Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Costa Rica - 6th Session – 2009
8th December 2009, 2.30pm - 5.30pm

National Report
14. Constitutional justice is, from the outset, accessible to all citizens, including for example all minors, as it requires only a minimum of formalities, thus facilitating the direct protection of constitutionally protected rights. This has led to extensive case law, immediately applicable and universally binding, which has been adopted by all courts and is observed by all other authorities.

17. Other public bodies and commissions have the task of monitoring the human rights of specific population groups, especially vulnerable groups. These include the National Institute for Women (INAMU), the National Child Welfare Agency (PANI), the National Council on Children and Adolescents (CNNA), the National Council for Older People (CONAPAM), the National Council on Rehabilitation and Special Education (CNREE), the National Commission on Indigenous Affairs (CONAI), National Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents (CONACOES) and the National Coalition against Smuggling of Migrants and Trafficking in Persons (CNCTIMTP), established in November 2005. All these bodies do very important work, focusing the attention of the State on groups requiring greater protection and specific initiatives to enable them to effectively enjoy their rights.

33. Regarding the serving of criminal sentences by adolescents, there is a specialized facility with accommodation for some 60 young offenders; deprivation of liberty is an exceptional measure. They are separated by sex, age and legal status, and no adolescents are held in adult facilities. The alternative sanctions programme has been strengthened. It now covers 64 per cent of the country’s minors serving criminal penalties, and manages socio-educational penalties. In 2005, the Young Offenders (Execution of Criminal Sanctions) Act was adopted, further enhancing the system.

38. As to trafficking in persons, beginning in 2007 the National Coalition against Smuggling of Migrants and Trafficking of Persons (CNCTIMTP) developed a model for national inter-institutional and comprehensive care for victims of trafficking and a protocol for the repatriation of child and adolescent victims of trafficking. The Ministry of Public Security, which currently serves as the secretariat of the CNCTIMTP, supplemented these guidelines with the establishment of an inter-institutional rapid response team, the focus of which is to provide support for victims of trafficking. Lastly, the definition used for the criminalization of domestic trafficking has been broadened and the applicable sentences increased through the amendment of various articles of the Criminal Code and the Code of Criminal Procedure, in accordance with Act No. 8,590 of July 2007, Act No. 8,720 of February 2009 and the Organized Crime Act of July 2009.

40. Regarding activities to combat poverty, through the Inter-Agency Institute for Social Assistance (IMAS) the various components of the Social Assistance and Promotion Programme have been implemented with the aim of helping to meet basic needs, create jobs and support students from families living in poverty or extreme poverty. The Avancemos (Let’s get ahead) programme established in 2006 demonstrated its direct impact on poverty in 2007, bringing about a reduction in poverty of about 0.3 per cent. A greater impact will be felt in the medium term, when young people covered by this programme obtain better paid jobs thanks to their improved education.

41. The Avancemos programme encourages children and adolescents from poor backgrounds to remain in the formal education system by means of “conditional cash transfers”. Subsidies are given to the families of beneficiary pupils on condition that they do not drop out of school, or that they return to school. The programme currently covers some 13.3 per cent of enrolled students and has helped to significantly reduce dropout rates, especially in secondary education.

43. Regarding the mechanisms for the measurement of statistics relating to poverty, the National Statistics and Census Institute (INEC)
54. This increase in coverage has been strengthened with a human rights approach. From the outset, services are provided without discrimination as to gender, age, race, nationality, migratory status or place of residence, and emergency services, vaccinations and basic care are provided for the entire population, whether insured or not. From 2004 to 2008, the coverage rates of the Health, Maternity and Sickness Programme increased by 13.5 per cent, reaching 66.8 per cent of the wage-earning economically active population and 57.4 per cent of the non-wage-earning economically active population, while nationally coverage reached about 89 per cent of the total population.

55. With regard to the right to education, the Ministry of Public Education is promoting change in the education system based on clear recognition of the rights and duties of students, teachers and other parties concerned. It is thus trying to create an institutional culture founded on the promotion and protection of human rights, the observance and defence of gender equality, and respect for differences of nationality, ethnicity, age, sex, religion and social condition. To that end, in November 2007 the Ministry established a specialized human rights body in order to ensure that the action required for legal recognition of students' responsibilities and rights was taken. This body is called the Directorate for the Promotion and Protection of Students' Rights, and serves as an advisory body to the Ministry.

56. A strategy for education and intercultural dialogue was drawn up with 15 working themes, including guidelines for the entire education structure and regulatory standards focusing on the development of values, social inclusion and the civic organization of the various communities. The indigenous subsidiary education system was also bolstered, as a process of consultation of the peoples living in the country’s 24 indigenous territories was begun with a view to amending the decree governing that system. In 2007, there were in total 313 educational services and institutions in the country's indigenous communities. Approximately 687 teachers work in these institutions, 59 in secondary schools and 628 in primary schools.

