



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the sixth periodic report of Costa Rica*

Constitutional and legislative framework (arts. 1 and 2)

1. Please provide information on how the provisions of the Covenant are invoked and implemented before the national courts. Please also describe the current process for giving effect to the Committee's Views under the Optional Protocol. Please provide information on the activities of the Inter-Institutional Commission for the Monitoring and Implementation of International Human Rights Obligations, in particular on progress made in setting up a Standing Body for Civil Society Consultation (CCPR/C/CRI/6, paras. 2 to 4).

2. Please provide information on the funding of the Office of the Ombudsman and the selection process for the Deputy Ombudsman and whether it is in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (General Assembly resolution 48/134, annex).

Non-discrimination, equal rights for men and women (arts. 2, 3 and 26)

3. Please indicate the measures adopted by the State party in response to the concern expressed by the Committee in its previous concluding observations (CCPR/C/CRI/CO/5, para. 13) and provide information on measures taken in relation to the stigmatization of Nicaraguan and Colombian nationals, including Colombian refugees. Please also indicate the measures taken to tackle structural racism, racial discrimination and xenophobia, in particular, the results of the national policy for a society free from racism, racial discrimination and xenophobia (CCPR/C/CRI/6, paras. 72 and 73).

4. Please provide information on the measures adopted, including awareness-raising campaigns, and their impact, to prevent and provide effective protection against violence and discrimination based on sexual orientation or gender identity. Please specify whether legislative provisions are in place which explicitly prohibit discrimination based on sexual orientation or gender identity. Please provide information on the number of complaints received of acts of violence against members of the lesbian, gay, bisexual and transgender (LGBT) community, the corresponding

* Adopted by the Committee at its 114th session (29 June to 24 July 2015).



investigations carried out and their outcomes, including the convictions handed down and the reparation measures granted to the victims.

5. Please indicate what concrete measures the State party has adopted to tackle discrimination against women in the workplace and, in particular, to eliminate the gender wage gap. Please provide statistical data on the participation of women in the labour market, both in the formal and informal sectors, disaggregated by occupational group and level.

6. Please also indicate the results of the quota system designed to ensure that women are represented in decision-making posts, in particular with regard to the participation of indigenous women in political life.

7. Please provide detailed information on the legislative and administrative provisions adopted to enable all persons infected with HIV/AIDS to enjoy equal access to treatment, including members of the LGBT community, persons living subject to addiction and irregular migrants affected by HIV/AIDS. Furthermore, please indicate any other measures taken to end the stigmatization of and discrimination against persons infected with HIV/AIDS.

8. Please clarify whether national legislation recognizes discrimination on the grounds of disability. Please also provide information on the practice of forced sterilization of persons with disabilities and indicate the measures adopted to improve the situation of persons with disabilities, in particular women and indigenous persons.

Principle of non-refoulement (art. 7)

9. Please provide information on the implementation of the Immigration and Aliens Act and on whether it establishes clear criteria ensuring that the processes by which refugee status is determined are in line with the corresponding guarantees and do not contravene the principle of non-refoulement.

Abortion (arts. 6 and 7)

10. Please indicate whether access to abortion is guaranteed in practice in cases of rape and risk to the life of the mother. In particular, please provide information on measures taken to guarantee prompt and effective access to medical services in cases of legal abortion, indicating how this right is guaranteed in cases of conscientious objection on the part of medical staff, and comment on reports received by the Committee on the lack of protocols for the performance of therapeutic abortions in cases where the life or health of the mother is at risk. Please provide information on measures adopted to ensure that women are made fully aware of methods of contraception, to avoid unwanted pregnancies and to promote sexual and reproductive health education for adolescents. Please provide information on the ban on in vitro fertilization and comment on its compatibility with the provisions of the Covenant.

Violence against women (arts. 6 and 7)

11. Please provide information on measures adopted to guarantee that cases of gender-based violence, including sexual and domestic violence, are investigated, prosecuted and sanctioned, as well as an assessment of the results of those measures. Please include statistical data corresponding to the period examined on the number of complaints of the various types of violence against women registered, the number of convictions handed down, including the sentences imposed, reparations granted to victims and the number of shelters available for victims of violence. Please also

provide information on measures taken to tackle violence against women, in particular in Limón Province.

Prohibition of trafficking in persons (art. 8)

12. Please provide details of the implementation of Act No. 9095 on trafficking in persons and the establishment of the National Coalition against Smuggling of Migrants and Trafficking in Persons and the corresponding budget allocated to the implementation of this Act, including to the National Fund against Smuggling of Migrants and Trafficking in Persons. Please provide information on progress made in drafting the regulations for Act No. 9095 and indicate what mechanisms are available for data collection or victim-referral and identification. In the light of the information and statistics provided by the State party on investigations and the number of convictions handed down (CCPR/C/CRI/6, para. 46), please provide information on obstacles preventing the investigation and sanctioning of traffickers. Please also provide statistical information covering the period from 2010 onwards, disaggregated by sex, age and country of origin of the victim, on: (a) complaints of trafficking of persons received; (b) sentences handed down relating to traffickers; (c) reparations granted to victims; (d) the follow-up given to repatriated foreign victims of trafficking.

