



International Covenant on Civil and Political Rights

Distr.: General
21 August 2024
English
Original: Spanish
English, French and Spanish only

Human Rights Committee

List of issues prior to submission of the seventh periodic report of Costa Rica*

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on any significant developments concerning the legal and institutional framework for the promotion and protection of human rights that have taken place since the adoption of the Committee's previous concluding observations.¹

B. Specific information on the implementation of articles 1–27 of the Covenant

Constitutional and legal framework for the implementation of the Covenant (art. 2)

2. In the light of the Committee's previous concluding observations (para. 6), please provide information on: (a) measures taken to disseminate the content of the provisions of the Covenant and the Optional Protocols thereto among judges, lawyers and the public at large; (b) the training provided to judges on the applicability of such provisions in domestic law; and (c) the application of such provisions in judgments issued during the period under review.

3. Please provide information on the measures adopted to increase the financial, human and material resources available to the Inter-Institutional Commission for the Follow-up and Implementation of International Human Rights Obligations. In this regard, please describe: (a) the activities carried out by the Commission; (b) the measures adopted to ensure that the Standing Body for Civil Society Consultation is able to fully perform its assigned functions; and (c) the steps taken to ensure the implementation of the concluding observations issued by the Committee in 2016, including information as to whether consideration has been given to the possibility of creating an international treaty monitoring system.

National human rights institution (art. 2)

4. With reference to the Committee's previous concluding observations (para. 8), please provide information on any steps taken to ensure that the Office of the Ombudsman has the resources that it needs to carry out its functions effectively in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please provide a breakdown of the financial, human and material resources provided to the Office of the Ombudsman during the reporting period. Please

* Adopted by the Committee at its 141st session (1–23 July 2024).

¹ [CCPR/C/CRI/CO/6](#).



describe the measures taken to ensure the transparency of the process used for selecting and appointing a deputy ombudsman.

Non-discrimination (arts. 2 and 26)

5. In the light of the Committee's previous concluding observations (para. 10), please provide information on the steps taken to adopt comprehensive anti-discrimination legislation that: (a) provides full and effective protection against direct, indirect, structural and intersectional discrimination in all spheres, including the private sphere; (b) covers all the grounds prohibited by the Covenant, including sexual orientation and gender identity, disability and health status, such as that of persons living with HIV/AIDS; and (c) provides victims of discrimination with effective judicial and administrative remedies. Please provide information on the measures taken to combat prejudice, stigmatization, discrimination and xenophobia directed at migrants and refugees and indicate what mechanisms are in place for the provision of redress and assistance to migrants in an irregular situation who are victims of violence or discrimination.

6. Please describe the projected sequence of events in the processing of bills No. 19.288 on the prevention, elimination and punishment of racism and all forms of discrimination and No. 19.299 on research into the actual status of the human rights of the population of African descent. Please provide information on the measures adopted to implement the National Integration Plan and their impact and results during the reporting period.

7. In the light of the Committee's previous concluding observations (para. 16), please describe the measures taken to close the wage gap between women and men and the measures adopted to increase the participation of women, especially Indigenous women and women of African descent, in public life at all levels of the State and in managerial positions in the private sector.

Discrimination based on sexual orientation or gender identity (arts. 2, 7 and 26)

8. In the light of the Committee's previous concluding observations (para. 12), please describe the measures taken to prevent and combat discrimination and social stigmatization based on sexual orientation or gender identity, including in the areas of employment, education and health, and discrimination and stigmatization committed by the authorities. Please provide information on the number of complaints that have been received, the judicial proceedings to which they have led, as well as the number of convictions that have been secured and the restitution that has been made to the victims. Please also provide information on the current status of bill No. 20.970 on the addition of articles 35, 68 bis, 384 bis and a subparagraph (e) to article 260 of the General Health Act (No. 5395) of 30 October 1973 and its amendments, which would prohibit "therapies" whose purpose is to reverse or modify the sexual orientation of lesbian, gay, bisexual, transgender and intersex persons.

Voluntary termination of pregnancy and sexual and reproductive rights (arts. 3, 6, 7 and 17)

9. In the light of the Committee's previous concluding observations (para. 18) and bearing in mind its general comment No. 36 (2018) on the right to life, please provide information regarding the steps taken to include additional grounds for the voluntary termination of pregnancy in the relevant legislation, such as when the pregnancy is the result of rape or incest and in cases where the pregnancy is not viable. Please describe to what extent the technical standard for the medical procedure referred to in article 121 of the Criminal Code guarantees effective access to voluntary terminations of pregnancy when there is a risk to the woman's life or health. Please also describe the measures adopted to inform the population about access to this procedure, the circumstances which are covered in practice and the number of procedures performed to date.