57. As part of efforts to ensure gender equality and equity, the integration of men and women in all technical occupations has been encouraged through the “Equal placement in various and competitive occupations project”, and the gender perspective has been incorporated in all study programmes. In the field of political participation, the necessary reforms were carried out to ensure the equal and alternative participation of women in student government bodies. The Ministry of Public Education also takes part in the inter-institutional Creciendo Juntas (Women growing together) programme for women and in a grant agreement with the National Child Welfare Agency for teenage mothers, which are aimed at encouraging them to enter primary and secondary education through the Education for Young People and Adults schools, whether formal or informal. As a form of support and incentive to pursue their education, they are exempted from the payment of fees for tests.

58. As to educational coverage, a radical reform of evaluation has been initiated, through changes in academic promotion standards and the rewarding of good practices. This has improved coverage rates and reduced gaps in the education system. Such efforts are among the Ministry’s top priorities as it addresses the current low secondary coverage rate and the increase in dropout at the end of primary school. These problems have numerous causes and are accordingly tackled using various resources: scholarships and grants from the National Scholarship Fund and from the Avancemos programme, increased pay and training for teachers, more art, sports and leisure facilities.
in schools, and the above-mentioned reform, which did away with promotion standards that produced artificial failures, unnecessary repetition of school years and a high dropout rate.

61. The measures adopted have resulted in a significant increase in secondary education enrolment, which has risen from 72.5 per cent of young people attending some form of secondary education in 2004 to 82.7 per cent this year, the highest rate ever. Also, the number of secondary school dropouts fell from 12.9 per cent in 2007 to 12.1 per cent in 2008. At the same time, the highest pass rate of the decade was achieved, at 60 per cent, up from 54.1 per cent in 2007.

62. The curriculum was reformed, with ethics, aesthetics and civics as the basic principles guiding education. This resulted in a rethinking of subjects relating to these principles, with emphasis being placed on comprehensive education aimed at teaching students how to live and live with others, at building a culture of rights and responsibilities, and at the development and application of concepts, values, attitudes, practices, sensitivities and criteria to enable students to deal with the problems of everyday life in the best way possible. Through such projects as School in Our Hands, the 2000 Plan, Space to B – Space to Grow, and the Festival of Creativity, and through the strengthening of student government, efforts have been made to ensure that education in ethics, aesthetics and civics extends beyond the classroom to other areas of school and community life.

63. Lastly, since 2004 general activities have been carried out under the Comprehensive Sex Education Programme and the Comprehensive National Education Policy for the Expression of Sexuality, with the aim of building a focus on sexuality that goes beyond the biological concept that had until recently been in use. In this sense, and in recognition of the fact that sex education of students is a task of the State, a Transformation and Strengthening of Sex Education project is currently being implemented with the support of the National University’s Institute for Interdisciplinary Studies on Childhood and Adolescence.

64. Regarding efforts to combat the exploitation of child labour, since 2008 the Ministry of Labour and Social Security’s Office for the Prevention and Elimination of Child Labour and the Protection of Juvenile Workers has provided advice and follow-up to projects funded by international cooperation, with the aim of providing comprehensive training to adolescents who are not in the education system and improving their quality of life. The projects in question have included the reformulation of the National Plan for the Elimination of Child Labour and Protection of Juvenile Workers in 2007, and also the implementation of intra- and inter-agency coordination agreements in support of working minors in 2008.

70. Regarding the right to culture, the Ministry of Culture and Youth has endeavoured to revitalize cultural values by providing effective access to infrastructure for performances, fostering the work of creative groups, highlighting the importance of historically marginalized cultures and developing a better quality of life. The use of public spaces for leisure and social activities has been promoted by holding recreational and cultural activities at locations available to the entire community as a means of preventing health problems, drug addition and crime.

71. Among the programmes established in recent years, the following are of note: the CENAC (National Cultural Centre) Summer Festival (2004), in which various groups made their work known free of charge; the Traditional Cooking Contest (2004), which brought together, preserved and publicized traditions identified with various communities; the Transversal Education, Art, Culture and Creativity in the Twentieth Century Programme (2006), which focused on arts workshops in schools; the National Theatrical Arts Development Programme (2007), which provided funding in support of independent projects; and the National Music Education System (2007), established to provide high-quality music teaching to children and adolescents.

