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## **National report submitted in accordance with paragraph 15 (A) of the annex to Human Rights Council resolution 5/1\***

### **Costa Rica**

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\* The present document was not edited before being sent to the United Nations translation services.

## List of abbreviations

ARESEP	Autoridad Reguladora de los Servicios Públicos
BANHVI	National Housing Mortgage Bank
CCDIH	Costa Rican International Humanitarian Law Commission
CCSS	Costa Rican Social Security Fund
CEDH	Special Committee on Human Rights
CNCTIMTP	National Coalition against Smuggling of Migrants and Trafficking of Persons
CNNA	National Council on Children and Adolescents
CNREE	National Council on Rehabilitation and Special Education
CONACOES	National Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents
CONAI	National Commission on Indigenous Affairs
CONAPAM	National Council for Older Persons
CSJ	Supreme Court of Justice
DGM	Directorate-General for Migration and Alien Affairs
EBAIS	Equipos Básicos de Atención Integral
IMAS	Inter-Agency Institute for Social Assistance
INAMU	National Institute for Women
INEC	National Statistics and Census Institute
MEP	Ministerio de Educación Pública (Ministry of Public Education)
MREC	Ministerio de Relaciones Exteriores y Culto (Ministry of Foreign Affairs and Religion)
PANI	National Child Welfare Agency
PIEG	National Policy on Gender Equality and Equity
PND	National Development Plan
PGR	Procuraduría General de la República (Office of the Prosecutor General)
RCC	Collective capitalization scheme
RNC	Non-contributory Scheme
SABEN	Sistema de Atención de Beneficiarios
SIPO	Sistema de Información de la Población Objetivo
TSE	Supreme Electoral Tribunal
UNED	State Distance Learning University

## I. Methodology

1. This report was drawn up by means of a broad process of consultation and training begun in October 2008 with preparation and awareness-raising activities held for personnel from 29 government bodies and 23 civil society organizations. Five workshops were held to explain the basics and the purpose of the universal periodic review, and training was also given in the presentation of reports to the treaty bodies so as to ensure that the training would have a lasting effect and would be useful for other related purposes.<sup>1</sup>

2. The basic information for the report was collected by means of specific requests sent to the legislative and judicial branches and bodies in the executive branch (in all, 25 bodies took part). A first draft of the report was made available to government bodies and non-governmental organizations (NGOs) so that they could make observations. The Ministry of Foreign Affairs was in charge of the entire process, including the workshops, consultations, editing and presentation of the report.

## II. Context

3. Historically, Costa Rica has stood out in the international community because of its profound commitment to respecting, protecting, observing and promoting human rights, the effective enforcement and full implementation of which are the main pillar of its domestic and foreign policies.<sup>2</sup> The 2006–2010 National Development Plan (PND) currently being implemented maintains this tradition by establishing that human rights are a cross-cutting aspect of all State activities and objectives.

4. This commitment to human rights has also inspired our country's backing and support for various inter-American and international initiatives aimed at extending, strengthening and consolidating such rights by building on the basic principles of international law and multilateralism. For this reason, as a non-permanent member of the United Nations Security Council, Costa Rica has placed special emphasis on the protection of human rights, it being understood that any process to maintain international peace and security must uphold human rights and effectively contribute to promoting and protecting them.

5. Costa Rica's international efforts are complemented by its domestic practice, aimed at extending the range of recognized rights with the establishment of mechanisms to make them defensible, enforceable and easily accessible for the population. Despite the difficulties it faces as a developing middle-income country receiving very little international cooperation for its social, cultural and economic projects, Costa Rica has earmarked public resources to constantly upgrade living conditions<sup>3</sup> and to build a strong institutional structure for the defence of human rights.

### A. Regulatory framework<sup>4</sup>

6. The Constitution adopted on 7 November 1949 is the regulatory basis that guarantees full respect for the human rights of all the country's inhabitants.<sup>5</sup> It stipulates that Costa Rica is a free and independent republic with a democratic, popular and representative system of government comprising autonomous branches that must act in accordance with the law, without arrogating powers that the law does not grant to them.<sup>6</sup>

7. The Constitution contains extensive provisions on civil rights, including: the inviolability of human life,<sup>7</sup> freedom of movement, the right to privacy and confidentiality of communications, the rights of association and assembly, freedom of expression and the right to information, freedom of religion and the equality of all human beings. Additionally,

in respect of economic and social rights it includes standards for the general welfare of the population, the right to a healthy environment, protection of the family, protection of linguistic diversity, the right to decent work, health, education and culture, among other rights.<sup>8</sup>

8. Under the Constitution, the highest law in the domestic legal system, human rights provisions are directly applicable and take precedence over any regulation that would contradict or restrict them. To monitor this principle of constitutional primacy, in 1989 the Constitutional Chamber was established and attached to the Supreme Court; it was given the power to annul laws and other enactments impinging upon the rights and provisions in the Constitution, as well as those recognized by the international treaties ratified by Costa Rica.<sup>9</sup>

9. In addition, Title XVII of the Criminal Code establishes a number of offences against human rights, including racial discrimination, human trafficking, genocide, war crimes and crimes against humanity, thus complementing other standards with criminal provisions.<sup>10</sup>

## **B. International human rights law**

10. Article 7 of the Constitution stipulates that international treaties ratified by Costa Rica take precedence over the country's laws. For international human rights instruments this legal precedence has been significantly extended by the Constitutional Chamber; such instruments have been recognized as taking precedence over the Constitution itself, provided they establish greater individual rights or guarantees.<sup>11</sup> This exception in the legal hierarchy means that any law or practice contrary to such instruments will automatically be without effect from the moment it enters into force; any law or measure subsequently adopted that is contrary to their provisions is absolutely null and void; and it is possible to use all available judicial and administrative channels to remedy violations of international human rights instruments.

11. In keeping with its deep commitment to human rights, Costa Rica was the first country to sign and ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. It has also adopted the seven main United Nations human rights instruments,<sup>12</sup> which it actively helped to draw up and promote. Costa Rica has also ratified treaties of great importance for development and human rights, such as all the core conventions of the International Labour Organization (ILO)<sup>13</sup> and the main instruments of international humanitarian law.<sup>14</sup> It has also extended an open standing invitation to all international human rights mechanisms for unrestricted visits.

12. At the regional level Costa Rica was the first country to ratify the American Convention on Human Rights<sup>15</sup> after playing a particularly active role in drawing up that instrument. It was also the first to accept the binding jurisdiction of the Inter-American Court of Human Rights, headquartered in San José, and the Inter-American Institute of Human Rights. Costa Rica has also signed nearly all the human rights instruments of the inter-American system.<sup>16</sup>

## **C. Human rights infrastructure**

13. Costa Rica has a range of public bodies and institutions with strong powers to monitor, promote and protect human rights and with the authority to require, coordinate and implement observance of the rights recognized by law.

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.<sup>17</sup> 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.<sup>18</sup>

15. The Ombudsman's Office, established in 1992, has the responsibility of defending human rights against State actions or omissions, channelling people's claims in relation to the public sector and protecting community interests.<sup>19</sup> These functions are exercised through complaints and investigations on specific subjects, which in past years have included, inter alia, the prison system, the health system and the situation of the indigenous population. In addition, the Special Committee on Human Rights (CEDH) of the Legislative Assembly was established on 4 September 2006. It consists of seven deputies, whose duties include taking cognizance of, studying and reporting cases relating to human rights violations, considering and expressing opinions on relevant bills, and following up on the recommendations of the Ombudsman's Office and related bodies.

16. In the executive branch, the Directorate-General for Foreign Policy at the Ministry of Foreign Affairs comprises a Department for International Law and Human Rights, which draws up national policies and positions on this subject, coordinates, drafts and presents national periodic and special reports, and monitors all human rights bodies and instruments. In May 2004 the Costa Rican International Humanitarian Law Commission (CCDIH) was established by Executive Decree No. 32077-RE as an advisory body to the executive branch for the adoption, application and dissemination of international humanitarian law. CCDIH is composed of representatives of various State agencies.<sup>20</sup> Its main aim is to give effect to the relevant international standards currently in force.

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.<sup>21</sup> 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.