10. Please describe the measures taken to ensure access to sexual and reproductive health services, including for adolescents and migrants in an irregular situation. Please provide information on the media-based and school programmes for educating people about sexual and reproductive health, about their rights in that regard and about contraception that have been conducted during the reporting period. Please also provide information on the measures

adopted to prevent and combat violence against women in the context of health services, including obstetric violence, particularly in rural areas and with respect to adolescent, foreign and Indigenous mothers.

Violence against women and children (arts. 3, 6, 7 and 24)

11. In the light of the Committee's previous concluding observations (para. 22), please describe the measures taken to prevent and eradicate violence against women and children. In this regard, please provide information on: (a) the legislative and administrative measures adopted to prevent and punish this type of violence; (b) the efforts made to facilitate the reporting of such acts and access to an effective remedy; (c) the number of complaints, prosecutions and convictions regarding such acts and the reparations granted to victims; and (d) the measures adopted to provide greater assistance to victims, including the human and material resources allocated for that purpose, including the establishment of new shelters and arrangements for their supervision.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 7 and 10)

12. With reference to the Committee's previous concluding observations (para. 26), please report on the steps taken to prevent and combat any acts of torture and other cruel, inhuman or degrading treatment or punishment, particularly in detention centres. Please provide information on the measures adopted to facilitate the filing of complaints, the conduct of investigations in this regard and, where appropriate, the initiation of prosecutions, along with information on any convictions of perpetrators and the penalties imposed on them, the reparation granted to victims and the measures taken to protect whistle-blowers against the risk of retaliation. Please specify what training activities have been carried out, in particular the training courses taken by law enforcement personnel concerning the application in their work of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and other international human rights standards.

Conditions of detention (arts. 9 and 10)

13. With reference to the Committee's previous concluding observations (para. 28), please indicate what measures have been taken to improve conditions of detention in prisons, including by reducing overcrowding and improving living conditions in accordance with the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders. In this regard, please provide information on the rate of overcrowding in such centres, disaggregated by gender, age, judicial status and place of detention. Please also provide information on any efforts made to reduce the number of pretrial detainees and the duration of their incarceration and on any efforts to promote the use of non-custodial measures in accordance with the Covenant and the United Nations Standard Minimum Rules for Non-custodial Measures and to ensure the separation of persons awaiting trial from convicted inmates.

Trafficking in persons (art. 8)

14. In the light of the Committee's previous concluding observations (para. 24), please provide information on the measures taken to prevent and combat trafficking in persons and the resources allocated for achieving those objectives. In this regard, please provide information on the number of complaints filed, investigations conducted, prosecutions brought, convictions handed down and penalties imposed in cases of human trafficking. Please also provide information on any efforts to establish effective reporting mechanisms and to ensure the early identification and systematic referral of actual and potential victims of trafficking to the competent authorities and services, and on the measures taken to provide victims with effective remedies, including appropriate rehabilitation and assistance.

Migrants, asylum-seekers and refugees (arts. 7, 12, 13 and 24)

15. Bearing in mind the declaration of a state of emergency by the President of Costa Rica in September 2023 in response to the surge in migrants and refugees crossing the borders of Costa Rica, please provide information on the measures adopted to ensure migrants' access to food, health services, water and sanitation and to set up reception centres for such persons along the southern and northern borders of the country. Please provide information on the measures taken to ensure effective access to asylum, to uphold the principle of non-refoulement and to ensure the safety of migrants and shield them from violence at the country's borders and along migration routes. Please provide disaggregated information drawn from the national records on persons in a context of mobility and cross-border transit migration. Please also provide information on the measures and actions taken to investigate and punish alleged criminal groups engaged in the smuggling of migrants at the country's borders, including information on their link to other forms of violence and abuses against persons in mobility through the country.

Living conditions in migrant detention centres (art. 10)

16. In the light of the Committee's previous concluding observations (para. 30), please provide detailed information on the efforts made to safeguard and protect procedural rights and guarantees and improve living conditions and access to health services in detention centres for migrants and asylum-seekers, including the facilities located at Juan Santamaría International Airport. Please also indicate what steps have been taken to ensure that the administrative detention of migrants is not arbitrary but rather is ordered only when it is justified as a reasonable, necessary and proportionate measure in view of the circumstances of the case in question, that it is subject to review when it is extended, that it is carried out only as a last resort and for the shortest amount of time that is appropriate, and that it is not applied to minors. Please provide statistics covering the period since the adoption of the previous concluding observations on the number of migrants in administrative detention, disaggregated by gender, age and length of time spent in detention.