73. The Peace with Nature Initiative was launched in 2006. Rooted in a strong political commitment to combat environmental degradation, it sets out to increase forest cover, enlarge the protected areas, address chronic problems such as waste treatment and aquifer pollution, implement environmental management plans throughout the public sector, include environmental education for sustainable development in the public education curriculum and establish funding mechanisms in support of these aims.

82. As regards the rights of children and adolescents, the following laws have been adopted: Act No. 8,571 of March 2007 prohibiting marriage of persons under the age of 15; Act No. 8,590 of July 2007 strengthening efforts to combat the sexual exploitation of minors; and the Children and Adolescents’ Right to Discipline without Physical Punishment or Humiliating Treatment Act, of August 2008. The Ibero-American Convention on the Rights of Young People was ratified in November 2007 and has been in force since ratification. Costa Rica was the fifth country to accede to it.

83. The application of the Responsible Paternity Act has been strengthened. Since 2001 it has guaranteed that paternity is certified and ensured that the minors in question are entitled to child support from birth, provided they are entered in the Civil Register. This is done thanks to an administrative process that is speedier and less costly than judicial proceedings. Its adoption has thus improved the law by helping to strengthen the rights of women and children and has significantly reduced previous imbalances in the practice of motherhood and fatherhood.

84. The authorities of the National Child Welfare Agency and the National Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents have made strenuous efforts to raise public awareness of the consequences and effects of commercial sexual exploitation and to extend the reach of the current law, on the basis of the National Plan to Combat Commercial Sexual Exploitation 2008–2010. Also, the ability of families to restrict minors’ access to the Internet has been strengthened, and service-providers have been regulated so as to prevent minors from having access to pornographic sites and sites with other harmful content. The National Child Welfare Agency has a guidance and information centre that handles 911 emergency calls reporting violations of the rights of minors and provides appropriate guidance and advice.

85. As to minors separated from their families, various types of alternative care and protection have been made available. These include solidarity homes, shelters and residential NGOs, which in 2007 cared for over 5,000 children and adolescents. At such facilities entry
and residence are monitored by various institutions, including the National Child Welfare Agency, the Ministry of Health and the Ombudsman’s Office. In all such cases comprehensive care is provided for the physical and psychological recovery and the social reintegration of the persons concerned.

100. Poverty-reduction activities will take into account the fact that inequality has grown in recent years,80 and so the resources and benefits aimed at reducing poverty will be increased and better allocated, and coverage in the fields of education, housing, culture, social security, health, employment and other factors in development will be extended, especially for people living in poverty or extreme poverty.

101. Public policies will be promoted to ensure equity and better all-round participation by members of particularly vulnerable groups, including older persons, disabled persons, minors, women and members of ethnic minorities such as Afro-descendants and indigenous people. This includes better political representation, access to posts in institutions and the prohibition of any form of discrimination in the workplace or elsewhere.

UN Compilation

1. The Committee on Economic, Social and Cultural Rights (CESCR), 8 the Committee on the Rights of the Child (CRC) 9 and the Committee on the Elimination of Racial Discrimination (CERD) 10 invited Costa Rica to consider ratifying ICRMW.

2. En 2009, el Equipo de País de Naciones Unidas (UNCT) indicó que Costa Rica cuenta con abundante legislación a nivel doméstico tendiente a la incorporación de los compromisos en derechos humanos. Añadió que la aprobación en 2008 de la ley “Derechos de los niños, niñas y adolescentes a la disciplina sin castigo físico ni trato humillante” constituye un hito jurídico. Treaty bodies welcomed, inter alia, the amendments to legislation aimed at protecting children in matters relating to marriage and the adoption of the Law on Responsible Paternity.

6. UNCT indicó que el Estado carece de políticas públicas integrales y sostenidas para las personas adultas mayores y con discapacidad, los pueblos indígenas y la población afrodescendiente, las personas migrantes y refugiadas, los niños (as) y adolescentes. In 2007, CERD recommended that Costa Rica include in its next periodic report information on measures taken to implement the Durban Declaration and Programme of Action, in particular on the preparation and implementation of a national action plan. In 2009, the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, noted that there is no national policy on water that takes into account the special situation of people living in poverty.

7. Costa Rica has co-sponsored several regional events with OHCHR, including workshops in the following areas: torture prevention for national human rights institutions 28 and prevention of juvenile violence (2007); implementation of CRC’s concluding observations (2006); and human rights, democracy and the rule of law (2005). Costa Rica is a regular donor to OHCHR.

9. UNCT mencionó que las mujeres privadas de libertad enfrentan problemas específicos, derivados de un modelo masculino sobre la población penitenciaria que deja de lado sus necesidades. In 2008, CAT recommended that the National Institute of Criminology apply a gender-specific policy for women prisoners and pursue the regionalization of women’s prisons. CAT welcomed the establishment of the Casa Cuna centre for prisoners’ children aged under 3, and recommended the establishment of similar units in the regional detention centres.