Prohibition of torture and other cruel, inhuman or degrading treatment (arts. 6 and 7)

13. In the light of the Committee's previous recommendations (CCPR/C/CRI/CO/5, para. 8), please provide information on measures taken to eliminate incommunicado detention and statistical data on the use of that form of detention over the past seven years. Please also provide statistics covering the past seven years on mortality rates in Costa Rican detention facilities.

14. Please provide information on measures adopted to prevent, investigate and punish human rights violations committed by law enforcement agents in detention facilities. Please provide statistical data covering the period from 2010 onwards on the number of complaints received of human rights violations committed by police officials, in particular those involving torture and ill-treatment, and the number of prosecutions, specifying the offences concerned and the criminal and disciplinary sanctions handed down.

The right to liberty and security of person, the rights of persons deprived of their liberty, a fair hearing and procedural guarantees (arts. 9, 10 and 14)

15. With regard to the information provided by the State party in its report (CCPR/C/CRI/6, paras. 10 to 36) and in the light of the Committee's previous recommendations (CCPR/C/CRI/CO/5, para. 9), please provide:

(a) Updated information on the number of persons currently being held in pretrial detention and on the increase in the number of situations in which pretrial detention may be applied under the Act on the protection of victims, witnesses and other persons involved in criminal proceedings and the addition of article 239 bis of the Code of Procedure;

(b) Updated information on the number of detainees currently serving sentences and on occupation rates in all detention facilities;

(c) Information on existing protocols on preparing and guaranteeing the release on the due date of detainees who have completed their sentences;

(d) Information on progress made on reducing occupation rates in detention facilities, in particular, the planned construction of 2,700 new places to accommodate persons deprived of their liberty;

(e) Information on the application of non-custodial measures and sentences, in particular, the results of the implementation of Circular No. 02-2014, approved by the General Directorate and the National Institute of Criminology, to strengthen the deinstitutionalization process.

16. Please provide information on conditions at the Temporary Detention Facility for Irregular Foreign Migrants and on whether these are in line with international standards. In particular, please specify any measures taken to reduce overcrowding. Please clarify whether national legislation establishes a limit on the duration of the administrative detention of foreign nationals.

17. Please provide information on measures taken by the State party to prevent undue delays in judicial proceedings, in line with article 14 of the Covenant.

Freedom of thought, conscience and religion (arts. 2, 18, 23 and 26)

18. Please specify any measures taken to bring the legislation of the State party into line with the Covenant and to guarantee the principle of non-discrimination between religions, as recommended by the Committee in its previous concluding observations (CCPR/C/CRI/CO/5, para. 10). Please also explain the differences affecting recognition of the legal effects of religious marriages in the State party.

Freedom of opinion and expression (art. 19)

19. Please provide information on measures taken, including administrative measures, to eliminate legislative restrictions on journalism in Costa Rica, as recommended by the Committee in its previous concluding observations (CCPR/C/CRI/CO/5, para. 11). Please provide information on the Cybercrimes Act, which entered into force in April 2013, and comment on its compatibility with the provisions of the Covenant. Specify the number of and legal grounds for criminal proceedings initiated during the period under consideration against journalists. Please also provide statistical data on the investigation, prosecution and punishment of the authors of attacks and threats against journalists and on remedies for victims.

Measures for the protection of minors (arts. 7, 10, 14 and 24)

20. Please specify the number of children working in the formal or informal sectors of the economy, including minors in street situations. Please also provide information on the results of the programmes and plans adopted, including measures adopted by the National System for the Comprehensive Protection of the Rights of Children and Adolescents, to protect minors from sexual exploitation and the worst forms of child labour, in particular in domestic work and hazardous agricultural work.

21. Please provide information on measures adopted to ensure that all births in the State party are registered, in particular those of indigenous and migrant children. Please provide statistical data in that regard.

22. Please provide information on the measures adopted to: (a) ensure that minors in conflict with the law are placed in appropriate centres that facilitate their

reintegration; (b) ensure that minors are detained or imprisoned only as a last resort and for the shortest period of time possible; (c) guarantee that minors in conflict with the law have the right to be heard during criminal proceedings that concern them and the right to appropriate legal aid. Please also specify whether the State party has an independent mechanism responsible for monitoring respect for the rights enshrined in the Covenant in juvenile detention centres.

Equality, non-discrimination and protection of the rights of persons members of ethnic minorities (arts. 2, 26 and 27)

23. Please provide information on existing mechanisms or processes for consulting indigenous peoples on legislative or administrative measures which may affect their rights in any way and provide examples of consultations carried out during the period under consideration. Please also provide information on the content and current status of the Autonomous Development of Indigenous Peoples Bill.

24. Please specify any measures adopted by the State party to tackle discrimination against Afro-descendants and indigenous communities, in particular with regard to access to education, accommodation and employment. Please also comment on reports that indigenous lands, granted by executive orders since 1956, are mainly occupied by non-indigenous persons.

Dissemination of information on the Covenant and its Optional Protocols (art. 2)

25. Please provide information on measures adopted to disseminate information on the Covenant and its Optional Protocols, the submission of the State party's report and its forthcoming consideration by the Committee. Please also provide more detailed information on the participation of representatives of ethnic minority groups, civil society, NGOs and the national human rights institution in the process of preparing the report.