Judicial independence (arts. 14 and 17)

17. In the light of the Committee's previous concluding observations (para. 32), please describe the measures taken to ensure and uphold the independence and impartiality of judges and to enable them to decide on the matters before them without being subject to influence, pressure or interference and the steps taken to ensure that the State party's legislation in this area is in conformity with the Covenant and the Basic Principles on the Independence of the Judiciary. Please provide information, in particular, on the efforts made to ensure: (a) that the selection and appointment of judges, as well as their conditions of service, the disciplinary measures to which they may be subject and the provisions governing the suspension and removal of judges from office and their career advancement, are in accordance with the Basic Principles on the Independence of the Judiciary; and (b) that the law guarantees that judges will remain in their posts for the established periods and that they will receive adequate remuneration, pensions, conditions of service and retirement benefits in accordance with, among other statutes, Act No. 9.635 on the reinforcement of public finances and Act No. 9.544 amending the provisions governing the retirement and pension system for the judiciary. Please also indicate what measures have been taken to ensure that judicial officials are free to make their own career decisions and the measures taken to guarantee their independence.

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

18. With reference to the Committee's previous concluding observations (para. 34), please provide information on the efforts made to avoid discrimination between religions, including with regard to the recognition of marriage, and on the measures adopted to bring national law into conformity with articles 2, 18, 23 and 26 of the Covenant.

Freedom of expression (art. 19)

19. Bearing in mind the Committee's general comment No. 34 (2011) on freedom of opinion and expression, please provide information on efforts to combat intimidation, verbal

attacks and harassment of journalists, the media and members of civil society by authorities and officials of the State party.

Right of peaceful assembly and freedom of association (arts. 21 and 22)

20. Please describe the measures taken to ensure the full enjoyment of the right to peaceful assembly and freedom of association and to ensure that any restrictions on the exercise of these rights, including restrictions concerning the work of trade unions, are in compliance with the Covenant. Please also indicate what measures have been taken to ensure that the restrictions established by Act No. 9.808 on the provision of legal certainty in respect of strikes and strike procedures are in conformity with the Covenant.

Child labour (art. 24)

21. With reference to the Committee's previous concluding observations (para. 36), please describe the measures taken to continue efforts to combat the phenomenon of street children and child exploitation, including the strengthening of early warning systems, and to conduct public awareness campaigns on children's rights.

Birth registration (arts. 24 and 27)

22. In the light of the Committee's previous concluding observations (para. 38), please indicate what steps the State party has continued to take to ensure that all children born in the territory of the State party, particularly those in vulnerable situations, are registered and receive an official birth certificate. In addition, please describe the campaigns that have been carried out to ensure that every adult person, including members of the Ngöbe-buglé Indigenous People and those living in remote areas, is registered, as well as the results of those campaigns.

Juvenile justice system (arts. 7, 9, 14 and 24)

23. With reference to the Committee's previous concluding observations (para. 40), please provide information on the efforts made and the results achieved with regard to rehabilitation programmes designed to facilitate the reintegration into society of children in conflict with the law. Please indicate what measures have been adopted to: raise the minimum age of criminal responsibility, guarantee the dignified treatment of minors deprived of their liberty, ensure appropriate conditions of detention and reinforce the work done to train and raise the awareness of the officials who deal with such minors. Please also provide information on the investigations carried out into possible cases of violence or ill-treatment of minors deprived of their liberty and, if such incidents are found to have occurred, to punish those responsible appropriately and offer reparation to the victims.

Rights of Indigenous Peoples (art. 27)

24. With reference to the Committee's previous concluding observations (para. 42), as well as to the report on follow-up to the Committee's concluding observations,² please: (a) clarify whether the General Mechanism for Consultation with Indigenous Peoples is binding on all State institutions and private initiatives; and (b) report on the process of operationalizing the Mechanism and indicate whether requests for consultation have been received or consultations have been carried out through it.

25. Please also provide information on the implementation of the Plan for the Recovery of Indigenous Territories and on the measures adopted to guarantee in practice the right of Indigenous Peoples to the lands, territories and natural resources that they have traditionally owned or occupied. Please indicate what steps have been taken to ensure the recovery of inalienable lands that have already been granted to Indigenous Peoples through national legislation. Please also describe the measures taken to create a legal framework that ensures the recognition of Indigenous Peoples and their authorities.

² [CCPR/C/128/3/Add.4](#).

26. Please describe the efforts made to prevent and combat the illegal occupation of Indigenous Peoples' lands and territories by non-Indigenous persons, especially in the cantons of Buenos Aires and Pérez Zeledón, and to protect the life and integrity of members of Indigenous Peoples, defenders of the rights of Indigenous Peoples and environmental activists from aggression and attacks targeting them. Please provide information on the number of complaints filed, investigations and prosecutions carried out, convictions secured and penalties imposed in cases related to illegal occupations and aggression against members of Indigenous Peoples and on the reparations provided.