11. In 2005, CRC was concerned at the limited access of indigenous children, migrant children and those living in rural areas, to basic education and health services, and at their low standard of living. It requested, inter alia, information on action taken to protect children of migrant families in irregular situations against discrimination.

15. In 2008, CAT welcomed the legislative reform of 2001 criminalizing torture and noted that no convictions had been handed down for this crime under the new law. The Committee was concerned that some possible cases of torture had been investigated as abuses of authority despite their gravity and about reports that victims and witnesses were not provided with adequate protection. CAT recommended that legislation on torture be effectively applied. It also expressed concern at reports of sexual abuse and physical violence against homosexual and transsexual prisoners.48 Allegations of ill-treatment of children during detention were of concern for CRC in 2005.

18. In 2007, CESCR regretted that various legal and institutional measures taken to offer redress to victims of domestic violence had been insufficient to address the increase of domestic violence against women and children.

20. In 2007, CRC expressed concern at information that smuggling of migrants, including children, and trafficking in children for the purpose of sexual exploitation, continued to be a serious problem in the country. CESCR and the ILO Committee of Experts expressed similar concerns in 2007 and 2009 respectively. Según UNCT, se detectan debilidades en la persecución del delito de trata de personas y falta un mayor esfuerzo en relación con la atención de las víctimas. CRC recommended that the State define and criminalize trafficking in persons in accordance with the Palermo Protocol. The HR Committee recommended the reinforcement of measures to combat trafficking of women and children, as well as penalties commensurate with the seriousness of the acts. In 2009, Costa Rica replied, inter alia, that a draft reform of the Criminal Code would raise prison sentences for anyone committing the offence of trafficking in persons 64 and added that this issue was included in the National Development Plan.

21. In 2005, CRC remained concerned at the large number of children between the ages of 5 and 17 working in the “informal” labour market, and recommended that Costa Rica continue to take effective measures to eliminate prohibited child labour. CRC also noted with concern that the occurrence of children living in the street appeared to be widespread.

25. In 2005, CRC remained concerned at the insufficient number of judges specialized in the rights of the child. It recommended that
Costa Rica ensure systematic training for all personnel working in the juvenile justice system; take urgent measures to ensure the prevention of ill-treatment of persons below the age of 18 in detention; and to continue to ensure that they benefit from alternatives to detention and, when needed, are only deprived of liberty as a last resort and for the shortest appropriate period of time.

26. In 2005, CRC was concerned at the considerable duration of interim placement of children deprived of a family environment, before the matter is brought before a judge for a decision on their final placement. En 2004, el Relator Especial sobre la venta de niños, la prostitución infantil y la utilización de niños en la pornografía envió una comunicación con relación a la prolongada permanencia de nueve bebés extranjeros en un hogar estatal, indicando que aún no se había determinado su situación jurídica. En 2004, el Gobierno respondió que era imposible disponer del grupo hasta tanto no se determinase quienes son los progenitores y cuál es su nacionalidad. Añadió que existen indicios de adopciones internacionales irregulares en perjuicio de casi todos estos niños. In 2007, CRC was concerned about continued problems in the governance and implementation of adoption, especially inter-country adoption. It recommended a modification of national legislation to ensure that all requests and procedures for adoption respect applicable international standards.

35. En 2009, UNCT indicó que la incidencia de la pobreza en los últimos años se ha mantenido en cerca de un 22%, siendo más elevada entre las personas menores de edad, las mujeres y los pueblos indígenas. Estos últimos enfrentan rezagos alarmantes en materia de salud, nutrición, educación y vivienda. In 2008, CERD urged the State to remove the economic, social and geographical barriers preventing access to basic services in the indigenous territories.

37. In 2005, CRC remained concerned at the regional inequality in access to health services. En 2009, UNCT notó que Costa Rica ha avanzado mucho en la reducción de las tasas de mortalidad infantil y materna, aunque en algunas comunidades rurales e indígenas estos indicadores tienden a incrementarse e inclusive duplicarse, lo que requiere mayor atención. UNCT añadió que la atención médica de urgencia está garantizada para las personas migrantes, pero al no haber claridad respecto a la definición de “urgencia”, el acceso a este servicio es discrecional y según la interpretación del médico en turno.

38. The increase in teenage pregnancies was a matter of concern for CEDAW and CESCR in 2003 and 2007, respectively.105 UNCT mencionó en 2009 que la carencia de una política nacional integral de información y/o educación sexual y reproductiva, repercute en la incidencia de infecciones de transmisión sexual y VIH/SIDA, así como en el embarazo adolescente.

