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Civil and Political Rights**

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

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

Addendum

Replies of Costa Rica to the list of issues*

[Date received: 23 February 2016]

* The present document is being issued without formal editing.

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Constitutional and legislative framework (arts. 1 and 2)

1. The establishment of the Inter-Agency Commission for Monitoring and Implementing International Human Rights Obligations has had an innovative impact at the national level and has provided for smoother and enhanced coordination between State institutions with a view to ensuring the implementation of obligations under international human rights conventions, including the International Covenant on Civil and Political Rights.

2. Regarding the Standing Body for Civil Society Consultation established by Decree No. 36776-RE, a dialogue has been engaged with civil society in the overall context of preparing reports and developing the National Policy for a Society Free from Racism, Racial Discrimination and Xenophobia. The process of consultation and discussion of matters relating to the fulfilment of human rights obligations has led to more meaningful reflection, at the institutional level, on the effectiveness and efficiency of the work undertaken thus far and its intrinsic relationship with the realization of human rights in Costa Rica.

3. While the Standing Body does not strictly form part of the Commission since it works independently and it provides guidance on certain human rights issues, a mechanism has been introduced which nominates one or two Standing Body representatives to attend meetings of the Commission.

4. The Office of the Ombudsman was established by Act No. 7319 of 17 November 1992. Article 29 provides that the Office's work should be financed from the Government budget.

5. The Office's annual report for 2014/15 states that it received 5,340,000,000 Costa Rican colones (₡) from the 2014 budget. According to data from the Ministry of Finance, the Office received ₡5,690,000,000 in 2015 and ₡5,648,512,942 in 2016.

6. As to the selection process for the Deputy Ombudsman, article 10.1 of Act No. 7319 of the Office of the Ombudsman provides that the Legislative Assembly shall appoint the Deputy Ombudsman from a list of three candidates proposed by the Ombudsman, no later than one month after his or her own appointment.

7. The Act links the appointment of the Deputy to a shortlist to be proposed by the Ombudsman so as to ensure that the person appointed has the confidence of the Ombudsman and that the two can develop a synergetic relationship aimed at strengthening the performance of the institution. The Act also suggests that the procedure for appointing the Deputy Ombudsman should follow the appointment of the Ombudsman.

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

8. The National Policy for a Society Free from Racism, Racial Discrimination and Xenophobia and the related Action Plan¹ aim to make Costa Rican society more inclusive and equitable, by ensuring not only the de jure recognition of rights, but also the de facto implementation of affirmative action to improve the living conditions of indigenous and aboriginal peoples, persons of African descent, migrants and refugees.

9. Since the launch of the National Policy, various State organs have begun to address this issue. In August 2015, for example, the judiciary adopted an institutional policy and action plan aimed at providing access to justice for persons of African descent, which

¹ The National Policy for a Society Free from Racism, Racial Discrimination and Xenophobia and the related Action Plan were duly published in Official Gazette No. 224 of 20 November 2014 and No. 225 of 21 November 2014, respectively.

sought to eliminate prejudice and profiling within law enforcement agencies and introduced protocols on providing culturally sensitive support to persons of African descent.

10. In addition, Decree No. 388-35-RE of January 2015 established the Office of the Presidential Commissioner for Persons of African Descent under the Office of the Ministry of the Presidency to serve as a permanent institutional platform responsible for ensuring the effective realization of the rights of persons of African descent in Costa Rica.

11. The National Plan for Persons of African Descent 2015-2018, which deals with issues relating to structural discrimination, has already begun to bear fruit. For example, the Ministry of Health has included provisions in the National Health Policy to address the recurring illnesses, such as drepanosytosis, affecting persons of African descent and the Costa Rican Social Security Fund has established a high-level committee tasked with drafting protocols to provide culturally sensitive support to the Afro-descendant population.

12. The Legislative Assembly has amended article 1 of the Constitution, which establishes the multi-ethnic and multicultural character of Costa Rica. It now reads as follows:

“Article 1: Costa Rica is a democratic, free, independent, multi-ethnic and multicultural Republic.”

13. Another positive measure has been the nomination by the Government of the Ministry of the Presidency, specifically the Office of the Deputy Minister for Political Affairs and Civic Dialogue, to coordinate action on indigenous issues. A presidential adviser for indigenous peoples has been appointed to work directly with the Deputy Minister of the Presidency. The adviser is of Maleku indigenous descent.

14. Concerning migrant and refugee populations, efforts have been made to manage and control migratory flows and ensure a successful level of integration. The management and coordination of inter-agency migration initiatives have also been used as a means of promoting national development.

15. General Migration Act No. 8764, which entered into force on 1 March 2010, takes a humanistic approach. The Act sets forth the country’s migration policy, in accordance with the principles of equality, equity, non-discrimination and interculturalism, with a view to promoting social integration between the national population and migrants and refugees.

16. Since 2010, the Directorate of Integration and Human Development, established under the Directorate-General for Migration and tasked with the development, implementation and promotion of integration policy, has conducted projects aimed at the whole migrant population, regardless of ethnicity.

17. The Directorate-General for Migration has disseminated information about the rights of migrants using various means, including printed materials, adverts, mobile campaigns and inter-agency initiatives. In addition, activities have been conducted to combat racism, xenophobia and bullying in schools pursuant to the action plan of the National Comprehensive Migration Policy 2013-2023.

18. Migrants, provided that they meet the required criteria, have equal access to the services and benefits offered under programmes carried out by the Inter-Agency Institute for Social Assistance.

19. Furthermore, various actions have been taken to support the migrant population, which is mainly composed of persons from Nicaragua, El Salvador, Honduras and Colombia.

20. In December 2015, 7,640 Nicaraguan families were registered under the Poverty Reduction Strategy; 2,584 of these were in an irregular situation.

21. As part of the National Child Development and Care Network programme, 977 children's centres provide care for children regardless of their sex, age, ethnicity, disability status or place of residence.
22. There are a number of initiatives aimed at raising awareness of and preventing discrimination based on sexual orientation and gender identity.
23. Executive Decree No. 34339 of 2008, amended in 2012, has established 17 May as the National Day against Homophobia, Lesbophobia and Transphobia, an occasion on which institutions conduct awareness-raising activities on the topic.
24. Executive Decree No. 38999 of 12 May 2015 has also been adopted with the aim of eradicating institutional discrimination against the sexually diverse population. It sets out the basis of human rights training for State officials and provides for both the penalization of discrimination and the recognition of the rights of sexually diverse officials and service users.
25. The Government is also working to bring about cultural change and promote the human rights of sexually diverse persons through practical institutional actions focused on education and training.
26. With regard to the older population, the legal system prohibits discrimination on the grounds of sexual orientation in care and support facilities for older persons.
27. There is no specific mechanism for recording complaints of acts of violence against lesbian, gay, bisexual and transgender persons. While data about violence in general are collected, they are not disaggregated by the sexual orientation or gender identity of the complainant.
28. A number of initiatives have been taken to combat discrimination in the workplace, such as strengthening the implementation of gender equality, certification and equality seal management systems in medium and large companies.
29. Certified companies that have received the seal of the National Institute for Women must comply with the INTE-38-01 standard which, under the requirements for obtaining certification and acquiring the seal, establishes that companies must provide evidence of equal pay for men and women.
30. As part of a 2016-2017 joint project involving the National Institute for Women and the United Nations Development Programme, steps will be taken to strengthen the implementation of gender equality management systems, primarily in medium and large companies, particularly those related to competition and international trade, with a view to making greater progress in terms of women's entry into the labour market and the creation of high-quality jobs by companies.
31. Such management systems must meet the requirements of the technical standard by recording information on the wage gap, staff recruitment, selection and hiring, sexual and reproductive health, workplace harassment and sexual harassment among other things. Companies wishing to obtain certification and acquire the seal must provide evidence that their organizations promote equality in diversity and do not discriminate.
32. The Government has also established the Child Development and Care Network programme with a view to establishing a public universal system of child development and care. It focuses on early childhood and is funded through a solidarity scheme. The overall objective is to expand and develop comprehensive childcare alternatives for children under 7 years, with an emphasis on children from poor families in a position of social vulnerability. The network also provides opportunities to balance family and work life and share childcare responsibilities. In the case of mothers or caregivers, it offers access to paid employment, education or training, and, in the case of children, access to early education

