



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Eighty-ninth session

**List of issues to be taken up in connection with the consideration
of the fifth periodic report of COSTA RICA**

**Constitutional and legal framework within which
the Covenant is implemented (art. 2)**

1. In the light of the information supplied in paragraph 19 of the fifth periodic report of the State party (CCPR/C/CRI/5), please provide examples of legal rulings in which the Covenant has been invoked as part of domestic law.

Non-discrimination and equal rights of men and women (arts. 3 and 26)

2. Please indicate whether Congress has adopted bill No. 13874, which criminalizes violence against women, and indicate the practical measures that have been taken to encourage victims to report acts of violence.

Right to life and prohibition of torture (arts. 6 and 7)

3. Please indicate: (a) the number of cases of torture recorded since article 123 bis of the Criminal Code entered into force; (b) the number of persons tried and sentenced for this offence; and (c) the number and total amount of compensation payments awarded to victims. Please supply similar information with respect to cruel or degrading treatment, which is not defined by article 123 bis, including abuses of authority. Please also provide information on cases of police misconduct reported to the Office of the Ombudsman, and on the follow-up to those complaints.

4. Paragraph 302 of the report points out that “under no circumstances will our legislation permit abortion, as this would mean sacrificing a human life that has its own rights”. Please comment on how this position is compatible with the obligation to protect the life of the mother in the case of therapeutic abortions.

Right not to be subjected to arbitrary arrest or detention (art. 9)

5. Please indicate whether, following the Committee's recommendations, the State party has reduced the period of pretrial detention, in accordance with article 9, paragraph 3, of the Covenant. Please explain how holding a person incommunicado for up to 48 hours without a court order (article 44 of the Constitution of Costa Rica) is compatible with the obligation to bring the detainee before a judge within 24 hours (art. 37). Please provide information on detention incommunicado for 10 consecutive days (art. 44). Are there plans to reduce this period?

Right to freedom of expression (art. 19)

6. Please comment on the compatibility of the Press Act with article 19 of the Covenant.

7. Please comment on information made available to the Committee by various sources claiming that death threats have been made against officials and journalists who examine or report cases of corruption, drug trafficking or murders related to these activities. Please also indicate whether measures have been taken to protect the victims of these threats, punish the perpetrators and prevent such acts.

Freedom of association and the right to join trade unions (art. 22)

8. Please comment on information made available to the Committee by various sources, including the Report by the Special Representative of the Secretary-General on human rights defenders, claiming that human rights organizations have been excluded from discussions and decisions on welfare and human rights policies.

9. Please comment on information made available to the Committee by various sources claiming that attacks and threats have been made against workers belonging to certain trade unions and their leaders. In particular, an attack on the headquarters of the International Confederation of Free Trade Unions (ICFTU) has been reported. Please also indicate the measures taken to identify and punish the perpetrators.

Freedom of religion and the right to marry and found a family (arts. 18 and 23)

10. Paragraph 282 of the report points out that "the Constitutional Chamber has reaffirmed the value of the family and, in the context of the State religion, confirmed in decision No. 8763-04 that only Catholic marriage is valid for civil purposes". Please comment on this in the light of articles 2, 18, 23 and 26 of the Covenant.

11. Paragraph 249 of the report points out that: "Indigenous religions, Afro-Costa Rican religions and those introduced by new migrants are now more highly valued. The country enjoys full religious pluralism." Please supply further information on this matter, particularly with regard to the rights established in articles 18 and 26 of the Covenant.

**Right to recognition as a person before the law and
protection of the child (arts. 16 and 24)**

12. Please comment on, and supply practical examples of, the outcome of the implementation of Act No. 8101, adopted on 27 March 2001, which enacted the Responsible Parenthood Act. In how many cases has paternity been assigned following the mother's unilateral statement to the registry office?

13. Please comment on the current status of the legal initiative to prohibit marriage by persons aged under 15.

14. Please indicate the current status of the judicial proceedings concerning the trafficking of children from Ecuador in 2004, in which immigration officials were allegedly complicit. Please indicate the number of persons who have been investigated, tried and sentenced for offences relating to the sexual exploitation of children in the last five years, in addition to the number and total amount of compensation payments awarded to victims.

Principle of non-discrimination (art. 26)

15. Please clarify what is meant by a "selective approach to admission and residence of foreigners" in Costa Rica, as referred to in paragraph 193 of the report, in the light of article 26 of the Covenant.

16. The Office of the Ombudsman and members of civil society asked the Legislative Assembly to review the new Migration Act as it contains provisions that are contrary to human rights. Please state how this request was followed up in the light of article 26 of the Covenant.

Rights of minorities (art. 27)

17. Please comment on the progress made in adopting a law on the autonomous development of the indigenous peoples, as referred to in paragraph 27 of the report, and its compatibility with article 27 of the Covenant.

Dissemination of the Covenant

18. Please describe any steps taken to disseminate information on the submission of reports and their consideration by the Committee, and in particular on the Committee's concluding observations. Please indicate whether non-governmental organizations were informed that the report of Costa Rica is due for consideration.