41. A 2008 World Bank report suggested that while education indicators are satisfactory overall, they mask considerable disparities in educational attainment between poor and non-poor households and across geographic regions. The World Bank noted that relatively low secondary education coverage and quality were especially worrisome. In 2005, CRC recommended that the State continue to take effective measures to increase enrolment in primary and secondary school, reduce the high rate of drop-out students and repeaters, in particular in rural areas, and find ways to address the lack of school infrastructure in these areas. It also recommended that Costa Rica focus on the improvement of secondary education.

42. In 2007, CERD noted with concern the disappearance of two indigenous languages and invited the State to take the necessary steps to preserve the indigenous peoples’ cultural heritage. CRC recommended that Costa Rica continue to increase the number of indigenous schools and adequately trained indigenous teachers.

43. En 2009, UNCT indicó que la niñez migrante tiene acceso a la educación primaria y secundaria. Sin embargo, las prácticas y requisitos dificultan y a veces impiden, la permanencia y el retorno al sistema educativo.

55. In 2008, CAT requested Costa Rica to communicate within one year its reply to the Committee’s recommendations on pre-trial detention; alternatives to imprisonment; the principle of non-refoulement; detention of non-citizens; and the implementation of legislation on torture. In 2007, CERD requested Costa Rica to provide information on its follow-up to the Committee’s recommendations related to the Autonomous Development of indigenous Peoples Bill; basic services in the indigenous territories; and the situation of migrants. As of 1 August 2009, the follow-up reports to CAT and CERD had not been received. In 2007, the HR Committee requested Costa Rica to submit information on the follow-up given to recommendations concerning overcrowding in detention centres and trafficking of women and children. Costa Rica submitted its follow-up report in May 2009.

58. In 2005, CRC recommended that Costa Rica seek technical cooperation and/or assistance with regard to training programmes for all personnel working with children, access to basic health care, sexual exploitation, street children, child labour and the administration of juvenile justice.

Stakeholder Compilation

4. DHRCR señaló que Costa Rica cuenta con la Ley Orgánica del Patronato Nacional de la Infancia y el Código de la Niñez y la Adolescencia, que establecen el Sistema Nacional de Protección Integral de los Derechos de la Niñez y la Adolescencia. No obstante, las instituciones del estado no asumen las competencias que les corresponden, dando una respuesta estatal desarticulada y poco efectiva. El Patronato Nacional de la Infancia (PANI), ente rector en materia de los derechos de la niñez y la adolescencia, no ha consolidado su labor de rectoría y, particularmente, su labor de coordinación interinstitucional e intersectorial.

5. DHRCR señaló que aún no se han emitido las políticas públicas con respecto a los derechos de la niñez y la adolescencia. Añadió que en el año 2008 finalmente se adoptaron las políticas públicas de equidad de género en el nivel nacional. Algunas instituciones como el Poder Judicial y el Ministerio de Seguridad han emitido políticas de equidad de género, pero aún falta que se hagan efectivas.

20. DHRCR indicó que persiste la explotación sexual de menores a pesar de las reformas al Código Penal y de la aprobación de la Ley contra la explotación sexual de las personas menores de edad, entre otros. Según Defensa de las Niñas y Niños Internacional (DNI), los tipos penales relativos al delito de trata de personas solamente contemplan conductas de explotación sexual y laboral, dejando de lado la
21. Según DNI, datos conservadores estiman que más de cien mil personas de entre 5 y 17 años se ven en la necesidad de trabajar para satisfacer necesidades básicas. Adicionalmente, cientos de niños, niñas y adolescentes permanecen en la calle en total estado de abandono, sin que se brinde una respuesta adecuada a su situación, incluyendo una grave falta de respuesta a las problemáticas asociadas a las adicciones.

22. IACHR noted that Costa Rica has special domestic violence courts, four in San José and one in each of the remaining provincial capitals. A Secretariat for Gender Affairs has been established within the judicial branch of government, and a Women and Child Protective Services Programme within the police. In addition, the judicial branch has a Violence Commission working in coordination with the National Judicial School to provide training programmes for justice officials, including a specialized programme on the subject of domestic violence. No obstante, JS1 señala que las mujeres continúan sufriendo discriminación en el acceso a los recursos judiciales que existen para hacerle frente a la violencia. JS1 agregó que los operadores de justicia tergiversan la Ley Contra la Violencia Doméstica estableciendo procesos de conciliación con los agresores, lo que obliga a las mujeres a negociar en condiciones de desventaja y a llegar acuerdos desfavorables para ellas.