### **III. Promotion and protection of human rights**

#### **A. Civil and political rights<sup>22</sup>**

18. As regards to the rights to *political and electoral participation*, among the functions of the Supreme Electoral Tribunal (TSE) is the handling of the application for electoral *amparo*, a mechanism set up to protect fundamental electoral rights, which in recent years has been used increasingly put to use, especially in periods of greater electoral activity.<sup>23</sup>

19. To ensure the fullest possible participation in elections, TSE has, in cooperation with CNREE, drawn up agreements to ensure that disabled and older persons are able to participate. Electoral material has been adapted and some polling stations have been fitted out to accommodate groups with specific needs, inter alia by means of training and awareness-raising. For instance, certain polling stations and electoral districts use Braille ballots, and the manual for polling officers has been printed in Braille.<sup>24</sup>

20. Access for members of the indigenous population has also improved, as electoral and civil services have been set up in certain communities. Voting instructions have been printed in the Bribri, Maleku, Cabécar and Gnöbe languages, and TSE officials have been assigned to ensure that the polling stations established for such communities function properly. In addition, a Commission on Indigenous Electoral Affairs has been established with the participation of TSE and CONAI officials to ensure that members of indigenous communities exercise their electoral and civil rights in conditions of equality.

21. Since 2002 TSE has been setting up polling stations in prisons to ensure that prisoners are able to vote. To this end, it works in conjunction with the Ministry of Justice on the issuance of identity cards in all of the country's prisons, and awareness-raising measures are carried out so that prisoners are informed of their political rights.

22. On 3 April 2006 the Popular Initiative Act<sup>25</sup> entered into force. It authorizes citizens to submit draft legislation during regular sessions of the Legislative Assembly, provided it is signed by at least 5 per cent of the registered electorate, and provided the procedure established by the Act is followed. This law also establishes that citizens are entitled to receive technical advice on formulating and processing their initiatives from the Legislative Assembly's Popular Initiative Office and the Ombudsman's Office.

23. In addition, the Referendum Regulation Act of March 2006 made it possible to put this democratic means of popular expression to use; it was established by a constitutional amendment in 2002. In 2007, this tool for popular consultation enabled the people to vote on whether the Dominican Republic — Central America — United States Free Trade Agreement should be approved.<sup>26</sup> The TSE has in the past year received eight new requests on various subjects, some of which have been rejected, while others are currently being processed.<sup>27</sup>

24. Regarding *the right to physical inviolability and the right not to be tortured*, on 19 February 2007 the Ombudsman's Office was appointed as the national preventive mechanism against torture, in accordance with the country's obligations under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified in November 2005.<sup>28</sup> From that date on, the Ombudsman's Office has been responsible for periodically considering the treatment of persons deprived of their liberty in places of detention, holding facilities and prisons.

25. As to the *freedoms of expression and information*, the Legislative Assembly is currently considering the Freedom of Expression and the Press Bill (No. 15,974), which provides for the reform or repeal of a number of laws in order to significantly improve the framework for the proper exercise of these freedoms. It recognizes the conscience clause to protect the freedom and independence of journalists, protect information sources and ensure that the faithful reproduction and reasonable verification of information do not fall under the scope of offence, all in an effort to modernize the applicable criminal legislation.

26. The draft, having been approved by the parliamentary committee which examined it, is now awaiting presentation to the plenary of the legislature. However, as it has faced repeated delays in adoption, in recent years the principles contained in it have received the protection of the courts, including the Constitutional Chamber and the Third Chamber of the Supreme Court, which have given effect to those principles, basing their decisions on the Constitution and the various international human rights instruments.<sup>29</sup>

27. Concerning *the right of access to justice*,<sup>30</sup> a new Administrative Disputes Code of Procedure entered into force on 1 January 2008. It governs judicial proceedings against the State and introduces far-reaching changes in such proceedings. Among other things, it allows hearings to be held orally, recognizes separate and joint interests, makes class action suits possible, broadens the scope of claims and protective measures, does away with the obligation to exhaust administrative remedies, allows the application of case law for the

benefit of third parties and grants greater powers to judges. All these measures have resulted in better and faster access to the administrative disputes courts for defending rights vis-à-vis State bodies.<sup>31</sup>

28. In February 2009 the Protection of Victims, Witnesses and Others Involved in Criminal Proceedings Act was adopted. It guarantees protection measures for victims and witnesses in criminal proceedings when they are in danger or face threats to their lives or person. The measures include psychological support, legal and medical aid, surveillance, security services and transfer to another domicile in Costa Rica or in another country. The objective is to provide citizens with sufficient safeguards to allow them to cooperate in the reporting, investigation and judgement of offences, with the ultimate aim of reducing impunity and insecurity.<sup>32</sup>

29. In addition, in June 2006 the Opening of Criminal Cassation Proceedings Act entered into force. It made the regulations for cassation appeals more flexible so as to better ensure the right of appeal against criminal verdicts. This Act did away with most existing formalities, authorized the taking of evidence for full consideration of the verdict under appeal, established more posts for substitute judges and eliminated other restrictions on the right of appeal, thus bringing the country's law more closely into line with the international conventions in force, in particular article 8 (2) (h) of the American Convention on Human Rights.<sup>33</sup>

30. As to *freedom of religion*, it is of note that in the past 30 years over 20 per cent of the population have opted for non-Catholic religions, particularly other Christian denominations, without anyone or any group ever being harmed, harassed or persecuted by a deliberate policy of the State. On the contrary, the religions of the country's first peoples, Afro-Costa Ricans and new immigrants are now recognized and more widely respected, with the result that the country now has full plurality of religion.<sup>34</sup> In any event, in considering certain cases the Constitutional Chamber has produced case law protecting plurality of religion and establishing rules for mandatory compliance by State and private entities.<sup>35</sup>

31. Regarding *persons deprived of their liberty*, the State is continuing its efforts to strengthen and entrench respect for human rights in the execution of criminal penalties. Efforts have been made to redefine the technicalities of dealing with this group. This led to the adoption in 2007 of new technical regulations that promote skill development and an understanding of the factors contributing to criminal conduct so as to make it easier for prisoners serving their sentences to have a crime-free future.<sup>36</sup> As a result, approximately 30 per cent of the prison population are now engaged in some level of formal education, thanks to cooperation agreements between the Ministry of Justice, the State Distance Learning University (UNED) and the Ministry of Public Education. Participation in cultural, recreational and sports events is encouraged as well; last year 1,975 such events were held. Similarly, civil society organizations are encouraged to develop projects in prisons, and facilities are made available to enable detainees to keep in touch with their family members and friends.<sup>37</sup>

32. As to health services, their coverage has improved and been extended by strengthening health programmes in prisons and by means of agreements with the Costa Rican Social Security Fund (CCSS). There is 1 doctor for every 37 prisoners, while the legislation on national comprehensive care calls for 1 doctor for every 4,500 inhabitants. At the same time, a policy of improvement and extension of the prison infrastructure has been maintained so as to provide decent conditions for prisoners.

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.

34. As to other categories of prisoners, initiatives have been taken to cover the needs of older persons, including the maintenance of specialized facilities. Also, the establishment of gender-sensitive projects for women prisoners has been encouraged. Lastly, it is worth mentioning the agreement concluded in April 2009 between the Ministry of Justice and CCSS for the construction of a prison psychiatric hospital<sup>38</sup> which will provide treatment for mentally disabled persons serving sentences.

35. Regarding *the right to security*, in 2008 the Ministry of Public Security<sup>39</sup> and UNFPA started the Platform for Social Prevention project, the aim of which is to provide input to administrative staff and the police in order to give them a human rights perspective in developing policies addressing subjects such as domestic violence, HIV/AIDS prevention, commercial sexual exploitation, racism and gender. Similarly, the National Police Academy has formally included in the basic police course a specific focus on human rights, with content from the legal and humanities areas presented in a total of 80 hours devoted to various aspects of this subject.

36. The work of the community police service too has been strengthened with the objective of involving organized community groups so that, through creativity and solidarity, they are able to coordinate work to effectively improve security in their areas, taking a comprehensive approach not limited solely to criminal acts. Furthermore, on 1 October 2008 the Supreme Court initiated a plan to hear flagrante delicto cases by means of summary procedures in specialized courts, with full guarantees of due process. These courts, known as Flagrancy Courts, have had very positive effects, significantly shortening trials and reducing impunity for crimes committed against the person and property – crimes which are a serious source of concern in society.<sup>40</sup>

37. With the aim of *preventing violence*, a National Plan for Violence Prevention and Promotion of Social Peace 2007-2010 has been drawn up. It emphasizes the building and maintenance of a culture of peace as an indispensable tool with which to prevent violence and crime. Similarly, in May 2006 the National Commission for Violence Prevention and Promotion of Social Peace was established with the objective of researching, planning, coordinating and evaluating policies and activities to prevent the main types of violence and crime in this country.<sup>41</sup>

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.

## **B. Economic, social and cultural rights<sup>42</sup>**

39. In this area, the priority given to social policies as an instrument for expanding the freedoms and opportunities of all is reflected in the National Development Plan. Thus,



among the Plan's most notable national objectives are the reduction of poverty and inequality, economic growth and increased production and employment, and improvement of the quality and coverage of education.