services. A support network aimed at addressing the care needs of older persons has also been introduced. It is composed of 41 local care networks for older persons tasked with implementing the same programme in those 41 locations, 20 of which are in communities identified as priority areas for intervention.

33. In terms of combating discrimination against women in the workplace and more specifically eliminating the wage gap, it is important to note that, while the Child Development and Care Network programme focuses on children, it also has an undeniable impact on improving conditions for women, especially with regard to access to employment.

34. Since 2015, efforts have been made to devise a campaign to begin carrying out inspections with a gender perspective as part of the Decent Work Programme and the National Gender Equality and Equity Policy, so as to monitor the wage gap in companies. This work falls under the leadership of the Labour Inspectorate and the National Institute for Women, with support from the Gender Equality Unit of the Ministry of Labour and Social Security.

35. As part of affirmative actions designed to support young women seeking employment, the National Institute for Women has promoted training on women's human rights at work and during their search for employment, including labour rights established under Costa Rican legislation and those set forth in conventions ratified and entered into by the Government in relation to labour, equality and non-discrimination.

36. The population classified as holding "mid-level" positions is the largest group in terms of the number of employed persons and makes up 53 per cent of the total working population. Some 38 per cent of that group are women and 62 per cent are men. The second group classified as holding "senior" positions represents 44 per cent of the total working population, 33 per cent of which are women and 67 per cent are men. The third group encompasses unskilled workers who constitute 26 per cent of the working population; of those, similarly to the previous group, 33 per cent are women and 67 per cent are men. The average percentage of women workers across all groups is 35 per cent, which is still a reasonably low rate of participation.

Table 1
Working population by gender and occupation type

| <i>Occupation</i> | <i>Occupation</i> | | |
|--|-------------------|--------------|------------|
| | <i>Total</i> | <i>Women</i> | <i>Men</i> |
| Senior: Director-level company and public administration positions, professional, scientific and academic positions, and mid-level technical and professional positions | 441 654 | 192 503 | 249 551 |
| Mid-level: Administrative support, local sales and service provision, skilled agriculture, farming and fishery work, skilled craft, construction, mechanics, graphic art and manufacturing work and assembly and operation of plants and machinery | 1 089 677 | 409 883 | 679 794 |
| Unskilled | 528 385 | 175 779 | 352 606 |

| <i>Occupation</i> | <i>Occupation</i> | | |
|-------------------|-------------------|--------------|------------|
| | <i>Total</i> | <i>Women</i> | <i>Men</i> |
| Not specified | 3 001 | 873 | 2 128 |

Source: Prepared by the National Institute for Women using data from the third quarter of the 2015 Continuous Employment Survey.²

37. For senior and unskilled occupations, the wage gap between men and women in absolute terms is over ₡50,000; in mid-level positions, which account for 53 per cent of workers, the wage gap is twice as high, with men earning ₡115,839 more than women. In this latter group, there have been no substantive changes for women according to 2014 data. In terms of the income level for senior and unskilled occupations, there has been a significant statistical increase for women, reaching 11.7 per cent and 17.3 per cent, respectively.

Table 2
Working population by gender, income and occupation type

| <i>Occupation</i> | <i>Income</i> | |
|--|---------------|------------|
| | <i>Women</i> | <i>Men</i> |
| Senior: Director-level company and public administration positions, professional, scientific and academic positions, and mid-level technical and professional positions | 902 044 | 959 836 |
| Mid-level: Administrative support, local sales and service provision, skilled agriculture, farming and fishery work, skilled craft, construction, mechanics, graphic art and manufacturing work and assembly and operation of plants and machinery | 263 058 | 378 897 |
| Unskilled | 213 446 | 267 775 |

Source: Prepared by the National Institute for Women using data from the third quarter of the 2015 Continuous Employment Survey.

38. In 2015, nearly half of the working population — 45.7 per cent — was employed in the informal sector. This is a 2.9 percentage point increase compared to 2014. In absolute terms, the informal working population increased by 57,701 persons, including 23,682 women. This state of affairs, together with higher rates of unemployment and underemployment, continues to undermine the economically active female population and has led to deterioration in job quality, which impacts on women's present and future financial autonomy and social protection.

² The Continuous Employment Survey is an essential means of obtaining continuous information regarding the employed and unemployed populations of the country. The information is collected quarterly at a national level. Areas of analysis include: demographic, educational and insurance-related characteristics, economic characteristics of employment and unemployment and incomes received by persons for their work. Source: <http://www.inec.go.cr/Web/Home/GeneradorPagina.aspx>.

Table 3
Informal employment by gender — 2014-2015³

| | <i>Third Quarter of 2014</i> | <i>Third Quarter of 2015</i> |
|---|------------------------------|------------------------------|
| Total working population | 2 065 801 | 2 063 117 |
| Working population in informal employment | 884 282 | 941 983 |
| Total number of women employed | 787 000 | 779 038 |
| Women working in informal employment | 365 579 | 389 261 |
| Total number of men employed | 1 280 000 | 1 284 079 |
| Men working in informal employment | 518 703 | 552 722 |

Source: Prepared by the National Institute for Women using data from the third quarter of the Continuous Employment Survey, third quarter of 2014 and 2015.

39. In 2015, nearly half of the working population — 45.7 per cent — was employed in the informal sector. This is a 2.9 percentage point increase compared to 2014. In absolute terms, the informal working population increased by 57,701 persons, including 23,682 women. This state of affairs, together with higher rates of unemployment and underemployment, continues to undermine the economically active female population and has led to a deterioration in job quality, which impacts on women's present and future financial autonomy and social protection.

40. As part of the reform of the Electoral Code of 2009, Costa Rica discontinued the 40 per cent quota system and introduced a permanent mechanism that made it mandatory to feature alternating candidates of both sexes in party nomination lists, with a view to achieving parity.

41. The amendments to the Electoral Code of 2009, including the alternation mechanism and the incorporation of the principle of parity in party nomination lists, structures and training, mark a watershed moment in terms of the implementation of instruments aimed at fostering the inclusion of women in different political spheres.

42. These changes have helped to introduce the principles of universality and constitutionality of equality, with the aim of transforming the legal, political and ethical structures that underpin democracy in the country.

43. Notwithstanding these normative developments, women continue to be underrepresented in decision-making positions at the national and local levels and gaps remain between women and men's political participation and representation in elected posts and in decision-making forums. Women politicians also continue to face obstacles in the family, social, cultural, economic and political spheres.