23. JS1 dijo observar una gran problemática respecto al acceso a la justicia, las formas de reparación a las víctimas y la sanción a los violadores de derechos. Añadió que las víctimas no encuentran instancias realmente protectoras donde denunciar y que se presentan injustificados retrasos en la administración de justicia. DNI y JS1 consideraron que se debe poner especial atención a los procesos judiciales largos y engorrosos tanto para la víctima menor de edad como para el menor de edad en conflicto con la ley.

24. JS1 indicó haber observado que dentro del Poder Judicial existen cuerpos policiales más o menos secretos con vocación “ultra-represiva”. Las prácticas de estos grupos incluyen la presencia encubierta de sus agentes en manifestaciones, protestas políticas, bares, conciertos y otros lugares concurridos por jóvenes, líderes estudiantiles y otros; a pesar de haber sido prohibidas por la Sala Constitucional, se siguen realizando redadas.

25. Según el Centro de Investigación y Promoción para América Central de Derechos Humanos (CIPAC), la discriminación contra la población lésbica, gay y bisexual se encuentra presente en casos como la sanción de la homosexualidad por mayores de 17 años cuando se practica “en forma escandalosa”, siendo que la expresión “forma escandalosa” queda a la libre interpretación de los policías o de los jueces. CIPAC también mencionó el Programa de Vivienda, en el que hay que tener un núcleo familiar tradicional heterosexual para conseguir casa financiada por los órganos estatales. Además, en los procesos sucesorios, en caso de fallecimiento sin testamento o voluntad expresa, no se contempla la unión de personas del mismo sexo ni reconoce sus derechos, entre otros.

26. JS1 dijo haber encontrado serios problemas con la penalización de la protesta social, por la cual varios líderes sociales están bajo cargos. JS1 añadió que se han denunciado casos de persecución, vigilancia y otras prácticas que buscan amedrentar a líderes sindicales y estudiantiles opuestos a políticas de gobierno.

27. JS1 consideraron que el Código de la Niñez y Adolescencia limita injustificadamente el derecho a la participación de personas menores de edad, al prohibirles organizarse para expresar su opinión política. DNI consideró que existen carencias en el tema de explotación sexual comercial, ya que el agravante cuando la víctima es menor de edad es muy bajo. JS1 y DNI añadieron que también es necesaria una mejor legislación contra la pornografía infantil por medios electrónicos.
32. Egypt commended the public human rights bodies and institutions focusing attention on groups requiring greater protection and specific initiatives. It welcomed the Legislative Assembly’s Special Committee on Human Rights. It commended the International Humanitarian Law Commission as advisory body to the Executive. It appreciated the creation of an institutional culture in the education system founded on human rights and gender equality, and respect for differences of nationality, ethnicity, age, sex, religion and social condition. It made recommendations.

33. Slovenia noted its commitment to human rights education. It highlighted the enactment of two laws aiming at combating violence against women and asked the delegation to elaborate on their concrete results, in particular about measures taken to implement access to justice and reparation for victims. It noted the concern expressed by the Committee on the Rights of the Child about street children or children working in the informal sector and asked about measures taken to address these issues. It made recommendations.

35. Chile highlighted the fact that Costa Rica is a consolidated democracy. It valued the progress made in decreasing infant mortality rate, the law abolishing corporal punishment of children and adolescents and the criminalization of femicide. It made recommendations. Concerning the subject of childhood, Costa Rica referred to the Avancemos Programme which promotes that low-income children and adolescents stay in the formal education system through a system of conditional monetary subsidies. This programme covers about 13 per cent of the enrolled school population and has largely reduced the drop out rate. Costa Rica noted that the 2009-2021 National Policy for Childhood and Adolescents stipulates that the State must prevent sexual commercial exploitation, protect victims and assist them to exercise their rights. Costa Rica also approved the 2008-2010 National Plan to Combat Commercial Sexual Exploitation, which is incorporated into the National Development Plan.

39. Costa Rica referred to efforts carried out by the Ministry of Labour and Social Security, including a roadmap and several projects being implemented, which aim at eliminating the worst forms of child labour. Costa Rica noted that the number of working children between 12 and 17 has dropped from 11 per cent in 2006 to 6.9 per cent in 2008. Following the amendment of the family code, eliminating corporal punishment and degrading treatment of children, Costa Rica further informed of other efforts in this regard.

