual exploitation.

52. The Department of Migrant Smuggling and Human Trafficking of the Directorate-General for Migration aired a radio spot on Central de Radios in August and September to raise public awareness of trafficking in persons. In the first month, it ran during news segments on Radio Monumental and, in the second month, it aired on Radio Disney and EXA FM in order to reach all segments of the population. According to information provided by Central de Radios, the campaign was heard by approximately 1 million people.

53. As part of the same campaign, 25 posters were designed, in conjunction with the United Nations Children’s Fund (UNICEF), and were placed in all the regional offices of the National Coalition, especially in more touristic areas, and were used in its activities. In addition, information leaflets containing a brief description of trafficking in persons and the telephone numbers for reporting possible cases were printed and distributed at airports, land border crossings and central offices.

54. The Judicial Investigation Agency spoke twice on national radio to raise public awareness of human trafficking and how to recognize and report it.

55. The Costa Rican Tourism Board developed the project “Prevención de la Explotación Sexual Comercial de personas menores de edad” (Preventing the commercial

sexual exploitation of minors) with informal tour operators in Guanacaste and Puntarenas participating in a campaign against this offence. Furthermore, 95 taxi drivers took part in in-person information sessions on the issue and its social and legal implications, especially the fact that persons who provide information facilitating a meeting between a tourist and a victim are considered accessories. Ten craftsmen and 5 masseurs who ply their trade on beaches and 10 informal surf instructors took part in discussions about the social and legal aspects of the commercial sexual exploitation of minors.

56. Other efforts include training sessions for various sectors of the coastal communities in Santa Cruz regarding the commercial sexual exploitation of minors and how to report cases.

57. Thanks to the considerable efforts of National Coalition members, the following groups received training:

| <i>Groups</i> | <i>Number of participants</i> |
|-----------------------------|-------------------------------|
| Students | 6 684 |
| Public servants | 3 224 |
| Community and youth leaders | 389 |
| Parents | 108 |
| General public | 6 343 |
| Civil society | 256 |
| Total | 17 004 |

58. The Judicial Investigation Agency provided training on the issue to staff of the Police Department of Intelligence and Security. Personnel from 16 of the Judicial Investigation Agency divisions and subdivisions also received training.

59. Regarding the protection of victims, the Assistance and Protection Office for Crime Victims of the Public Prosecution Service is responsible for attending to the needs and protection of victims whose cases are brought to trial. It is also responsible for coordinating with the various institutions to provide victims with all the services they need on a personalized basis, in keeping with Act No. 8720.

60. All victims are provided with accommodation and/or shelter in safe and secret locations, depending on the specific characteristics and requirements of each case.

61. Foreign victims who wish to remain in the country are provided with migration documents and medical, psychological and drug rehabilitation services, where applicable, and the cost of accommodation, food, clothing and other necessities is covered. They may also pursue an education and receive financial assistance, if the case merits it. Only victims of human trafficking are entitled to these services and 100 per cent of known victims have received them.

62. In the case of underage victims, the National Child Welfare Agency is the coordinating body for all cases involving minors, whether nationals or foreign. It also coordinates all the services these victims require.

63. Act No. 8720 on the protection of victims, witnesses and other persons involved in criminal proceedings is the legal basis for encouraging victims to cooperate as witnesses in investigations. Once a victim agrees to take part in the programme, the Assistance and Protection Office for Crime Victims covers everything the victim needs to remain in the country for the requisite period, including legal, psychological and social assistance. It also

coordinates continually with the rapid response team in order to provide multidisciplinary assistance.

64. If victims so wish, they may leave the country and return for the trial; however, an exhaustive assessment of the risk involved in returning to their country of origin must first be conducted. For this reason, the Office of the Deputy Public Prosecutor for Organized Crime is attempting to make it possible for victims who wish to leave the country as soon as possible to give evidence in advance at their earliest convenience in order to not delay their return to their country of origin.

65. In Costa Rica, the accused have a right to know their accuser; accordingly, measures are being put in place to avoid contact between victims and the accused, especially victims who come under Act No. 8720.