44. In the 2014 national elections, despite the introduction of the principle of parity in party nomination lists, only 33 per cent of female candidates were elected as deputies (19 women), compared to 67 per cent of male candidates (38 men). One of the main reasons for the failure to achieve 50 per cent female representation within councils was the fact that nomination lists were mostly headed by men, so that those parties that won only one seat were represented solely by men, to the disadvantage of women.

³ Informal employment comprises the following job situations: (i) employed persons whose employers have not registered them under the social security scheme; (ii) unpaid assistants; and (iii) self-employed workers and employers with unincorporated businesses that are not recorded in the National Property Register and are not subject to formal accounting.

45. There is unfortunately no data disaggregated by ethnicity; this makes it difficult to analyse the participation and representation of indigenous women and women of African descent in Government.

46. A general implementation framework is provided in Presidential Directive 037-S, which sets out the importance of sexually transmitted diseases as a health problem. Pursuant to the Declaration of a Pandemic and in accordance with articles 160, 162 and 163 of Act No. 5395, cases must be reported and doctors are obliged to take the necessary measures to prevent the spread of the disease, in line with Health Authority Regulations. Similarly, Act No. 7771 sets out the right to health care for complications associated with HIV and provides that the Costa Rican Social Security Fund must uphold the right to care, pursuant to the requirements of the institutional protocol, and must ensure the timely delivery of medicines prescribed by doctors in accordance with the approved medicines list of the Central Committee of Pharmacotherapy.

47. The Social Security Fund, as one of its initiatives on the aforementioned issue, issued circular GM-ADMB(SS)-1231-2015, which states that, following the request of the Office of the Ombudsman, health-care services are being provided to transsexual women, in accordance with the provisions of article 38 of the Constitution and article 2 of the Health Insurance Regulations. The Fund has established mechanisms designed to care for and uphold the rights of such patients and guarantees their access to various medical specialists and consultations.

48. The Social Security Fund requires that patients or the custodian or person responsible for the patient as identified by law must provide his or her informed, written consent for any invasive treatment regardless of the sex, age or psychological condition of the patient. This information is duly recorded in the patient's file as a form of institutional and medical protection.

49. The issue of forced sterilization of persons with disabilities will be incorporated into the National Disability Policy Action Plan, drafted by the National Council for Persons with Disabilities. There are also plans to review the implementation protocol for consent together with the Social Security Fund in order to ensure that persons with disabilities are effectively involved in decision-making and have access to information.

Principle of non-refoulement (art. 7)

50. The national legal system recognizes the principles of non-discrimination and non-refoulement of refugees and asylum seekers in the General Act on Migration (Act No. 8764) and the Refugee Regulations (Executive Decree No. 36831-G), in accordance with the international conventions on international protection for refugees.

51. These principles have also been observed through the professional development and specialization of the Refugee Unit, which is in constant contact with other units under the Directorate-General in order to provide advice and technical guidelines regarding the international protection of refugees.

52. As to the principle of non-discrimination, Costa Rica has established itself as a leader in implementing good practices for persons applying for refugee status on the basis of gender.

53. The Refugee Regulations (Executive Decree No. 36831-G) set out the procedure for determining refugee status in Costa Rica. These regulations require the Refugee Unit to provide detailed information to asylum seekers regarding their rights and obligations and the process for determining refugee status (art. 129).

Abortion (arts. 6 and 7)

54. The Social Security Fund has been working on this issue at the inter-agency level with the support of the Ministry of Foreign Affairs by holding numerous meetings, where each institution (Ministry of Health, Social Security Fund and National Institute for Women) shares the progress they have made, taking into account the general approach adopted by the Inter-American Commission on Human Rights with regard to the AN and AURORA cases. As a result of this work, far-reaching commitments have been made to analyse the implementation of article 121 of the Criminal Code.

55. The Medical Management Team of the Social Security Fund asked the Directorate for the Development of Health Services to prepare a set of technical standards for therapeutic termination of pregnancy. To shorten the drafting process, the Directorate for the Development of Health Services decided to amend the World Health Organization publication “Safe Abortion: Technical and Policy Guidance for Health Systems” of 2011-2012, by incorporating improved evidence-based practices for safe abortion.

56. However, the Directorate cannot formalize such procedures until the technical standard for treatment which defines the scope of application has been issued by the Ministry of Health. Once this standard has been finalized, the Directorate will be able to standardize the procedures for the provision of care required in such cases, including the issue of medical staff who conscientiously object to performing abortions. The Directorate is aware of the commitment by the Ministry of Health to make the technical standard a priority for 2016, which would enable the Directorate to fulfil its mandate.

57. In terms of in vitro fertilization, the Social Security Fund remains committed to assessing, between 2016 and 2025, the education and training of personnel who use assisted reproduction technologies. A protocol on the clinical care for diagnosing and treating infertile couples with low-complexity procedures has been developed. This protocol details the treatment to be provided at the three levels of care in order to diagnose and refer couples experiencing infertility to the relevant services. It establishes the qualifying criteria to be met by couples wishing to undergo this type of treatment and serves as the basis for identifying and referring couples that qualify for high-complexity procedures.

Violence against women (arts. 6 and 7)

58. Data disaggregated by the sex of the victim is not available. The collection of data on violence specifically directed against women comes under the Act Criminalizing Violence against Women. Data on complaints submitted under the Domestic Violence Act have yet to be disaggregated by sex. Data collected from 2015 onward are due to be disaggregated once it has been processed.

Net complaints by offence brought before the Public Prosecutor’s Office and the Judicial Investigation Agency according to section of the Criminal Code and Special Laws in 2014

| <i>Violation of the Act Criminalizing Violence against Women</i> | <i>Total</i> |
|--|---------------|
| | 19 296 |
| Offence by section of the Criminal Code | |
| Threats against a woman | 2 103 |
| Abusive sexual conduct | 18 |
| Property damage | 115 |
| Misappropriation of earnings from family economic activities | 1 |
| Economic exploitation of a woman | 0 |

| <i>Violation of the Act Criminalizing Violence against Women</i> | <i>Total</i> |
|--|--------------|
| Sexual exploitation of a woman | 16 |
| Femicide | 6 |
| Femicide (attempted) | 47 |
| Aggravated forms of sexual violence | 0 |
| Defrauding a woman of community property | 13 |
| Aggravated breach of duty | 123 |
| Failure to comply with a protection measure | 6 004 |
| Limitation on the exercise of the right to own property | 9 |
| Abuse | 6 875 |
| Obstructing access to justice | 0 |
| Offences to dignity | 3 708 |
| Restriction of self-determination | 28 |
| Restriction of freedom of movement | 12 |
| Property theft | 76 |
| Rape of a woman | 75 |
| Emotional abuse | 64 |
| Violation of the Act C | |
| Criminalizing Violence against Women | 3 |

Complaints of domestic violence by province in 2014

| <i>Province</i> | <i>Total complaints</i> |
|---|-------------------------|
| Total | 47 957 |
| San José | 14 847 |
| Alajuela | 9 097 |
| Cartago | 3 727 |
| Heredia | 4 453 |
| Guanacaste | 5 183 |
| Puntarenas | 6 296 |
| Limón | 4 354 |
| Rape of a woman | 75 |
| Emotional abuse | 64 |
| Violation of the Act Criminalizing Violence against Women | 3 |

Source: Statistics Service, Planning Department, Judiciary.