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.<sup>43</sup>

42. Also of note are the following: the Social Assistance for Development Programme, (which covers basic needs, provides access to specific services and deals with emergencies); the Job Creation Programme (which facilitates access to grants, credit guarantees, training for employment and job opportunities); the Social Welfare Institutions Programme (which provides financial support for organizations assisting groups at risk); and the Community Development Programme (which includes social dialogue and organizational activities to implement programmes in deprived communities and to address needs relating to housing, qualifications and communal infrastructure).<sup>44</sup>

43. Regarding the mechanisms for the *measurement of statistics relating to poverty*, the National Statistics and Census Institute (INEC) has since 2004 improved its methodology so as to produce and publish quality relevant information. As a result of this work, as from 2009 new tools are being used to ascertain the situation of the population. This comprises a better assessment of such variables as ethnicity,<sup>45</sup> poverty, groups with unmet needs, time usage, social roles and child, women and older workers, and the identification of new forms of work and methods of recruitment.

44. The efforts mentioned above resulted in a *reduction of poverty and extreme poverty levels* between 2004 and 2008.<sup>46</sup> From the economic standpoint, this reduction was directly related to three years of high growth of the Gross Domestic Product (GDP), which fostered job creation and an increase in the real income of employed persons. In demographic terms, the contribution came from an increase in the labour force, which for the first time numbered over 2 million, and from increased employment, especially of women. The number of persons employed per household rose, which helped to increase average family income by more than 13 per cent, while at the same time an influential political decision was taken to allocate much of the increase in tax revenues in strengthening social investment.

45. With regard to *the right to housing*, in 2008 the State invested a large amount — US\$ 425 million — to reduce the current housing shortfall. In addition, US\$ 38 million was earmarked to provide funding through a new mechanism known as the Communal or Community Benefit, which enables infrastructure projects and basic services to be developed in deprived neighbourhoods or slums where families cannot be moved to other locations.

46. In addition, the Housing Solidarity Tax Act was adopted on 10 December 2008. It establishes a tax on housing with a construction value exceeding approximately US\$

169,000. The proceeds will be used to finance social housing and will be invested through the National Housing Mortgage Bank (BANHVI). Additionally, through the payment of the family housing allowances (BFV),<sup>47</sup> the Ministry of Housing and Human Settlements has continued to provide housing solutions, infrastructure works and basic services for people living in poverty, paying special attention to highly vulnerable groups such as women heads of household, indigenous people, people living in difficult circumstances, older persons and people with disabilities.

47. *The right to health* is guaranteed by the State through a solidarity-based social security system that provides access to services for care and protection and improvement of the human environment, with respect for quality, equity and opportunity. In addition, the system has focused on the rights of groups facing exclusion and marginalization and those whose health levels have seriously deteriorated or who are most at risk. In order to make a stronger and more positive impact on public health, the Ministry of Health has replaced the “needs focus” traditionally used in Costa Rica with the rights-based approach advocated by the United Nations, conceptually based on the international instruments in this field and geared towards the promotion and protection of these rights.

48. In the field of mother and child health, a Strategic Plan for Motherhood and Healthy and Safe Childhood 2006-2015 was drawn up with objectives in keeping with the Millennium Development Goals. Screening has increased for newborns and infants up to eight days old, with the result that Costa Rica now has the highest screening rate in the world – 98.9 per cent, surpassing even that of the most developed countries. The screening test is currently used to detect a total of 24 illnesses, with an investment of just US\$ 18 per baby.

49. The national system for the analysis of *maternal and infant mortality* has extended its coverage of cases and increased the number of intervention plans. As a result, the rate of preventable deaths and underreporting have both fallen. In 2008 the infant mortality rate was the lowest in the country’s history, at 8.9 per 1,000 live births. In line with the above, the basic vaccination scheme for the entire population has been expanded, with the incorporation of four new vaccines: chickenpox, pneumococcus, whooping cough and rotavirus. This has helped reduce mortality among infants and children under 5 years of age, in keeping with the Millennium Development Goals.

50. Inter-institutional activities have been developed to provide health care for the indigenous population, with emphasis on minors, by increasing coverage of comprehensive treatment, vaccination, nutrition and infant development programmes. In addition, strategies, and specifically strategies addressing inter alia water and sanitation, mother and child health, malaria, HIV/AIDS, diabetes and mental health, have been adapted socially and culturally to the indigenous communities. In 2005 the first National Indigenous Health Forum was held, and called for the establishment of a national indigenous health body. Thus, on 2 June 2006, the National Council on Indigenous Peoples’ Health was established as an advisory and consultative body to the Ministry of Health with the task of promoting and supporting plans to improve the health and quality of life of these peoples.

51. With respect to the migrant population, the Ministry of Health has coordinated inspections on coffee plantations and in similar areas in order to ascertain the physical and sanitary conditions faced by seasonal migrant workers, with emphasis on families with children or adolescents, and thus follow up on their health situation. Regardless of whether or not their migration status has been regularized or they have identity papers, all minors receive hospital care when needed, the costs being borne by the State if the patient is uninsured.<sup>48</sup>

52. The CCSS has drawn up agreements for special care for persons with HIV/AIDS, and provides antiretroviral treatment, laboratory examinations, condom distribution,

psychological assistance, screening for pregnant women and prevention tests for vulnerable groups. In addition, through the Ministry of Health's National Council for HIV/AIDS Care, various social partners meet to draw up policies that protect the human rights of persons affected by this disease. The Council has drawn up a National Strategic Plan for HIV/AIDS Prevention, Care and Assistance 2006-2010, a national HIV/AIDS policy, and a National Monitoring and Assessment Plan for the National Response to HIV/AIDS 2007-2010.<sup>49</sup>

53. The CCSS, as the administrating agency for the country's hospitals and clinics, has been engaged in improving *health service coverage* for workers in the informal sector, part-time workers, subsistence farmers and domestic servants. To achieve this objective, agreements have been signed for the care of special groups, including persons engaged in productive activities, such as fishermen, small landholders, farmers and craftsmen, and also agreements with the State covering destitute people, migrants and minors.

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.<sup>50</sup>

55. In addition, the State has transferred large amounts to strengthen the CCSS, and this has made it possible to provide new services and invest in infrastructure and equipment. Services have been increased and diversified to cover such areas as laboratory examinations, medicines, transplants, prostheses, sickness benefits and leave, and entitlements for disabilities due to sickness or accident. In September 2007, Act No. 8,600 was adopted, amending the Benefits for Persons Responsible for Patients in Terminal Care Act and establishing a benefit and special leave for persons caring for a terminally ill family member.

56. In 2008 the Framework Agreement on Tobacco Control was ratified. It includes such measures as the prohibition of cigarette advertising and increased taxation of cigarette production in order to counteract the health, social, environmental and economic consequences of consuming and being exposed to tobacco, with the ultimate aim of achieving a steady and substantial reduction of tobacco use. Its adoption was seen as a significant step forward in public health. It will be implemented by means of the laws and regulations required by the Agreement for its full application; these are now being drawn up.

57. 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.

58. 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.<sup>51</sup> Approximately 687 teachers work in these institutions, 59 in secondary schools and 628 in primary schools.

59. 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.<sup>52</sup> 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,<sup>53</sup> 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.

60. 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<sup>54</sup> 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,<sup>55</sup> 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.<sup>56</sup>

64. Regarding *the right to work*, the Ministry of Labour and Social Security has placed emphasis on fostering and maintaining industrial peace by addressing disputes through negotiation and improvements in procedures for claiming rights. Special attention has been paid to the Ministry's conciliation mechanism, as it provides procedural economy and establishes *res judicata* on the merits; an increasing number of workers and employers make use of it as an alternative to judicial proceedings.

65. In the area of employment, the National Employment Mediation, Guidance and Information System has been set up and includes an electronic server administered by the National Training Institute. In addition, a National Employment Policy was drawn up in 2004, while in 2005 the National Microenterprise Support Programme was adopted in order to assist microenterprises in various sectors with loans and training. Also, in 2008 the Young Entrepreneurs Programme was established in association with the State Distance Learning University to develop entrepreneurship among people between the ages of 18 and 35. These programmes have played an important role in creating jobs by increasing investment for the establishment and development of small businesses, thus helping to *reduce the rate of overt unemployment* from 6.5 per cent in 2004 to 4.9 per cent in 2008, despite the adverse effects of the international financial crisis.<sup>57</sup>

66. In another field, a proposal for the amendment of the Labour Code has been drawn up with the cooperation of the Second Chamber of the Supreme Court and the regional office of the International Labour Organization, with the aim of securing the prompt and effective settlement of industrial disputes in court in accordance with modern procedures. The draft is now being dealt with in the Legal Affairs Committee of the Legislative Assembly as bill No. 15,990.<sup>58</sup>

67. 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.