Articles 2, 20 and 26 Equality before the law

66. As mentioned at the beginning of this report, a considerable share of the efforts of the Inter-Institutional Commission for the Monitoring and Implementation of International Human Rights Obligations is devoted to preparing reports and designing a national policy for a society free from racism, racial discrimination and xenophobia. The design process in particular has led to significant institutional progress in terms of better understanding and a more appropriate approach to the struggle against racism, racial discrimination and xenophobia. Although it is a work in progress, key steps have been taken towards greater, more definite and more tangible progress in this area.

67. The design process also laid the foundation for the preparation of reports such as this one.

68. Combating racism, racial discrimination and xenophobia was the primary focus of the Inter-Institutional Commission's first two years. There has been growing awareness and broader understanding among Government institutions of the need to tailor policies and actions to indigenous, Afrodescendent, migrant and refugee populations.

69. In addition, a large share of the efforts by ministries and independent institutions over the past few years has been focused on working with these groups. The Ministry of Education, the Ministry of Culture and Youth, the Ministry of Health, the Social Insurance Fund of Costa Rica, the Ministry of Housing and Human Settlements, the Directorate-General for Migration and Alien Affairs, the Costa Rican Electricity Institute and the Ministry of Foreign Affairs have all been working and holding discussions with one or all of these groups at various levels.

70. Although Government institutions have not yet designed broad policies with specific focuses on these population groups, considerable and varied efforts are being made, specialized bodies have been set up and programmes benefiting mainly indigenous communities and certain groups of migrants and refugees have been implemented. As a result of the national policy for a society free from racism, racial discrimination and xenophobia, the authorities are striving better to meet the needs of the three groups, including Afrodescendants, by taking integrated action, decided upon jointly with the groups concerned, and to shift from isolated efforts to a national policy.

71. It should be noted that, through dialogue with civil society, there has been more open and wider interaction with indigenous peoples, Afrodescendants and relevant groups of migrants and refugees. This is relevant for all human rights reports, especially considering that a large number of the country's challenges regarding the enjoyment of

human rights, as identified both by Government institutions and the Committee, involve these populations groups.

72. The formulation of the national policy for a society free from racism, racial discrimination and xenophobia set in motion a crucial dialogue and exchange process with civil society. Between May and December 2012, six regional workshops were held with indigenous persons, Afrodescendants and representatives or associations of migrants and refugees as well as a national interactive workshop and other forms of informal exchange with individuals and small groups. The purpose was to collect background information, which the Inter-Institutional Commission used to prepare and substantiate the draft national policy during the first quarter of 2013.

73. The national policy (see annex) contains a more detailed explanation of the process and the Inter-Institutional Commission's activities. It should be noted that, as a result of the discussions and efforts of the Inter-Institutional Commission and the specially established Subcommission, exchanges took place and various participatory mechanisms were set up in an effort to take as full account as possible of the requests, concerns and interests of civil society in the formulation process. During this period, civil society continued to contribute in various ways to a document to help the Government incorporate the interests and concerns of rights holders and potential victims of racism, racial discrimination and xenophobia in its initiatives.

74. The action plan associated with the national policy focuses in part on institutional strengthening, including by introducing the obligation of the State to train public servants in human rights.

75. It should also be noted that, since Act No. 8764 on migration came into force in 2010, the State has taken an unequivocal human rights approach to the treatment of migrants and refugees. Accordingly, it has set up a mechanism, which is evaluated on an ongoing basis, to ensure more effective access to social security for migrants. In addition, civil society organizations working with migrants and refugees have direct representation and voting rights in the National Migration Council.

76. The first rights-based migration policy was adopted in 2013 with a view to integrating these groups into Costa Rican society. It is a tool to guide Government action and foster the conditions for turning migration into a force for the country's development and for the well-being, integration and inclusion of migrants and their families in society. It reflects the 10-year commitment of Costa Rica (2013–2023) to manage and control migration flows and achieve the integration of migrants.