Persons sentenced by the criminal courts by conviction type and sentence imposed in 2014

| <i>Offence</i> | <i>Total</i> | <i>Sentence</i> | | | | | | | | | | | | | | | | | | | |
|---|--------------|------------------|-----------------|---------------------------|---------------------------|------------------------------|------------------------------|------------------------------|------------------------------|-------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|---------------------------|---------------------------|-----------------------------|
| | | <i>Acquittal</i> | <i>Day fine</i> | <i>Less than 6 months</i> | <i>6 months to 1 year</i> | <i>Between 1 and 2 years</i> | <i>Between 2 and 3 years</i> | <i>Between 3 and 5 years</i> | <i>Between 5 and 7 years</i> | <i>Between 7 and 10 years</i> | <i>Between 10 and 15 years</i> | <i>Between 15 and 20 years</i> | <i>Between 20 and 25 years</i> | <i>Between 25 and 30 years</i> | <i>Between 30 and 35 years</i> | <i>Between 35 and 40 years</i> | <i>Between 40 and 45 years</i> | <i>Between 45 and 50 years</i> | <i>Suspended sentence</i> | <i>Protective measure</i> | <i>Alternative sentence</i> |
| Violation of the Act Criminalizing Violence against Women | 863 | 363 | 3 | 48 | 61 | 42 | 6 | 13 | 7 | 2 | 4 | 4 | 6 | 1 | 1 | 0 | 0 | 0 | 284 | 10 | 8 |
| Threats against a woman | 53 | 34 | 1 | 1 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 0 | 1 |
| Property damage | 4 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 |
| Femicide | 10 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 3 | 3 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Femicide (attempted) | 20 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 3 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| Failure to comply with a protection measure | ## | 260 | 1 | 42 | 56 | 33 | 4 | 9 | 4 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 241 | 8 | 7 |
| Abuse | 84 | 36 | 1 | 5 | 2 | 8 | 1 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 2 | 0 |
| Offences to dignity | 14 | 13 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Restriction of self-determination | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| Restriction of freedom of movement | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Property theft | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| Rape of a woman | 7 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |

59. For over 10 years, a consolidated inter-institutional network at the national level has been conducting detection and referral activities for, and providing support to, women victims of various forms of violence. The network also runs prevention projects and implements relevant public policies at the local level. Moreover, a care centre within the National Institute for Women offers mobile care to women victims of violence from local indigenous communities.

60. From a medical perspective, when establishing a diagnosis, the emergency services note the type of injury and try to determine the cause in order to produce forensic data for later use and to provide support in civil and legal matters, including as the sole source of information in forensic and pathological cases of an obstetric nature, when doctors provide assistance to medical examiners.

Prohibition of trafficking in persons (art. 8)

61. The Costa Rican Government has been making significant efforts to prevent trafficking in persons. An appropriate legal framework is in place to combat the offence effectively and a key process is under way to strengthen anti-trafficking authorities comprehensively.

62. The implementing regulations of Act No. 9095 entered into force on 23 November 2015.⁴ A procedural handbook was drafted for the development, review and recommendation of projects to be carried out by the National Fund against Smuggling of Migrants and Trafficking in Persons, and the National Coalition against Smuggling of Migrants and Trafficking in Persons has approved 10 projects to be implemented in 2016. Both the implementing regulations and the handbook have been checked by the National Council for Persons with Disabilities, which has incorporated a disability perspective on the basis of a human rights approach. The National Fund has adopted rigorous methods with regard to public funds, which automatically go through several administrative procedures prior to their use so as to promote efficiency and effectiveness, and filters are in place to prevent problems, delays or misuse.

63. The National Coalition does not have its own budget that must be approved every year. Instead, public institutions allocate resources from their regular budgets to combating trafficking in persons. The National Coalition has approved 10 projects to be implemented in 2016 at a cost of 973,606,717 Costa Rican colones (₡), which will be drawn from the National Fund.

64. Article 73 of Act No. 9095 provides for the possibility of bringing a civil action for damages. There is, however, no record of any victim having done so.

Table No. 4

Persons convicted per year since 2009, by sexual offence (procuring, aggravated procuring and trafficking in persons)

| <i>Offence reported</i> | <i>2009</i> | <i>2010</i> | <i>2011</i> | <i>2012</i> | <i>2013</i> | <i>2014</i> |
|-------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Procuring | 1 | 5 | 3 | 1 | 1 | 0 |
| Aggravated procuring | 0 | 0 | 3 | 0 | 3 | 4 |
| Trafficking in persons | 7 | 11 | 6 | 2 | 15 | 15 |

Source: Statistical Yearbook, 2014. Statistics Section of the Planning Department.

⁴ Published in *Alcance Digital* No. 99 of the Gazette of 23 November 2015.

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

65. The Government has taken specific steps to improve the treatment and custody conditions of persons deprived of their liberty in maximum-security prisons.

66. La Reforma prison has a special area set aside for temporary isolation as a preventive measure; this area is equipped with a washroom, ventilation and the necessary security installations to enable persons deprived of their liberty to be held there without having to be handcuffed.

67. Over the next few financial years, there are plans to construct maximum-security detention centres that will make it possible to adopt a different approach to the care of persons deprived of their liberty. The centres will have a courtyard garden and natural lighting, which will make for near-normal living conditions, even for prisoners whose criminal profile requires that they be held in maximum security.

68. Under no circumstances are persons deprived of their liberty in maximum-security facilities prevented from consulting their legal representatives, from receiving visits or from using conjugal rooms.

69. The following table shows the prison mortality rate, based on reported cases.

Table No. 5

Closed Rehabilitation Programme. Total deaths and mortality rate per 1,000 inmates from 2009 to 2015

| Year | Deaths | Type | | | | Prison population | Mortality rate per 1,000 inmates |
|------|--------|---------|------------|---------|----------|-------------------|----------------------------------|
| | | Natural | Accidental | Suicide | Homicide | | |
| 2009 | 17 | 10 | 7 | 0 | 0 | 8 924 | 1.9 |
| 2010 | 36 | 31 | 5 | 0 | 0 | 10 137 | 3.6 |
| 2011 | 26 | 31 | 5 | 0 | 0 | 11 570 | 2.2 |
| 2012 | 26 | 24 | 2 | 0 | 0 | 12 946 | 2.0 |
| 2013 | 12 | 20 | 4 | 1 | 1 | 13 560 | 0.9 |
| 2014 | 23 | 9 | 3 | 0 | 2 | 13 771 | 1.7 |
| 2015 | 34 | 16 | 0 | 7 | 5 | 13 757 | 2.5 |

Source: Compiled by the Department for Research and Statistics. Security data provided by the Ministry of Justice and Peace.

Note: As at 5 February 2016, a total of five deaths had been recorded for the current year.

70. Table No. 6 contains up-to-date information on the number of persons deprived of their liberty, disaggregated by prison, legal status and ethnic group.