68. As to *the right to social security*, as part of the poverty-reduction strategy the pensions of the CCSS non-contributory scheme have risen steadily since 2006. Since then, the amounts of such pensions have increased by about 170 per cent, thus benefiting some 80,000 poor, older and disabled people who receive the pension every month.<sup>59</sup> At the beginning of 2009 Act No. 8,721 was adopted; reorganizing the Education Workers' Pension and Retirement System and establishing various improvements for more than 100,000 members of this union, both retired and active. It defined the coverage of the collective capitalization scheme, set out the guarantee of old-age pensions, made the rules for returning to work more flexible, broadened the possibilities for investing the scheme's resources and provided the opportunity to obtain loans for housing and other purposes.<sup>60</sup>

69. In relation to *the right to organize trade unions*, bill No. 13,475 is currently before the plenary of the Legislative Assembly. It will amend various articles of the Labour Code with the objective of extending the scope of action of trade unions, strengthening protection of trade union leaders and improving regulations for the establishment and operation of these organizations. This bill has been the subject of extensive debate between its various advocates and opponents.<sup>61</sup>

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<sup>62</sup>

72. In relation to *the right to a healthy environment*,<sup>63</sup> the country has a long tradition in this field, which helps account for the fact that it came fifth in the world Environmental Performance Index ranking for 2008. What is more, Costa Rica has undertaken to become a carbon-neutral country by 2021. This should be achieved through the adoption of an appropriate legal framework, gas emission reductions, carbon capture and storage, the development of markets for these processes and emission offsets relying on equivalent doses of oxygen, all as part of the National Climate Change Strategy initiated in 2007.

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.

74. Various international treaties addressing the environment have also been ratified, including the Stockholm Convention on Persistent Organic Pollutants (2006), the Convention on the Conservation of Migratory Species of Wild Animals (2007), the International Treaty on Plant Genetic Resources for Food and Agriculture (2006), an amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (2008), the Convention for the Strengthening of the Inter-American Tropical Tuna Commission Established by the 1949 Convention between the United States of America and Costa Rica (the Antigua Convention) (2009) and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (2009). In addition, a Fishing and Agriculture Act was adopted in 2005 to establish a new regulatory framework for the conservation, protection and sustainable development of hydrobiological resources.

### **C. Rights of specific groups**

75. As regards *women's rights*, April 2008 marked the tenth anniversary of the establishment of the National Institute for Women (INAMU), which is committed to promoting human rights and gender equality and equity.<sup>64</sup> Since its creation, INAMU has constantly consolidated its work, extending its services and improving its technical, professional and administrative support. For example, in recent years three shelters for women victims of violence have been opened, and the Centre for Human Rights Information and Guidance has been established. Recently INAMU was restructured to better meet the challenges of implementing the National Policy on Gender Equality and Equity (PIEG).

76. For the period from 2007 to 2017, the State's commitment to closing gaps relating to employment and income and to supporting family responsibilities, education and health and the effective protection of women's rights and political participation is centred on the National Policy on Gender Equality and Equity and its 2008–2012 Plan of Action. The Plan is based on 10 guiding principles, including non-discrimination and recognition of diversity, and is aimed at ensuring equality of rights and opportunities between men and women.

77. In the field of employment one of the most notable achievements has been to ensure that domestic workers have the same rights as other workers. In March 2007, the Constitutional Chamber heard a case brought by the Association of Domestic Workers alleging that certain regulations of the Labour Code violated the principle of equality.<sup>65</sup> As from that date the Chamber granted these workers a number of rights they had not previously enjoyed, such as a weekly day of rest, full enjoyment of public holidays, a continuous working day and the prohibition of overtime. More recently, in June 2009, the Paid Domestic Work Act was adopted, amending the Labour Code, reducing maximum working hours from 12 to 8 a day and improving regulations governing wages and disability due to sickness.

78. With the adoption of the Act Criminalizing Violence against Women in April 2007, Costa Rica became one of the first countries to criminalize violence against women and to establish the legal concept of femicide. The Act set up a high-level commission coordinated by INAMU to establish the conditions for its implementation, providing the human, material and financial resources for its appropriate application. Also, in December 2008 the Act Establishing the National System for Addressing and Preventing Violence against Women and Domestic Violence was adopted. It establishes a body for deliberation, coordination and evaluation with the participation of INAMU and other State bodies and organizations involved in this field.

79. In August 2009, the Legislative Assembly adopted a new Electoral Code requiring gender parity in political party structures and in the nominations presented by the parties and independent groups for national and local elections. Thus, as from the 2014 elections, party lists will have to contain alternating male and female candidates, which will ensure gender parity in political representation.<sup>66</sup>

80. Regarding Afro-descendant and indigenous women, INAMU carries out information, awareness and publicity activities concerning the discrimination which such groups face. For instance, in 2005 the first Forum of Afro-descendant Women of Limón Province was held, and in 2007, another event took place, the Iriria Forum: Towards Construction of an Agenda for Bribri and Cabécar Indigenous Women of Limón Province, to draw up agendas addressing their main needs and setting out claims. The Iriria Forum also established a follow-up commission composed of leading women from various territories and communities, which in 2008 and 2009 adopted a Limón Indigenous Women's Agenda. In 2007, INAMU also drew up the Institutional Strategy for Work with Indigenous Women in Costa Rica and set up an Institutional Labour Commission with Indigenous Women, together with an Institutional Strategy for Work with Afro-descendant Women in the Huetar Atlantic region. The latter Strategy was validated by a group of women from the Forum of Afro-descendant Women.

81. In addition, INAMU promotes a programme for women living in poverty, which gives priority to certain highly vulnerable groups: women with HIV/AIDS, women subjected to commercial sexual exploitation and women deprived of their liberty. The programme addresses the urgent need to provide women exposed to various forms of discrimination threatening their liberty, dignity and development with a place to develop their capacities and skills, making them aware of and able to claim their rights and improving their living conditions.

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.<sup>67</sup> 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.<sup>68</sup>

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.

86. Regarding *the rights of older persons*,<sup>69</sup> Act No. 8,500 of April 2006 amended the Comprehensive Act for Older Persons with the aim of facilitating enjoyment by older persons of entitlements such as free access to public transport upon presentation of an identity document.<sup>70</sup> Similarly, Act No. 8,534 of August 2006 amended the National Housing Finance System Act so that the National Housing Mortgage Bank would give priority to dealing with the housing needs of older persons living in poverty. It assigned the task of certifying the eligibility of applicants for housing benefits to the National Council for Older Persons.

87. Executive Decree No. 33,158 of 2006 established 15 June as the National Day against Abuse, Mistreatment, Marginalization and Neglect of Older Persons. Events such as the March for a Life without Mistreatment and discussion forums were held with the participation of various organizations so as to focus attention on the situation of older persons and to provide a reminder that abuse, mistreatment, marginalization and neglect of such persons should not be considered as an individual problem, but rather as a problem to be addressed by all of society. The National Technical System for Comprehensive Care of Older Persons, a part of the National Council for Older Persons, is currently drafting a national policy to ensure the most comprehensive and extensive care possible of this group.<sup>71</sup>



88. Regarding *the rights of disabled persons*,<sup>72</sup> the grace period granted by the Equal Opportunities for Disabled Persons Act of 1996 has lapsed, thus resulting in better implementation of the Act's regulations in public and private establishments and in public transport.<sup>73</sup> The number of municipalities and other State bodies that have established accessibility commissions and have drawn up annual work plans has thus increased, as has the number of buildings, premises and facilities that have made adaptations to comply with the Act. In addition, in September 2008 the Convention on the Rights of Persons with Disabilities was ratified, its fundamental purpose being to promote, protect and ensure, in conditions of equality, the full enjoyment of human rights by disabled persons.

89. For its part, the National Council on Rehabilitation and Special Education (CNREE), which is responsible for rehabilitation and special education policies, coordinated the Survey of the Needs of Disabled Persons 2005, with the aim of studying the needs of these persons in various fields.<sup>74</sup> Similarly, in 2006 it analysed the situation of disabled persons in order to make systematic use of the available official statistics. There is now a proposal to convert the Council into a National Disability Institute (INADIS) so as to ensure that the protection and promotion of the rights of disabled persons are given greater political and institutional weight.