38. Since the ratification of ILO Convention No. 169 in 1993, Costa Rica has worked towards fulfilling the rights of indigenous populations. Article 76 of the Constitution stipulates that the State shall maintain and promote the national indigenous languages. There are 313 educational institutions in indigenous communities and the coverage of health services has been increased. Costa Rica also referred to the Extramuros Programme, which provides food and milk to indigenous children. In addition, Costa Rica reported on the establishment of electoral and civil services in some indigenous communities, as well as the establishment of the Commission on Indigenous Electoral Affairs. Costa Rica further reported on the establishment of the Fiscalia of Indigenous Affairs in 2009, and on the Autonomous Development of Indigenous Peoples Bill, which aims at improving the legal framework for the protection and development of indigenous people.

40. Sweden welcomed the 2008 amendment to the Family Code to completely prohibit violence against women, although violence against children still occurs. While welcoming efforts made in this regard, Sweden relayed concerns expressed at the persistence of trafficking in persons. It noted that relevant Costa Rican legislation rather focused on international trafficking than on internal trafficking. Sweden expressed concerns regarding organised crime, impunity and labour rights. Sweden formulated recommendations.

46. France asked more information on discrimination against migrants and the measures taken in this regard as well as on measures adopted to combat child labour, trafficking in children and child prostitution. France stated that nobody had been sentenced for torture although this is a crime since 2001. It welcomed the support by Costa Rica to the resolution of the Organisation of American States on human rights, sexual orientation and gender identity. France made recommendations.

47. Uruguay noted that Costa Rica was a middle income developing country having difficulties in acceding to international aid for the implementation of national programs and noted that these efforts had been undertaken through public resources. Uruguay highlighted new legislation on children’s rights, particularly in the National Plan to Combat Commercial Sexual Exploitation 2008-2010. It asked more information about the National Office for Childhood and the National Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents, especially about staff training, population sensitization and social reintegration of victims. It welcomed the efforts regarding migrants’ rights but noted reports that difficulties persist in this field. It made recommendations.

49. The Holy See highlighted the integration of women in political life as well as the low maternal mortality rate. It made reference to overcrowding and unsatisfactory health care in prisons and asked Costa Rica to provide details on the reform of the criminal code and the national plan relating to trafficking in persons. It also inquired about plans to reinforce legislation on sexual exploitation of children. It referred to the gaps of the judicial system. It formulated recommendations.

51. United States of America welcomed actions to combat commercial sexual exploitation and trafficking in children, including the National child Welfare Agency for Children programs and the National Plan to Combat Commercial Sexual Exploitation 2008-2010. It asked about measures aimed at reducing sexual exploitation of children and at sustaining or expanding these efforts. It made recommendations.

52. Paraguay highlighted Costa Rica’s regional participation, particularly in the entry into force of the American Convention on Human Rights. It highlighted the National Development Plan. It recognized achievements in women’s rights, including the criminalisation of violence against women, the rights of female domestic workers, children’s rights, and right to health, especially for maternity and childhood. It recognized policies against racism, discrimination and xenophobia, in light of commitments made in the Durban Conference and its review.

55. United Kingdom commended the creation of special services for the protection of women and children throughout the justice sector.
The UK would like to see wider use of these resources, notably in ensuring that children are provided with appropriate services separate to adults. It was pleased that laws relating to domestic violence extend to economic violence but regretted that protection had been reduced since the annulment of two articles under the law. It would like the law be strengthened to reduce the rate of femicide, sexual violence and trafficking of women. It referred to stakeholders’ submissions about strengthening the framework against racism and racial discrimination although they reflected that xenophobia was still prevalent. It noted that the 1996 law on equality for disabled persons appeared insufficient and would welcome action to change perceptions towards disabled people, as well as towards lesbian, gay, bisexual and transgender groups. It made recommendations.

61. Switzerland congratulated Costa Rica for its fight against impunity. While noting the adoption of a law and other activities or awareness raising campaigns, Switzerland expressed concerns at the persistence of sexual exploitation of children. It also noted the efforts undertaken relating to the administration of justice but underlined the increase of criminality and the slowness of the judicial system in handling cases and compensating victims. Switzerland made recommendations.

64. Panama recognized its human rights achievements, in particular the establishment of the Commission on Indigenous Electoral Affairs and the ratification of the Convention on the Rights of Persons with Disabilities. It noted bilateral efforts undertaken in the areas of trafficking of people, the eradication of child labour and indigenous migration. Panama inquired about measures adopted to strengthen the participation of persons with disabilities in the policies concerning them. It made recommendations.

67. The Republic of Congo noted the institutional framework, which is an example of democracy, peace and development. It noted various initiatives relating to children’s rights, notably within the family and the establishment of a centre for young children of detainees. It also congratulated Costa Rica for the establishment of the office of the Attorney for Indigenous Affairs and its role related to human rights education. It noted with satisfaction the policy related to access to drinking water. It formulated recommendations.