Table No. 6
Up-to-date information on the prison population

| Institution | Number of persons per prison | | | | | | | | | | | | | | | Total |
|---|------------------------------|-------------|---------------|-------------------|--------------|--------------|--------------|------------|------------|----------|------------|------------|------------|--------------|---------------|-------|
| | San José | Buen Pastor | Pérez Zeledón | Gerardo Rodríguez | Adulto Mayor | Reforma | San Rafael | San Carlos | Cartago | Heredia | Liberia | Puntarenas | Limón | Pococí | | |
| Total population | 1 258 | 558 | 988 | 1 471 | 161 | 2 879 | 1 111 | 794 | 422 | 1 | 958 | 738 | 533 | 1 355 | 13 227 | |
| Women | | 558 | | | | | | | | | 15 | | | | 573 | |
| Indigenous persons | | | 31 | | 1 | 3 | | 1 | 1 | | | | 32 | 27 | 96 | |
| Foreigners | 274 | 56 | 85 | 312 | 8 | 362 | 160 | 145 | 26 | | 249 | 89 | 89 | 154 | 2 009 | |
| No definitive sentence (pretrial detainees) | 1 162 | 164 | 126 | 2 | 4 | 32 | | 205 | 1 | | 199 | 223 | 46 | 370 | 2 534 | |
| Convicts | 96 | 388 | 862 | 1 469 | 157 | 2 528 | 1 111 | 564 | 421 | 1 | 679 | 515 | 487 | 985 | 10 263 | |
| Dual status | | | | | | 14 | | 25 | | | 80 | | | | 119 | |
| Non-payment of maintenance | | 6 | | | | 305 | | | | | | | | | 311 | |
| Involuntary commitment | 1 | 5 | 1 | 1 | | 6 | | | | | | | | 1 | 15 | |
| Precautionary measure | | | | | | | | | 2 | | | | | | 2 | |
| General visit | | | | | | | | | | | | | | | 0 | |
| Prison intake | 13 | 0 | 0 | 0 | 0 | 0 | 3 | 4 | 0 | 0 | 2 | 1 | 0 | 1 | 24 | |
| Prison leavers | 5 | 0 | 0 | 2 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 2 | 0 | 0 | 12 | |

Source: Ministry of Justice and Peace, 2016. Information correct on 3 February 2016.

71. Table No. 6 shows the overcrowding rate in each prison, based on actual capacity.

Table No. 5
Prison overcrowding rates

| <i>Prison</i> | <i>Actual capacity</i> | <i>Population</i> | <i>Overcrowding rate</i> |
|-------------------|--|-------------------|--------------------------|
| Adulto Mayor | 161 | 161 | 0 |
| Buen Pastor | 622 | 558 | -10 |
| Cartago | 296 | 422 | 43 |
| Gerardo Rodríguez | 535 | 1 471 | 175 |
| La Reforma | 2 197 | 2 879 | 31 |
| Liberia | 890 | 958 | 8 |
| Limón | 488 | 533 | 9 |
| Pérez Zeledón | 814 | 988 | 21 |
| Pococí | 810 | 1 355 | 67 |
| Puntarenas | 598 | 738 | 23 |
| San Carlos | 347 | 794 | 129 |
| San José | 668 | 1 258 | 88 |
| San Rafael | 704 | 1 111 | 58 |
| Heredia | 0 (cell in a youth detention centre, used temporarily) | 1 | 100 |
| Total | 9 130 | 13 227 | 45 |

Source: Ministry of Justice and Peace, 2016. Information correct on 3 February 2016.

72. With regard to the release of prisoners upon completion of their sentence, article 63 of the Technical Regulations on the Prison System details the procedure that must be followed. This should begin no later than four months before the person deprived of their liberty completes his or her sentence (taking into account the possibility of early release).

73. In terms of the progress made in reducing occupation rates in detention facilities, under the National Development Plan 2015-2018, reducing prison overcrowding is one of the strategic objectives in the area of citizen security and justice. The Plan establishes a target overcrowding rate of 20 per cent, using the rate of 44 per cent in 2014 as the baseline. It is worth noting that the prison population fluctuates constantly, and its growth must be controlled to achieve an effective reduction in the overcrowding rate.

74. In that connection, in 2015, the National Institute of Criminology published circular No. 5-2015, in which it called for a redistribution of the prison population as part of the Semi-Open Rehabilitation Programme, the aim of which is to reduce critical overcrowding and to ensure respect for the fundamental rights of persons deprived of their liberty.

75. Pursuant to the circular and to the request made by the National Institute of Criminology to all the centres covered by the Closed Rehabilitation Programme, the directors of the centres have a duty to indicate which prisoners may be eligible for inclusion in the Semi-Open Rehabilitation Programme and to ensure that, according to the information in their records and in the prison administration information system, the persons in question meet the following requirements:

- (a) Regarding their legal status:

- (i) The offence of which they were convicted must not be among the exceptions listed in this article;
- (ii) Their sentence, bearing in mind the possibility of early release, must be completed between 2015 and 2020 inclusive;
- (iii) They must not be the defendant in an ongoing court case or have a pending prison sentence for an offence other than the one of which they were convicted;
- (b) They must be serving their sentence in a low- or minimum-security facility, have displayed an appropriate attitude to living with others and have had no disciplinary sanctions imposed on them in the preceding year;
- (c) There must be a facility that can accommodate them;
- (d) Their inclusion in the Semi-Open Rehabilitation Programme must not be contingent on conducting victim studies;
- (e) There must be a vocational option (professional or educational) open to them, which, in the event of their transfer, can be verified by staff members of the Semi-Open Rehabilitation Programme within two months.

76. Circular No. 5-2015 shall not apply to persons convicted of an offence related to organized crime, international drug trafficking, international organ trafficking, trafficking in persons, international trafficking in firearms or nuclear material, money-laundering, terrorism, homicide, offences against the duties of public office, sexual and domestic violence, or kidnapping. Nor shall it apply to persons who have displayed violent behaviour within their family or within another support group during the technical support phase.

77. Thanks to the circular, the prison overcrowding rate was reduced from 55 per cent in the second half of 2014 to the current level of 45 per cent, despite the fact that new prison beds have not yet been made available.

78. The construction of prisons for the comprehensive care of persons deprived of their liberty will commence in 2016, once the necessary feasibility studies and administrative processes have been completed.

79. With regard to productive units (model prisons for persons deprived of their liberty in medium-security facilities), the design phase was completed in December 2014 and the company CGL was enlisted. The construction phase will begin in mid-2016.

80. These projects, which are being funded through a loan granted by the Inter-American Development Bank to the Government of Costa Rica, fall under component III of the Programme for the Prevention of Violence and the Promotion of Social Inclusion, which was approved by Act No. 9025. Three productive units are scheduled to be built, thereby creating around 1,500 prison spaces.

81. The construction of these model prisons will encourage an approach to care based on the productive occupation of time and on the use of facilities for professional and educational activities with the aim of rehabilitating the prison population.

82. There are also plans to build a new prison with a total capacity of 1,632 inmates within the La Reforma prison complex. The start date for the project is July 2016 and the construction work is expected to be completed in 2018. The budget for this initiative will come from the National Treasury.

83. The project to expand the La Reforma prison complex will be carried out in stages, thus making it possible to transfer inmates once each prison unit has been completed. During the second phase of the project, which is scheduled to begin in 2018, areas set aside for technical care, production projects, training and education will be expanded.

84. Concerning the use of non-custodial measures and sentences, circular No. 2-2016 introduces new concepts and provides that, inter alia, prisoners who (bearing in mind the possibility of early release) will complete their sentence within seven years may be assessed on an extraordinary basis upon admission to prison, outside the deadlines established in article 25 of the Technical Regulations on the Prison System. Prisoners who will not complete their sentence within seven years but who have served over a third of it (without taking into account the possibility of early release) may also be assessed on an extraordinary basis.

85. The purpose of these measures is to prevent the arbitrary or irrational imposition of custodial sentences rather than alternatives to custody or semi-open rehabilitative sentences.