90. Concerning *the rights of ethnic minorities*, and the *indigenous peoples* in particular,<sup>75</sup> we should mention that the Autonomous Development of Indigenous Peoples Bill (No. 14,352), is still before the Legislative Assembly, thanks to a four-year extension (2009–2014) approved in May 2009, which ensured that the bill would not be withdrawn. The purpose of this bill is to improve significantly the legal framework for the protection and development of the indigenous peoples.<sup>76</sup> It has given rise to extensive discussion between various groups, including the National Commission on Indigenous Affairs (CONAI), civil society organizations such as the National Indigenous Committee and the political parties represented in Congress.

91. As to *Afro-descendants* and other minorities,<sup>77</sup> the State is constantly stepping up its efforts to provide such groups with opportunities and special attention, including through the establishment of a State body responsible for work in this field. In any event, the current legislature has before it bill No. 16,697 relating to the ratification of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. This bill would strengthen the recognition and defence of the culture and rights of the country's various ethnic groups.

92. Regarding *the rights of migrants*,<sup>78</sup> the Directorate-General for Migration and Alien Affairs has worked for the integration of migrants in society, encouraging migration to be seen as a factor fuelling the country's development and not as a problem, by administering migration in a safe and orderly way. On this basis, the Directorate-General has taken part in projects aimed at regularizing the status of seasonal workers, including the Costa Rica-Nicaragua Co-development Project, the aim of which is to regularize flows of migrant workers between the two countries.

93. In addition, the necessary agreements have been concluded for the administrative detention of irregular migrants and their proper treatment at the border, a training plan for officials involved in detentions has been drawn up and an Institutional Migration Control Commission has been established, comprising representatives of various departments within the Directorate-General. Similarly, in 2008 an Administrative and Procedural Handbook for Temporary Holding Centres for Irregular Aliens was drawn up and published. Its guiding principles include equality and non-discrimination, the right to life and physical integrity, the right to be held in detention for the shortest time possible, the right to due process, the right to information and to individual treatment for each migrant, and the right to maintain the unity of the family.

94. Addressing the need for a comprehensive reform of the Migration and Aliens Act of October 2005 is one of the aims of the social policy carried out under the National Development Plan, the overall objective being to create an appropriate law with which to administer migratory flows, allowing for controls that respect migrants' rights and permit their local integration. In August 2009, the Legislative Assembly thus adopted a new Migration and Aliens Act that repealed the previous one and established a new policy and legal framework for migration.

95. The new Act will enter into force in February 2010 and is more in line with the country's commitments under international conventions. It includes, inter alia, technical changes to facilitate migration controls, strengthens the Migration Police, establishes a Visa and Asylum Commission, simplifies procedures, sets up an Administrative Migration Tribunal, criminalizes illegal trafficking of migrants and establishes a migration fee to facilitate the integration of migrants in the social security system. At the same time, it ensures full respect for the human rights of migrants, including application of the principle of non-refoulement, prohibiting detention to verify a person's status for more than 24 hours, and banning torture and any other cruel, inhuman or degrading treatment.

96. As to *persons living as refugees*,<sup>79</sup> activities have been coordinated with UNHCR to determine their status more quickly. In the near future the Directorate-General for Migration and Alien Affairs will once again have a department devoted exclusively to asylum procedures. Such cases will thus be studied separately from other categories of migrants, and asylum cases will be kept in a special section of the records. Furthermore, the training given to the Directorate-General's staff emphasizes the confidentiality required in this field and the importance of ensuring the safety of asylum-seekers and refugees.

#### IV. Commitments

97. With the world financial crisis and the paucity of international cooperation it receives as a middle-income country, Costa Rica faces serious challenges in ensuring the best possible protection and promotion of human rights. Nevertheless, it has maintained its commitment to spare no effort in developing plans and activities to improve the welfare of its inhabitants.

98. To this end, it plans to move ahead in making human rights a cross-cutting concern in the activity of all national institutions by incorporating it in national development plans and by allocating adequate funds for this purpose. Similarly, efforts will be made to establish human rights indicators that make it possible to collect readily compared institutional information and to evaluate improvements in effective protection. At the same time, work is under way to establish an inter-institutional human rights commission that would take an active part in drawing up national reports for the treaty bodies and the universal periodic review mechanism. The commission would also be responsible for disseminating, and ensuring implementation of, the recommendations of these bodies and other human rights mechanisms.

99. Costa Rica will continue to adopt new international human rights and humanitarian law instruments, such as the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on Cluster Munitions. It will also follow up on the appropriate implementation of the Convention on the Rights of Persons with Disabilities.

100. Poverty-reduction activities will take into account the fact that inequality has grown in recent years,<sup>80</sup> 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.

102. Lastly, the recommendations arising from our country's participation in the universal periodic review mechanism will be given proper attention by all responsible institutions and will be widely disseminated. They will be implemented as quickly and thoroughly as possible.

### Notes

- <sup>1</sup> El país ha venido trabajando desde hace varios años en procesos de participación y construcción colectiva, con instituciones nacionales, organizaciones de la sociedad civil y otros actores relevantes. De ese modo, se han hecho esfuerzos por institucionalizar prácticas sensibles en materia de derechos humanos, con el objetivo de trascender períodos gubernamentales y abordar las obligaciones internacionales con una especial comprensión nacional.
- <sup>2</sup> Al respecto, debe destacarse que el país nunca ha sido objeto de señalamientos por violaciones graves, masivas o sistemáticas de derechos humanos, en los exámenes efectuados por las instancias evaluadoras de Naciones Unidas y otros organismos internacionales, así como en las investigaciones o informes de organizaciones no gubernamentales.
- <sup>3</sup> El Índice de Desarrollo Humano del PNUD para el año 2008, ubica a Costa Rica en el lugar número 50 mundial, con una puntuación es de 0,847.
- <sup>4</sup> Conviene subrayar que el marco normativo general del país ha estado en constante avance para proteger de la manera más efectiva los derechos humanos de sus habitantes, lo cual ha sido reconocido en repetidas oportunidades por los órganos de tratados de Naciones Unidas, así como por otras instancias evaluadoras.
- <sup>5</sup> Los textos completos de la Constitución y de toda la legislación vigente en el país, pueden ser consultados en el sitio de internet <http://www.pgr.go.cr/Scij> de la Procuraduría General de la República (PGR).
- <sup>6</sup> Arts. 1, 9 y 11 de la Constitución.
- <sup>7</sup> En 1878 el Presidente de la República y militar de carrera Tomás Guardia Gutiérrez, abolió la pena de muerte y elevó a rango constitucional el principio de inviolabilidad de la vida humana en 1882. Hoy, esa norma se encuentra consagrada en el artículo 21 de la Constitución vigente.
- <sup>8</sup> Arts. 21, 22, 24, 25, 28, 31, 33, 50, 51, 56, 73, 75, 76, 78 y 89 de la Constitución.
- <sup>9</sup> La Ley de la Jurisdicción Constitucional aprobada en junio de 1989, en virtud de lo estipulado por el artículo 10 de la Constitución, contiene las regulaciones sobre el funcionamiento y las potestades de la Sala Constitucional.
- <sup>10</sup> Arts. 373, 375, 376, 377, 378 y 379 del Código Penal.
- <sup>11</sup> Sentencias N° 3435-92, N° 5759-93 y especialmente la N° 2323-95 de la Sala Constitucional de la CSJ.
- <sup>12</sup> Estos son, la Convención Internacional para la Eliminación de todas las Formas de Discriminación Racial; la Convención para la Eliminación de todas las Formas de Discriminación contra la Mujer y su protocolo; la Convención sobre los Derechos del Niño y sus protocolos; la Convención contra la Tortura y otros Tratos Crueles, Inhumanos o Degradantes y su protocolo; y la Convención sobre los Derechos de las Personas con Discapacidad y su protocolo. Esta última fue ratificada en octubre de 2008, convirtiéndose en la más reciente de estas Convenciones en ser incorporada al ordenamiento jurídico del país.
- <sup>13</sup> A saber, el Convenio 29 sobre el trabajo forzoso; el Convenio 87 sobre la libertad sindical y el derecho de sindicación; el Convenio 98 sobre la aplicación de los derechos de sindicación y negociación colectiva; el Convenio 100 sobre la igualdad de remuneración entre mujeres y hombres;