70. Argentina recognized Costa Rica’s efforts to allocate public resources to improve living conditions of its population, as well as the construction of a solid institutional structure to uphold human rights. Argentina presented questions in advance related to gender equality, rights of the child and social rights. It made recommendations.

73. Ghana referred to the limited access of indigenous and migrant children and children living in rural areas to education, health and their low standard of living. Ghana also underlined the wage gap between men and women and the disadvantageous working and housing conditions for indigenous people, Afro-descendants and migrants. Ghana made recommendations.

74. Guatemala asked clarification, as to how the right to education of migrant children and the access to justice for migrants were enforced as well as about policies to improve the integration of the indigenous population and Afro-Descendants people.

Conclusions and Recommendations

9. Strengthen the policy of promotion of children’s rights and the implementation of the Guidelines for the Alternative Care of Children, according to Human Rights Council resolution 11/7 and L.50 of the sixty-fourth session of the United Nations General Assembly (Brazil);

10. Follow through and expand on already established programmes to protect children (United States);

24. Continue its efforts to eliminate violence against women and children (Jordan);

27. Take further measures to ensure the full protection of children from all forms of violence (Sweden);

28. Increase efforts to provide effective assistance to women and girls who are victims of violence, in particular through the provision of safe places and psychological support (Austria);

30. Share its experience with other countries that may equally wish to make progress in providing for more efficient legal frameworks in the fight against domestic violence (Colombia);

32. Strengthen its efforts to train law enforcement officials to effectively work against trafficking of persons (Sweden);

33. Continue implementing as effectively as possible measures aimed at combating trafficking and smuggling of migrants, including children, with a view to sexual exploitation, particularly concerning assistance to the victims (Argentina);

34. Continue efforts to provide improved assistance to victims of trafficking (Sweden);

35. Implement and enforce the changes to the Criminal Code which criminalize all forms of trafficking and raise prison sentences for anyone committing the offence of trafficking in persons (United States);

36. Reinforce measures to combat trafficking of women and children and ensure that the penalties foreseen for these crimes are commensurate with the gravity of the crime (Italy);

37. Reinforce concrete measures aimed at combating trafficking in women and young girls, and assistance to victims (Belgium);

40. Strengthen criminal legislation with regard to trafficking of children and women (Germany);

41. Further reinforce measures to combat trafficking of women and children, as well as penalties commensurate with the seriousness of such acts (Egypt);

42. Continue taking efficient measures to eliminate prohibited child labour and prostitution, and to combat the phenomenon of children living in the street, and monitor appropriately the efficiency of measures taken (Slovenia);
43. Undertake further efforts to eliminate child labour and to protect juvenile workers (Belarus);
44. Strengthen efforts to eliminate child labour (Chile);
45. Adopt and implement appropriate efficient policies and programmes and strengthen its efforts in raising public awareness to eliminate child labour (Slovakia);
46. Strengthen its policies on protection of minors against child labour and sexual exploitation (Germany);
47. Reinforce the fight against exploitation of minors, particularly sexual exploitation, through the effective implementation of national and international legal provisions and through maximal use of the National Plan to Combat Commercial Sexual Exploitation (Switzerland);
48. Increase its capacity to prevent child prostitution, protect victims, continue to raise awareness and prosecute perpetrators (Netherlands);
49. Take practical steps to address the problems of street children and take effective measures to eliminate prohibited child labour (Azerbaijan);
50. Continue its efforts to further improve access to education, housing, social security, health and employment, especially for people living in poverty or extreme poverty, and to increase even more the resources and social benefits aimed at reducing poverty and extreme poverty in the country (Bulgaria);
51. Place greater emphasis on providing services for vulnerable, poor and homeless children and strengthen legislation against child pornography (United Kingdom);
52. Take measures to ensure equitable access of indigenous children, migrant children and those living in rural areas to education and health services and improve their standard of living (Ghana);
53. Pursue its action to ensure the right to education for all towards the realization of the Millennium Development Goals and to extend this fundamental right to children of illegal migrants (Algeria);
54. Increase efforts at providing free and affordable education, including secondary education, to all segments of the population (Austria);
55. Continue to take effective measures to increase enrolment in primary and secondary schools, to reduce the high dropout rate of students, particularly in rural areas, and to address the lack of school infrastructure in those areas (Turkey);
56. Continue to take effective measures to increase enrolment in primary and secondary schools, reduce the high rate of students dropping out or repeating years, in particular in rural areas, and find ways to address the lack of school infrastructure in those areas (Portugal);
57. Consider implementing, as appropriate, the recommendations of UNHCR, human rights treaty bodies and special procedures with respect to asylum-seekers, immigrants and irregular immigrants, especially children (Jordan);