86. The circular stipulates that extraordinary assessments must confirm that, at the start of their sentence, persons recently admitted to prison met certain conditions that would enable them to benefit from the Semi-Open Rehabilitation Programme, including having occupational habits, expressing a desire for self-improvement, displaying appropriate behaviour while on release between the time of the commission of the offence and the time of imprisonment, and having an understanding of the social and personal circumstances that led to their imprisonment.

87. For persons aged over 70 who have significant or chronic health problems or who have suffered a decline in cognitive function, preference will be given to the provision of technical care on an individual or group basis, depending on particular abilities and characteristics in the areas identified as being a priority in the treatment of the prison population at the institutional level (domestic and sexual violence, drugs and life-skills training).

88. Interdisciplinary Technical Councils will be required to decide on the appropriateness of keeping each prisoner in the Closed Rehabilitation Programme, bearing in mind the negative consequences of overcrowding during the wait for technical care to deal with vulnerabilities, when follow-up could be provided by community organizations and institutions under the Semi-Open Rehabilitation Programme.

89. The circular shall not apply to defendants in ongoing court cases or to persons sentenced to imprisonment for an offence related to organized crime, international drug trafficking, international organ trafficking, trafficking in persons, international trafficking in firearms or nuclear material, money-laundering, terrorism, manslaughter, murder, sexual violence (when aggravated or committed against a minor), domestic violence (when involving an attempt on the victim's life) and the following offences against the duties of public office: bribery, aggravated corruption, corruption of judges, misappropriation, extortion, perversion of justice or embezzlement.

90. Considerable efforts have been made to ensure that the Temporary Detention Facility for Irregular Foreign Migrants complies with international standards in order to guarantee the rights and safety of the persons held there. The Facility was not built for its current purpose, however, and is fairly old. Although improvements have been made, the Government acknowledges that the Facility is not a long-term solution, particularly given its limited capacity.

91. The limited capacity makes it difficult to separate irregular foreign migrants by sex or migration status, and to create care units for vulnerable detainees including families and minors, to whom the Professional Immigration Police could offer an improved, innovative service based on the provision of differentiated care in the context not of detention but of temporary support for vulnerable persons who cannot receive immediate attention or who finds themselves in a situation of force majeure.

92. Consequently, the Directorate-General for Migration has adopted additional measures, which include:

- Limiting the number of detainees. The Temporary Detention Facility currently has a surface area of 831.88 square metres and a capacity of 60 detainees.
- Using less burdensome alternatives to arrest, such as summonses.
- Granting exemption from arrest to persons with disabilities, older persons, minors, pregnant women and persons who are terminally ill.

93. Each case is analysed to determine which precautionary measure is most appropriate in order to avoid endangering the person arrested or compromising the Directorate-General for Migration.

94. The Directorate-General, which recognizes the problems that exist, is taking the following complementary measures:

- As an urgent measure, it is upgrading the Facility. To that end, a remedial plan is being drawn up to: increase the size of the cells; improve the corridors, toilets, kitchens, walls, gutters, drainage system and lighting; and establish an emergency procedure.
- As a short-term measure, it is looking to rent another, more suitable building. This measure is not new, but it is difficult to find an existing building that meets all the requirements for a facility of this kind. Nevertheless, the search has not been abandoned and the measure is still being considered.
- As a medium-term measure, it plans to construct the Temporary Care Facility for Migrants, a complex that will house the Temporary Detention Facility and two shelters, one for human trafficking victims and the other for asylum seekers.

95. The objective of the Temporary Care Facility will be to ensure that the appropriate conditions and infrastructure are in place for: the care and custody of persons arrested for immigration irregularities; the comprehensive care of vulnerable persons, so as to guarantee respect for human rights; and the training of the staff of the Directorate-General for Migration.

96. The Temporary Detention Facility will comply fully with international standards and respond to the dynamic nature and complexity of migration in Costa Rica.

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

97. Article 75 of the Constitution provides that the Roman Catholic religion is the religion of the State.⁵ This does not, however, hinder recognition of the freedoms of conscience and religion.

98. Marriage ceremonies are regulated by the Family Code and can be civil or religious. In Costa Rica, only Catholic ceremonies are valid for civil purposes: “Roman Catholic Apostolic marriage ceremonies performed in accordance with the provisions of this Code shall have civil effects. Ministers serving as officiants shall be bound by the applicable provisions of Chapter IV herein and shall be considered public officials (Family Code, art. 23, Act No. 5476).”

⁵ “The Roman Catholic Apostolic religion is the religion of the State, which contributes to its upkeep, without there being any obstacle in the Republic to the free practising of other faiths that are not in opposition to general morals and decency.”

99. A marriage produces civil effects from the moment of its celebration and must be registered (Family Code, art. 33). Ministers serving as officiants at a recognized Catholic ceremony “shall be considered public officials”.

100. Bill No. 1909 on freedom of religion and worship, which has been submitted to the legislature, is designed to guarantee specific rights stemming from the exercise of that freedom. It sets out a legal framework for the effective operation of non-Catholic religious organizations and for the recognition of both the individual rights of believers and the collective rights of churches, in line with the legal system and out of respect for freedom of association, religion and worship. The Bill was submitted for consultation to public and academic institutions, municipalities, relevant civil society organizations, the longest-standing multid denominational Christian entities in the country, the Conference of Bishops, recognized Christian associations and other religious organizations. A new alternative draft is currently being prepared.

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

101. Costa Rica has a road map for the period 2010-2020 to make it a country free of child labour, particularly the worst forms of child labour.

102. From the second half of 2014 to January 2015, preparations were made for the second phase of the road map, for the period 2015-2020. In each of the six areas covered in the second phase, various public institutions, trade union organizations and non-governmental organizations (NGOs) have made commitments and established strategic outcomes and objectives for the period, along with the corresponding management indicators and budget for implementation. The road map has been incorporated as a sectoral policy in the current National Development Plan 2015-2018, in which the Ministry of Labour and Social Security also makes direct commitments.

103. According to data from the National Statistics and Census Institute, the number of minors in employment fell by 89 per cent in 2014, which is testament to the efforts made by the country to eliminate child labour and to strengthen social welfare programmes.

104. Figures on the reduction in child labour are provided below.

Table No. 6

Costa Rica, Ministry of Labour and Social Security. Minors in employment, by age group,⁶ between 2010 and 2014

| <i>Year</i> | <i>Total</i> | <i>Ages 5 to 11</i> | <i>Ages 12 to 14</i> | <i>Ages 15 to 17</i> |
|-------------|--------------|---------------------|----------------------|----------------------|
| 2010 | 33 022 | N/A ⁷ | 5 028 | 27 994 |
| 2011 | 47 400 | 8 505 | 7 655 | 31 240 |
| 2012 | 29 478 | N/A | 4 020 | 25 458 |
| 2013 | 27 985 | N/A | 5 715 | 22 270 |

⁶ It should be noted that figures for the 5 to 11 age group are available only for 2011, when the National Household Survey included a special section on child labour, which involves children aged 5 to 17 years. The Government wishes to clarify that there are no statistics for later years because the National Statistics and Census Institute included the section in 2011 only, at the request of the National Social Security Directorate of the Ministry of Labour and Social Security, and thanks to funds granted by the International Labour Organization (ILO) Sub-Regional Office.