- el Convenio 105 sobre la abolición del trabajo forzoso; el Convenio 111 sobre discriminación en el empleo; el Convenio 138 sobre la edad mínima para el trabajo; y el Convenio 182 sobre la prohibición de las peores formas de trabajo infantil. Asimismo, el país ratificó desde 1992 el Convenio 169 sobre pueblos indígenas y tribales.
- <sup>14</sup> Entre ellos, los Convenios de Ginebra y sus protocolos adicionales; la Convención sobre Prohibiciones o Restricciones del Empleo de Ciertas Armas Convencionales que Puedan Considerarse Excesivamente Nocivas o de Efectos Indiscriminados; la Convención sobre la Prohibición del Empleo, Almacenamiento, Producción y Transferencia de Minas Antipersonales y sobre su Destrucción; la Convención sobre la Prohibición del Desarrollo, la Producción y el Almacenamiento de Armas Bacteriológicas y Tóxicas y sobre su Destrucción; la Convención sobre la Prohibición del Desarrollo, la Producción, el Almacenamiento y el Empleo de Armas Químicas y sobre su Destrucción; y el Estatuto de Roma de la Corte Penal Internacional.
- <sup>15</sup> Conocida como *Pacto de San José de Costa Rica*, por haber sido suscrita en la capital costarricense.
- <sup>16</sup> Entre ellos, el Protocolo de San Salvador sobre Derechos Económicos, Sociales y Culturales; el Protocolo a la Convención Americana sobre Derechos Humanos Relativo a la Abolición de la Pena de Muerte; la Convención Interamericana para Prevenir y Sancionar la Tortura; la Convención Interamericana sobre Desaparición Forzada de Personas; la Convención Interamericana para Prevenir, Sancionar y Erradicar la Violencia contra la Mujer; y la Convención Interamericana para la Eliminación de todas las Formas de Discriminación contra las Personas con Discapacidad.
- <sup>17</sup> Los principales procesos a los que pueden acceder los ciudadanos son: el Recurso de Habeas Corpus, para proteger especialmente la libertad física y ambulatoria de actuaciones o amenazas de las autoridades estatales; el Recurso de Amparo, para mantener o restablecer el goce de los otros derechos fundamentales reconocidos por la Constitución y los Tratados Internacionales vigentes; y la Acción de Inconstitucionalidad, para requerir la nulidad de normas inferiores que contradigan a la Constitución.
- <sup>18</sup> De acuerdo con las estadísticas de la Sala Constitucional, solamente durante el año 2008 conoció 17.104 casos, entre ellos 15.468 Recursos de Amparo, 1.253 Recursos de Habeas Corpus y 304 Acciones de Inconstitucionalidad. Sobre estos números y para resaltar el importante cambio que evidencian en el sistema jurídico del país, baste decir que de 1938 a 1989 se tramitaron un total de 155 acciones de inconstitucionalidad ante la CSJ en Costa Rica, cifra duplicada tomando en cuenta únicamente las presentadas para conocimiento de la Sala Constitucional el año anterior.
- <sup>19</sup> Art. 14 de la Ley de la Defensoría de los Habitantes de la República. En vista de la importancia de las funciones de esta institución, la misma ha sido continuamente fortalecida desde su fundación, por medio de aumentos significativos en su presupuesto y en su personal.
- <sup>20</sup> El MREC, el Ministerio de Educación Pública, el Ministerio de Justicia, el Ministerio de Seguridad Pública, el Ministerio de la Presidencia, el Ministerio de Salud, el Ministerio de Cultura y Juventud, la PGR, el Poder Judicial, el Poder Legislativo, la Defensoría de los Habitantes, la Universidad de Costa Rica, la Universidad Nacional, el Consejo Nacional de Rectores, la Cruz Roja Costarricense y el Colegio de Abogados. La sede administrativa de la CCDIH se encuentra en la Dirección Jurídica del MREC, lugar en el cual está radicada su Secretaría Ejecutiva.
- <sup>21</sup> Debe mencionarse también el papel que cumplen otras instancias públicas, como el sistema de contralorías de servicios en las instituciones públicas, que atienden y canalizan las quejas e inquietudes de la población; la Comisión Nacional del Consumidor, que vela por la protección efectiva de los derechos e intereses legítimos de los habitantes en tanto consumidores; y la Autoridad Reguladora de los Servicios Públicos (ARESEP), encargada de vigilar que los servicios públicos regulados se presten en condiciones óptimas de acceso, costo, calidad y variedad.
- <sup>22</sup> Conviene recordar en este apartado, que Costa Rica es la democracia más antigua de la región latinoamericana, con 15 gobiernos elegidos constitucionalmente y de modo sucesivo desde 1949, con índices internacionalmente destacados acerca del respeto al sistema democrático, a los derechos humanos y al bienestar de su población. Nuestro país además, no tiene fuerzas armadas permanentes también desde 1949, por lo que ha estado exento de los abusos a los derechos civiles y políticos que se han suscitado en otras naciones por la acción de los cuerpos castrenses.
- <sup>23</sup> Así, en el 2004 el TSE tramitó 58 amparos electorales, 74 en el 2005, 42 en el 2006, 42 en el 2007 y 26 en el 2008.
- <sup>24</sup> Puede mencionarse además la conformación en el 2005 del Partido Accesibilidad sin Exclusión (PASE), a escala provincial y con una plataforma de defensa de los derechos de las personas con

- discapacidad. El PASE obtuvo una diputación en las elecciones del 2006 y para las elecciones del 2010 hará campaña a nivel nacional, presentando por primera vez a una persona discapacitada como candidato a la presidencia.
- <sup>25</sup> La aprobación de la Ley de Iniciativa Popular obedeció al mandato del artículo 123 constitucional, reformado para tales efectos en el año 2002.
- <sup>26</sup> La consulta de cita fue realizada el 7 de octubre de 2007 y su resultado fue la aprobación del Tratado, con lo que Costa Rica se convirtió en el primer país en el mundo en el que un convenio comercial es ratificado de ese modo.
- <sup>27</sup> Junto a las dos leyes mencionadas, debe destacarse la transformación política electoral ocurrida en el país, que durante la última década pasó de un sistema esencialmente bipartidista, a un esquema multipartidista, con mayor participación de diferentes actores de diversas ideologías, lo cual ha abierto nuevas oportunidades para la participación de los ciudadanos.
- <sup>28</sup> Conviene recordar que Costa Rica fue uno de los principales promotores de este instrumento internacional y mantiene un alto compromiso con su implementación y cumplimiento.
- <sup>29</sup> Por ejemplo las sentencias de la Sala Constitucional N° 7548-08 (sobre el secreto de las fuentes), N° 11695-08 (sobre los derechos de rectificación y respuesta), N° 9485-08 (sobre el derecho de imagen) y N° 15269-07 (sobre la independencia de los periodistas). Asimismo la sentencia N° 880-05 de la Sala Tercera, sobre la información veraz como eximente de responsabilidad penal y civil.
- <sup>30</sup> Debe destacarse que por disposición del artículo 177 de la Constitución, el Poder Judicial recibe para su presupuesto anual un mínimo del 6% de los ingresos ordinarios del Estado, lo que le ha permitido contar con una amplia cobertura de sus dependencias en todas las zonas del país. Eso explica que en el año 2007 se registrara un aumento general en la actividad de los juzgados, llegando a 523.381 expedientes activos, lo que significó un caso nuevo por cada 18 habitantes, sin embargo, el número de casos por juez bajó debido al aumento de número de esos funcionarios en los últimos cuatro años.
- <sup>31</sup> Esto incluye la demostración, liquidación y ejecución de indemnizaciones monetarias derivadas de las sentencias de Amparo y Habeas Corpus de la Sala Constitucional, según los artículos 179 a 184 del Código Procesal Contencioso Administrativo.
- <sup>32</sup> La Oficina de Atención a la Víctima del Delito del Ministerio Público administra este sistema, que presupone escenarios con presencia de grupos del crimen organizado, entre otros.
- <sup>33</sup> Aparte de lo dicho, se tramita ante la Asamblea Legislativa el Proyecto de Ley N° 17.143, con el fin de crear el recurso de apelación de las sentencias penales y efectuar otras reformas al régimen de impugnación penal. Con ello, se pretende culminar un proceso de reformas parciales dirigidas a dar total cumplimiento a las obligaciones internacionales adquiridas por Costa Rica, especialmente a las emanadas del Pacto de San José.
- <sup>34</sup> Según datos recientes, un 74,5% de la población profesa la religión católica, mientras que un 12,8% pertenece a otros cultos cristianos, un 9,2% se declara sin religión y un 3,3% pertenece a otras denominaciones religiosas. Entre los grupos religiosos con presencia en el país se encuentran Metodistas, Luteranos, Episcopales, Bautistas, Mormones (que tienen en San José un centro regional para Centroamérica), Testigos de Jehová, Adventistas del Séptimo Día (que dirigen en nuestra capital una universidad para estudiantes de la cuenca del Caribe), Iglesia de la Unificación (que tiene su sede continental para Latinoamérica en San José), Judaísmo, Islamismo, Taoísmo, Hare Krishna, Cienciología, movimiento Tenrikio y la fe Bahá'í.
- <sup>35</sup> En este sentido, se han dictado las sentencias de la Sala Constitucional N° 16881-08 sobre el acceso a bienes públicos, N° 1462-08 y N° 15632-08 sobre el respeto a los días de culto y N° 13421-08 y N° 18884-08 sobre medidas discriminatorias en centros educativos, entre otras.
- <sup>36</sup> El sistema penitenciario del país cuenta con una población de aproximadamente 9.000 personas ubicadas en cárceles cerradas, más de 700 ubicadas en centros abiertos del Programa Semi Institucional y alrededor de 4.500 personas adscritas al Programa de Atención en Comunidad, encargado de dar seguimiento a las personas con libertad condicionada y vigilar el cumplimiento de las sanciones alternativas a la prisión.
- <sup>37</sup> Debe destacarse también el fortalecimiento de la política de traslado de personas del Programa Institucional al Programa Semi Institucional, en el que ejecutan sus sentencias integradas al ámbito familiar y comunal, mientras reciben atención y seguimiento.
- <sup>38</sup> Con el expediente N° 16.269, se tramita ante la Asamblea Legislativa un Proyecto de Ley de Creación del Hospital Psiquiátrico Penitenciario, que serviría para dotar de un marco legal a esta iniciativa. Con ello, se espera remediar la situación en el Hospital Psiquiátrico actual, el cual es usado como centro