⁷ Not applicable. The employment of children aged 5 to 11 years is not permitted, so a section on that age group was not included.

| <i>Year</i> | <i>Total</i> | <i>Ages 5 to 11</i> | <i>Ages 12 to 14</i> | <i>Ages 15 to 17</i> |
|-------------|--------------|---------------------|----------------------|----------------------|
| 2014 | 12 588 | N/A | No data available | 12 588 |

Source: National Statistics and Census Institute, National Household Survey, 2010-2014.

105. Regarding statistics on the nature and extent of, and trends in, child and adolescent labour, it is worth noting that, as part of the strategic plan put forward in the road map, a special section on child and adolescent labour was included in the 2011 National Household Survey.

106. The following are noteworthy statistics from the 2011 survey:

- (a) The total population of children and adolescents aged 5 to 17 years was 1,022,131;
- (b) Of that total, 47,400 (4.6 per cent) were employed in the primary sector;
- (c) The percentage of children and adolescents in employment was higher in rural areas (6.4 per cent higher), among adolescents aged 15 to 17 years (11.3 per cent higher) and among males (6 per cent higher), which means that the minors engaged in economic activities were predominantly male, adolescent and from rural areas;
- (d) 58.1 per cent of workers were engaged in agriculture or commerce, followed by manufacturing (10.3 per cent) and domestic labour (10.3 per cent);
- (e) More than 70 per cent of workers were engaged in unclassified activities;
- (f) Children aged 5 to 15 years were predominantly family workers;
- (g) Children and adolescents worked mainly to cover personal expenses and to help cover household expenses;
- (h) A total of 660,601 children and adolescents carried out chores within the family home for at least one hour a week;
- (i) Of the 16,160 children in employment, 11,593 were involved in hazardous work;
- (j) Of the 31,240 adolescents engaged in economic activities, 80.1 per cent were involved in hazardous work.

107. According to a 2011 report on the magnitude and characteristics of child and adolescent labour in Costa Rica, which was drafted jointly by ILO and the Ministry of Labour and Social Security, in 2011, a total of 16,160 persons aged 5 to 14 years were in employment and were therefore engaged in child labour.

108. As part of efforts to ensure the registration of all births in the territory of Costa Rica, tours are organized to indigenous areas through an annual mobile campaign to promote civil registration and the issuance of identity documents.

109. Information on the outcome of the 2015 tours to indigenous areas is provided below:

| <i>Province</i> | <i>Canton</i> | <i>Administrative district</i> | <i>Constituency</i> | <i>Birth registration of children aged under 10 years</i> | <i>Birth registration of children aged 10 years or over</i> |
|-----------------|---------------|--------------------------------|---------------------|---|---|
| Puntarenas | Golfito | Pavón | Alto Conte | 1 | |
| Puntarenas | Corredores | Corredor | Abrojo-Montezuma | | |

| <i>Province</i> | <i>Canton</i> | <i>Administrative district</i> | <i>Constituency</i> | <i>Birth registration of children aged under 10 years</i> | <i>Birth registration of children aged 10 years or over</i> |
|-----------------|---------------|--------------------------------|------------------------------------|---|---|
| Cartago | Turrialba | El Chirripo | Tsipiri | 1 | |
| Cartago | Turrialba | El Chirripo | Bolori Ñac (Capilla Uno) | 2 | |
| Limón | Limón | Valle la Estrella | Alto Cwen | 27 | |
| Cartago | Turrialba | El Chirripo | Alto Pacuare Bajo (Jekui) | | |
| Limón | Limón | Valle la Estrella | Xiquari | 5 | |
| Limón | Limón | Valle la Estrella | Sinoli | | |
| Limón | Limón | Valle la Estrella | Almirante | 4 | |
| Limón | Talamanca | Telire | Jakcatacla | 10 | |
| Limón | Talamanca | Telire | Telire (Bley) | 15 | |
| Cartago | | | Jamo (Sitio Hilda parte oeste) | | |
| Cartago | Turrialba | El Chirripo | Jaki (Capilla Dos Chirripo Arriba) | | |
| Limón | Limón | Valle la Estrella | Gavilan (Shicalarbata) | 5 | 1 |
| Cartago | Turrialba | El Chirripo | Grano de Oro | | |
| Puntarenas | Golfito | Pavon | La Peña de Burica | 0 | 0 |
| Puntarenas | Golfito | Pavon | Guaymi de Burica | 5 | 0 |
| Puntarenas | Corredores | Corredores | Vegas del Río La Vaca | 0 | 0 |
| Cartago | Turrialba | El Chirripo | Namaldi | 0 | 0 |
| Limón | Siquirres | Pacuarito | Altos las Brisas | 0 | 0 |
| Limón | Matina | Matina | Palmera | 0 | 0 |
| Puntarenas | Buenos Aires | Changuena | Changuena (La Fila) | 0 | 0 |
| Puntarenas | Buenos Aires | Limoncito | La Casona (Guaymi) | | |
| Total | | | | 75 | 1 |

110. Many members of the Ngöbe-Buglé indigenous community who were born in Costa Rica to Panamanian parents (known locally as *chiriticos*) struggle to obtain birth certificates because they were not registered at birth. They are of undetermined nationality and could, in some cases, be at risk of statelessness.⁸

111. Pursuant to the Global Action Plan to End Statelessness of the Office of the United Nations High Commissioner for Refugees (UNHCR), and to the Brazil Declaration and Plan of Action, UNHCR and the Supreme Electoral Tribunal of Costa Rica signed a memorandum of understanding on the implementation of the Chiriticos Project, the primary purpose of which is to reduce underregistration. During the first year of implementation, support was provided by the United Nations through the Human Security Unit Strategic Plan.

⁸ In accordance with article 13 (3) of the Constitution, “The following are Costa Ricans by birth... (3) A child born in Costa Rica to foreign parents, who is registered as a Costa Rican by the will of either parent during minority or by his or her own will up to the age of 25...”

Table No. 6
Information on beneficiaries of the Chiriticos Project between 2014 and 2016, with particular emphasis on minors

| <i>Details</i> | <i>Overall total</i> | <i>Total minors</i> |
|---------------------------------------|----------------------|---------------------|
| Births registered through the Project | 72 | 59 |
| Processed in San José | 34 | 21 |
| Documented in office | 99 | 70 |

112. Various maintenance works have been carried out at the Zurquí Juvenile Training Centre, which houses minors, in order to ensure the best possible conditions for detainees.

113. A number of steps have been taken to improve the facilities: Sector E1 has been repaired to make it habitable again; Sector G, where cells were being used for crisis situations, has been closed; and green spaces, vegetable gardens, artistic workshops and training rooms have been created.

114. Moreover, the inauguration in July 2015 of units for young adult offenders⁹ in La Reforma prison has made it possible to eliminate overcrowding in juvenile detention facilities, thereby facilitating communal living for juvenile detainees and ensuring that all detainees attend lessons appropriate to their level of education.

115. The following table shows the total number of juvenile detainees in each detention facility.

Table No. 7
Juvenile prison population, by sex and criminal status

| <i>Detention facility</i> | <i>Convicted</i> | | <i>Not convicted</i> | | <i>Total</i> |
|---------------------------------|------------------|---------------|----------------------|---------------|--------------|
| | <i>Male</i> | <i>Female</i> | <i>Male</i> | <i>Female</i> | |
| Zurquí Juvenile Training Centre | | | | | 93 |
| Young adult offender unit | 34 | 7 | 4 | 2 | 47 |
| Non-payment of maintenance | 0 | 0 | 0 | 0 | 0 |
| Minors' unit | 18 | 1 | 26 | 1 | 46 |
| Young adult offender centre | 139 | 0 | 0 | 0 | 139 |
| Alternative sanctions | 673 | 48 | 0 | 0 | 721 |
| Buen Pastor | 0 | 4 | 0 | 0 | 4 |
| Overall | | | | | 953 |

Source: Ministry of Justice and Peace. Information correct on 3 February 2016.