- penitenciario para privados de libertad con discapacidades mentales, con los inconvenientes y riesgos que ello implica para los pacientes regulares.
- <sup>39</sup> Cabe recordar que en Costa Rica los temas de seguridad están total y exclusivamente en manos de autoridades civiles, desde que el 1 de diciembre de 1948 se decretó la abolición del ejército como institución permanente. Esta disposición se incorporó también a la Constitución vigente del 7 de noviembre de 1949, en su artículo 12.
- <sup>40</sup> Adicionalmente a estas acciones para fortalecer el disfrute del derecho a la seguridad, en marzo de 2009 entró en vigencia la Ley de Fortalecimiento de la Legislación contra el Terrorismo, que garantiza el cumplimiento de los compromisos internacionales del país sobre prevención y represión del terrorismo, crea un sistema para su control y represión, moderniza los procedimientos de lucha contra actividades conexas (narcotráfico, lavado de dinero, etc.) y establece nuevos delitos para quienes atenten contra los derechos humanos y el derecho internacional humanitario.
- <sup>41</sup> Para desarrollar programas sobre prevención de la violencia con armas de fuego, se creó también en octubre de 2006 el Comité Consultivo Nacional Interdisciplinario para el Control de la Proliferación y el Tráfico Ilícito de Armas Pequeñas y Ligeras y sus Municiones, que ha coordinado planes a nivel municipal, procesos de destrucción de armas de fuego e iniciativas para personas menores de edad, como la *Escuela Libre de Armas* (que incluye el intercambio de juguetes bélicos, la confección de un protocolo ante la aparición de armas de fuego y mejores prácticas para el tratamiento de la violencia en centros educativos).
- <sup>42</sup> Es importante anotar que Costa Rica se ha mantenido históricamente entre los países de la región con los índices más bajos de desempleo y con una importante inversión social, que en los últimos dos años creció en un 8.2%, incluyendo un crecimiento de 4.8% del gasto social en salud y de un 3.1% en los gastos de salud. En el 2007 se produjo además una reducción significativa de la pobreza, la cual pasó de un 20.2% a un 16.7% de la población, gracias a un aumento en el índice de ocupación y al traslado de recursos fiscales a programas sociales focalizados.
- <sup>43</sup> En el presente año 2009 se pretende cubrir a más de 150 mil estudiantes, con becas de entre US\$ 25 y US\$ 85 mensuales, para una inversión total aproximada de US\$ 93 millones.
- <sup>44</sup> Para el desarrollo y utilización eficaz de programas sociales, se han construido además dos sistemas de información, el Sistema de Información de la Población Objetivo (SIPO) y el Sistema de Atención de Beneficiarios (SABEN). El SIPO registra, identifica y selecciona familias en situación de pobreza, para que los recursos públicos se distribuyan con transparencia y criterios de focalización, generando datos esenciales sobre esa población. El SIPO es a su vez un insumo básico del SABEN, que efectúa de manera automatizada la atención a la población demandante, la gestión de los beneficios y sus aspectos presupuestarios.
- <sup>45</sup> Esta mejoría en la estimación de los grupos étnicos, se hará con base en principio de autoidentificación y según las recomendaciones del Comité para la Eliminación de la Discriminación Racial, a fin de que se refleje de manera más exacta la composición étnica del país y se conozcan mejor los datos desagregados de sus distintas poblaciones.
- <sup>46</sup> El nivel de pobreza general se redujo de un 21,7% en el 2004 a un 17,7% en el 2008, mientras que la disminución en la pobreza extrema fue de un 5,6% en el 2004 a un 3,5% en el 2008. La reducción de la pobreza extrema es muy significativa, pues los poco más de 45.000 hogares que estaban en esa situación en 2007 y 2008, representan el número más bajo desde 1990. Todo ello, según los datos tomados de la *Encuesta de Hogares de Propósitos Múltiples Julio 2008*, efectuada por el INEC y publicada en el mes de noviembre de 2008. Los datos completos de la *Encuesta* pueden ser accedidos en el sitio de internet [www.inec.go.cr](http://www.inec.go.cr).
- <sup>47</sup> Del 2004 al 2008 fueron otorgados un total de 54.397 bonos, por un monto aproximado de US\$ 320 millones. El monto promedio de los bonos para el 2008 fue de alrededor de US\$ 7.500, con una tasa de crecimiento anual de 5,92% en relación con el 2007.
- <sup>48</sup> Artículo 42 del Código de la Niñez y la Adolescencia. Existe también el *Programa Extramuros*, cuyo objetivo es brindar el servicio de alimentación y distribución de leche a niños de comunidades indígenas, zonas marginales y poblaciones fronterizas, a través de los Centros de Nutrición y Desarrollo Infantil locales.
- <sup>49</sup> Todo ello con base en las obligaciones contenidas en la Ley General sobre el VIH SIDA de 1998.
- <sup>50</sup> Para cubrir el primer nivel de atención en salud, el país cuenta con 839 establecimientos de Equipos Básicos de Atención Integral (EBAIS), ubicados en todas sus provincias.
- <sup>51</sup> Esto incluye 72 centros de educación preescolar (algunos con servicios materno infantiles), 231