116. Only around 10 per cent of young people in conflict with the law are being held in a detention facility. The rest are serving alternative sentences.

117. Pursuant to article 131 of the Juvenile Criminal Justice Act, imprisonment is considered an exceptional case of deprivation of liberty.

118. Imprisonment may be used only in the following cases:

⁹ A young adult offender is one who committed a crime when under 18 years of age and who continues to serve his or her sentence into adulthood.

(a) When the minor commits an intentional offence that, for adults, is punishable under the Criminal Code or under special laws by a prison sentence exceeding 6 years;

(b) When the minor unjustifiably fails to comply with socioeducational measures or guidance and supervision orders imposed on him or her.

119. Moreover, the period of imprisonment may not exceed 15 years for minors aged 15 to 18 years, and 10 years for minors aged 12 to 15 years. The judge must consider replacing imprisonment with a less drastic measure when it is desirable to do so.

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

120. The National Council for Older Persons, with the participation of indigenous and Afro-descendant older persons, has strengthened the Consultative Forum for Older Persons to enable its participants to become active players who contribute to the drafting, design and implementation of public policies that affect them.

121. In June 2015, the National Training Institute ran a workshop on the identification of training needs in the Maleku Indigenous Reserve (Palenque Margarita), which drew the participation of 36 indigenous persons from the three communities that live in the Reserve. The aim of the workshop was to determine, in consultation with the inhabitants of the Reserve, what training and vocational courses were required to boost the productive, social and economic development of local inhabitants, and to promote employability and entrepreneurship.

122. Work on bill No. 14352, on the autonomous development of indigenous peoples, began on 16 March 2001, and the bill was published in *Alcance Digital* No. 49 of Gazette No. 119 on 21 June 2001. On 27 July 2015, the Legislative Assembly adopted a motion to extend the deadline for adoption of the bill by an additional four years, pursuant to rule 199 of its rules of procedure. This will make it possible to pursue discussions on the initiative and will complement the efforts made by the Government in recent years to foster closer ties with, and greater awareness of, indigenous peoples through the discussion forum established to that end. The bill is currently thirty-seventh in line for discussion on the Legislative Assembly's agenda for regular sessions. The Government did not submit the bill for consideration during extraordinary sessions. The deadline for adoption of the bill is 27 July 2019.

123. The goal of the National Employment Programme is to improve the living conditions of unemployed and underemployed persons who are at risk of poverty and extreme poverty by offering temporary financial assistance, encouraging participation in community projects and in training processes, and providing support to groups of people with productive ideas or projects.

124. Under the National Development Plan 2015-2018, named in honour of Alberto Cañas Escalante, targets and modalities directly related to the National Employment Programme have been incorporated in the strategy for the employment sector. The geographical coverage of the Programme was extended in 2015, enabling young persons from all six socioeconomic regions of Costa Rica to benefit from the Empléate programme, which focuses on community works, productive ideas and training.

125. Among indigenous peoples, the target population consists of persons aged 18 years and over who live in poverty or extreme poverty and who come from indigenous areas affected by unemployment and/or underemployment. Temporary financial assistance is given for community-based infrastructure construction projects. A monthly total of ₡185,000 is granted for an average of three months, with the possibility of extension, depending on the complexity of the project. The total can be lower and proportional to the

number of hours devoted to the project by the recipient. The amount budgeted for the programme is ₡1,217,115,000.

126. Through its family welfare programme, the Inter-Agency Institute for Social Assistance participates in a joint programme to enhance the human security of temporary migrants from the Ngöbe-Buglé community in Costa Rica and Panama, particularly with regard to the rights of children to protection and care. In order to expand childcare services and to promote child development, care is provided to the children of migrant workers employed on coffee plantations in nurseries called *casas de la alegría* (happy homes).

127. A special code is used to identify indigenous persons within the benefits system of the Inter-Agency Institute. According to the data input using that code, in 2015, ₡1,944,038,342 was granted to 3,490 families. The socioeconomic region with the highest number of beneficiary families (1,462) and budgetary investment (₡763,368,045) was Huetar Atlántica, followed by the socioeconomic region of Brunca (1,013, at a cost of ₡631,624,186) and the city of Cartago (753, at a cost of ₡391,514,820).

128. The Afro-descendant population has access to childcare and to child development services at 13 different locations in the province of Limón and, through a programme entitled *Puente al Desarrollo* (Bridge to Development), priority is given to 677 disadvantaged families, including indigenous families.

129. In Talamanca, in the region of Huetar Caribe, steps have been taken to simplify and expedite procedures for indigenous women who access services. The Inter-Agency Institute, in pursuing the fundamental objective of reducing extreme poverty as set out in the Bridge to Development programme, and with the support of professionals whose task is to provide personalized, preferential, coordinated, sustainable and comprehensive care to families living in extreme poverty in priority districts, aims to match the social demands of families, including those who receive comprehensive support under the National Development Plan, to the services provided by institutions.

130. In 2015, equipment was provided to all children enrolled in schools in indigenous territories so as to prevent educational exclusion.

131. In 2015, the Inter-Agency Institute, as part of its efforts in the area of socioproductive and community-based development, and in cooperation with the authorities in socioeconomic regions where beneficiaries include indigenous persons, launched two projects that will lead to a gradual improvement in the socioeconomic conditions of the country's indigenous peoples, which is a priority for the current Government.

132. The first project to receive funding involved a small-scale chocolate producer in Bratxi, Talamanca, headed by the Association of Bribri Women. The project was designed to improve working conditions, thereby enhancing the quality of the product to be marketed, which would in turn help generate greater revenue for the indigenous families within the Association.

133. The second project involved the construction of a children's playground and of other communal infrastructure in Bratxi, Talamanca.

134. In 2016, a budget of ₡170,000,000 was set aside for a community-based infrastructure project targeting indigenous peoples in the region of Huetar Caribe. The project involves the construction of a temporary shelter for indigenous families receiving medical care at Dr. Tony Facio Hospital who, because of the distance or for personal reasons, are unable to return home on the same day.

135. Also in 2016, a training fund was established to boost the employability of, and encourage entrepreneurship among, indigenous persons living in poverty or extreme poverty.

136. Consideration has been given to a training course that would enable indigenous persons to benefit from the Inter-Agency Institute programme on productive ideas by receiving financial assistance to launch or strengthen a productive enterprise. The course, which would be taught in April 2016 at the latest, would include modules on: diagnosing problems; human development; operational, administrative and financial management; low-cost farming techniques; good agricultural and manufacturing practices; and market opportunities.

137. Indigenous children attend intergenerational lessons designed to promote the preservation of indigenous traditions and customs, and to teach them how to make traditional toys and handicrafts from local raw materials. The lessons are attended by older persons, young persons, adolescents and children.

Dissemination of information about the Covenant and its optional protocols (art. 2)

138. This report was prepared by the Inter-Institutional Commission for the Monitoring and Implementation of International Human Rights Obligations.

139. Once the report has been presented to the Human Rights Committee, the outcomes of that process will be relayed to the members of the Commission.