- centros de educación primaria, 4 centros de educación secundaria y 3 sedes del Centro Integral de Educación para Jóvenes y Adultos. El MEP planea construir además unos 18 centros de educación secundaria con dormitorios en las zonas indígenas de Alajuela, Puntarenas y Limón, para brindar mayores facilidades a los jóvenes que a diario recorren a pie largas distancias. El proyecto se desarrollará con un préstamo del Banco Mundial, a partir del 2010.
- <sup>52</sup> Debe destacarse que igualmente se introdujeron reformas, con el fin de que la nacionalidad tampoco constituya un obstáculo para la participación en los gobiernos estudiantiles.
- <sup>53</sup> Gracias a este convenio, en el 2008 el PANI y el MEP entregaron cerca de US\$ 500 mil en subsidios económicos a más de 500 adolescentes embarazadas, por un monto aproximado de US\$ 85 mensuales, mientras que este año se espera alcanzar un número similar de beneficiadas. Existe también un *Programa de Reinserción y Permanencia Educativa* dirigido por el PANI, que inició en el 2007 y brinda atención integral y psicosocial a adolescentes madres, con el fin de que no abandonen el sistema educativo.
- <sup>54</sup> El Fondo Nacional de Becas brinda apoyo a estudiantes de escasos recursos económicos de educación primaria y secundaria, mediante el otorgamiento de becas.
- <sup>55</sup> Entre ellas, Educación Cívica, Artes Plásticas, Educación Musical, Artes Industriales, Educación para el Hogar y Educación Física.
- <sup>56</sup> Recientemente se creó también una página de internet sobre sexualidad joven en el portal del MEP, donde los estudiantes tienen acceso a información sobre la temática y pueden realizar consultas en línea.
- <sup>57</sup> Según datos de la *Encuesta de Hogares de Propósitos Múltiples Julio 2008*, publicada por el INEC en noviembre de 2008.
- <sup>58</sup> Se tramita también ante la Asamblea Legislativa el Proyecto de Ley N° 15051, que reforma el Título XI del Código de Trabajo, para ampliar la prohibición de la discriminación en el empleo, por razones de edad, género, etnia, discapacidad y religión.
- <sup>59</sup> El otro régimen de pensiones administrado por la CCSS, el Régimen de Invalidez, Vejez y Muerte, reporta por su parte más de 161 mil beneficiarios (alrededor de 60 mil por vejez, 46 mil por invalidez y 55 mil por muerte). El monto de la pensión mensual mínima asciende a cerca de US\$ 172 y la máxima a US\$ 2.050, siendo que en los últimos años esas sumas se incrementaron semestralmente a igual ritmo que los salarios de los empleados públicos.
- <sup>60</sup> Debe mencionarse también la consolidación a lo largo de estos años, del régimen creado por la Ley de Protección al Trabajador del año 2000, que incluye un Fondo de Pensión Complementaria y un Fondo de Capitalización Laboral que brindan mayores garantías de ahorro y retiro a los trabajadores.
- <sup>61</sup> El país además cuenta con otras alternativas de organización de los trabajadores, como el solidarismo, que funciona con la representación paritaria de representantes empresariales y trabajadores asociados en todos los órganos de dirección, con el aporte económico equitativo y proporcional de unos y otros; y el cooperativismo, cuyas 530 entidades inscritas generan el 2,6% del PIB del país.
- <sup>62</sup> Desde el inicio de este último programa, se han abierto 13 escuelas de música en diferentes zonas del país y 5 programas de orquestas juveniles, con la participación de más de 4.500 alumnos provenientes de diferentes estratos sociales, entre ellos niños, niñas y jóvenes de zonas de alto riesgo social y zonas marginales.
- <sup>63</sup> En 1994 fue reformado el artículo 50 de la Constitución, para incluir en su texto el derecho fundamental a un ambiente sano y equilibrado.
- <sup>64</sup> Desde 1990, había sido aprobada la Ley de Promoción de la Igualdad Real de la Mujer, norma fundamental para el desarrollo actual de los derechos de las mujeres en el país.
- <sup>65</sup> Sentencia N° 3043-07 de la Sala Constitucional de la CSJ. Cabe mencionar otros fallos importantes, como la sentencia N° 2129-08 de la Sala Constitucional, que anuló un artículo del Código de Familia que prohibía a las mujeres casarse antes de transcurridos 300 días luego de su divorcio y la decisión de las autoridades migratorias de conceder el estatus de refugiadas a mujeres perseguidas con motivo de situaciones de violencia doméstica.
- <sup>66</sup> Conviene destacar que Costa Rica actualmente se encuentra en la posición número 10 en el escalafón mundial de paridad de género en la representación parlamentaria, con un 36,8% del total de diputados elegidos en el 2006. Esto, gracias a la vigencia de una cuota mínima de participación política femenina de un 40%, en los puestos públicos de elección popular y las estructuras partidarias, que todos los partidos políticos están obligados a cumplir desde 1999.
- <sup>67</sup> A la fecha de este informe solo 23 Estados en el mundo contaban con protección legal para las

- personas menores de edad, ante el uso de castigo físico en todos los espacios (familia, escuela, centros de salud, centros penales, etc.), siendo Costa Rica el tercer Estado de América Latina en brindar dicha protección.
- <sup>68</sup> El PANI creó también en el 2006 un Centro de Cultura de los Derechos de los Niños, Niñas y Adolescentes, que cuenta con un centro de información y una biblioteca especializada, con la misión de apoyar la formación y capacitación de niños, niñas, adolescentes y adultos.
- <sup>69</sup> De acuerdo con las proyecciones de población vigentes para mediados de 2008, hay aproximadamente 278 mil adultos mayores de 65 años en el país y constituyen el 6% de la población. De ellos, hay 129 mil hombres y 148 mil mujeres, una diferencia que se explica por la mayor esperanza de vida entre la población femenina, la cual al 2007 era de 81,8 años contra 76,8 años para la población masculina.
- <sup>70</sup> Otros beneficios a los que tiene derecho esta población son: descuentos en entradas a los centros públicos y privados de entretenimiento, recreación, cultura y deporte; descuentos en el hospedaje en hoteles u otros centros turísticos; descuentos en consultorios, hospitales, clínicas, farmacias privadas y laboratorios, así como en servicios radiológicos y de todo tipo de exámenes y pruebas de medicina computarizada y nuclear; descuento en los medicamentos de prescripción médica; descuentos en prótesis y órtesis; descuentos en ayudas técnicas; y tasas preferenciales de interés para préstamos hipotecarios de vivienda.
- <sup>71</sup> En el 2008 se publicó también el *I Informe de Situación de la Persona Adulta Mayor en Costa Rica*, elaborado por la Universidad de Costa Rica (con la participación del Centroamericano de Población, la Escuela de Nutrición y la Vicerrectoría de Acción de Social) y el CONAPAM, a fin de conocer de modo más exhaustivo la situación de la población adulta mayor, contribuir al análisis de los retos que plantea el envejecimiento poblacional y aportar insumos de utilidad para atender sus repercusiones en la sociedad costarricense. El *Informe* completo puede ser accedido a través del enlace en internet <http://www.ucr.ac.cr/documentos/ESPAM/espam.html>.
- <sup>72</sup> Según el Censo de Población del año 2000, en el país hay más de 200.000 personas con discapacidad. De ellas 105.271 son hombres y 98.460 mujeres, siendo que la población con discapacidad equivale a un 5,35% del total de habitantes del país. Las personas con ceguera parcial o total constituyen casi la tercera parte de la población con discapacidad (31%), seguidas las personas con paralización o amputación de miembros del cuerpo (14%) y quienes padecen de sordera parcial o total (13%).
- <sup>73</sup> En octubre de 2006 la Asamblea Legislativa aprobó la Ley N° 8556, que amplió hasta el año 2014 el plazo para que el 100% de la flota de autobuses para el transporte público cumpla con los requisitos de accesibilidad, establecidos por la Ley de Igualdad de Oportunidades para las Personas con Discapacidad de 1996.
- <sup>74</sup> Sobre los esfuerzos para satisfacer las necesidades laborales de las personas con discapacidad, en diciembre de 2007 se emitió el Decreto Ejecutivo N° 34135, que reformó el Reglamento al Estatuto de Servicio Civil y ordenó que un 5% de las vacantes en el sector público sean cubiertas por personas discapacitadas, hasta alcanzar un mínimo de 2% del total de los funcionarios de la Administración Central del Estado. Sin embargo, debe indicarse que aún no se registran avances significativos en la implementación de esta norma.
- <sup>75</sup> De acuerdo al Censo de Población del año 2000, los indígenas suman un total de 63.876 personas que representan el 1,7% del total de habitantes del país, divididas en 32.880 hombres y 30.996 mujeres. Se han identificado 8 pueblos indígenas (Huetar, Maleku, Chorotega, Bribri, Cabécar, Brunca, Guaymí y Teribe), que a su vez se encuentran distribuidos en 24 territorios legal y administrativamente reconocidos.
- <sup>76</sup> Como parte de los esfuerzos para mejorar la observancia de los derechos de las personas indígenas, el MP creó en mayo de 2009 una Fiscalía de Asuntos Indígenas, que tiene a su cargo los asuntos penales relacionados con esa población, en condición de víctimas o de imputados. Asimismo, el Consejo Superior del Poder Judicial aprobó en octubre de 2008 unas *Reglas Prácticas para Facilitar el Acceso a la Justicia de las Poblaciones Indígenas*, de aplicación obligatoria para jueces y defensores públicos. Con todo ello, se pretende que la aplicación de las leyes penales sea más accesible para las comunidades indígenas, tomando en cuenta su cultura, lengua y creencias.
- <sup>77</sup> Según el Censo de Población del año 2000, la población afrodescendiente asciende a 72.784 personas, lo cual constituye prácticamente el 2% del total de la población del país. Se trata de 36.478 hombres y 36.306 mujeres.
- <sup>78</sup> En el Censo de Población del año 2000, la cantidad de migrantes correspondía a un 7,8% de la



población total, lo que actualmente ascendería a aproximadamente 350 mil personas.

<sup>79</sup> De acuerdo con cifras del ACNUR, en Costa Rica habitan aproximadamente 11 mil refugiados, de los cuales alrededor de 10 mil son de origen colombiano, lo que la convierte en el segundo país de la región latinoamericana con mayor cantidad de personas en esa condición.

<sup>80</sup> De 1990 a 2008 el coeficiente de Gini pasó de 0.375 a 0.428 en el país, lo que evidencia el deterioro en los niveles de desigualdad económica.

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