



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Concluding observations of the Human Rights Committee

COSTA RICA

1. The Committee considered the fifth periodic report of Costa Rica (CCPR/C/CRI/5) at its 2492nd and 2493rd meetings (CCPR/C/SR.2492 and 2493), held on 22 October 2007, and adopted the following concluding observations at its 2508th meeting (CCPR/C/SR.2508), held on 1 November 2007.

A. Introduction

2. The Committee welcomes the fifth periodic report of Costa Rica, which contains detailed information concerning the State party's legislation and new draft legislation. The Committee regrets, however, that the report provides insufficient practical information regarding the effective implementation of the Covenant and lacks disaggregated statistics. The Committee is grateful for the written replies to its list of issues and to those raised orally with the delegation. It regrets, however, that no expert on the subjects covered by the Covenant, discharging relevant responsibilities in the country, was present during the presentation of the report, which made the dialogue between the Committee and the State party difficult.

B. Positive aspects

3. The Committee acknowledges the State party's commitment to and leadership in the defence and promotion of human rights internationally, particularly with respect to the abolition of the death penalty and the elimination of torture, and appreciates the stability of its democratic institutions, which is conducive to respect for and promotion of human rights.

4. The Committee notes with satisfaction that Costa Rica ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, a text that was the result of a Costa Rican initiative, in 2005; this step should ensure better compliance with article 7 of the Covenant.
5. The Committee welcomes the establishment of the prosecutor's office of the Supreme Court of Justice specializing in indigenous affairs, the creation of a team of indigenous-language court translators and the guideline issued to judges regarding the need to consult indigenous peoples when handling disputes that have a bearing on their interests.
6. The Committee notes with satisfaction: (a) the adoption of the Act Criminalizing Violence against Women on 25 April 2007; (b) the amendments to the Family Code, the Criminal Code and the Civil Code aimed at protecting children in matters relating to marriage; and (c) the adoption of the Responsible Paternity Act, which establishes the right to paternal recognition.

C. Principal areas of concern and recommendations

7. The Committee notes with concern that the names of almost 9,000 Colombian refugees were unduly disclosed by the Costa Rican authorities to the Colombian authorities (arts. 2 and 13).

The State party should take steps to ensure full respect for the principle of confidentiality of the personal files of asylum-seekers and refugees.

8. The Committee reiterates its concern regarding the duration of pretrial detention, which may last for up to 12 months and is subject to further extensions, and regarding the legally authorized regime of incommunicado detention, which can last for up to 10 days. The situation of persons held incommunicado was unclear to the Committee, as was the procedure for judicial inspection, particularly in view of the potential inconsistency between articles 37 and 44 of the Constitution (articles 7 to 10 of the Covenant).

The Committee reiterates its recommendation that the State party should take the necessary legislative measures to reduce the duration of pretrial detention and to eliminate prolonged incommunicado detention, taking due care to ensure compliance in practice.

9. The Committee is concerned about overcrowding and poor conditions in the State party's detention centres, including those administered by the migration authorities (article 10 of the Covenant).

The State party should take steps to end overcrowding in detention centres, including those administered by the migration authorities, and to ensure compliance with the requirements of article 10. In particular, the State party should take into consideration the Standard Minimum Rules for the Treatment of Prisoners.

10. While noting the historic reasons invoked by the State party, the Committee is concerned that only Catholic marriages have civil effect in Costa Rica, since this situation discriminates against couples practising other religions (articles 2, 18, 23 and 26 of the Covenant).

The State party should take the necessary steps to bring its domestic legislation into line with articles 2, 18, 23 and 26 of the Covenant and to guarantee the principle of non-discrimination between religions.

11. The Committee is concerned about the legislative restrictions on journalism in the State party, such as the law protecting the honour of officials and public figures, and the provisions defining the press offences of defamation and libel, although it notes that they are punishable with a fine. The Committee is also concerned about reports of attacks on and threats against journalists in the State party, which could jeopardize its democratic system.

The State party should take vigorous steps to guarantee freedom of expression and of the press in accordance with the terms of article 19 of the Covenant. In particular, it should ensure that bill No. 15974 concerning “Freedom of expression and the press”, which is currently before the Legislative Assembly, is fully compatible with the safeguards and limitations set out in the Covenant, including access to information. The State party should also investigate, bring to trial and punish perpetrators of attacks on or threats against journalists and should compensate the victims.

12. While acknowledging the State party’s efforts to combat trafficking in women and children and sexual exploitation, such as surveillance systems and alliances with private-sector actors, including hoteliers and taxi networks, the Committee is concerned at the lack of public awareness of the unlawful nature of such phenomena. It also regrets that it has not received clear-cut information regarding the alleged trafficking of children from Ecuador in 2004. The Committee is concerned that such acts may go unpunished (arts. 2 and 24).

The State party should reinforce measures to combat trafficking of women and children and, in particular:

- (a) Ensure that penalties commensurate with the seriousness of the acts are imposed on anyone engaging in such exploitation;**
- (b) Continue its efforts to generate public awareness of the unlawful nature of the sexual exploitation of women and children;**
- (c) Provide training courses for the competent authorities;**
- (d) Protect victims so that they may find refuge and testify against those charged in criminal or civil cases, and award them compensation.**

13. The Committee notes with concern the statements made by the authorities of the State party in the press stigmatizing Colombians in general, and Colombian refugees in particular, by linking them to the rising crime rate in Costa Rica (arts. 2, 20 and 26).

The State party should ensure that public officials refrain from making xenophobic public statements that stigmatize or stereotype foreigners.

14. The Committee sets 1 November 2012 as the date for the submission of the sixth periodic report of Costa Rica. It requests that the State party’s fifth report and the present concluding observations be published and widely disseminated to the general public as well as among the

judicial, legislative and administrative authorities. Printed copies of these documents should be distributed to universities, public libraries, the parliamentary library and other relevant locations. The Committee also requests that the fifth periodic report and these concluding observations be made available to civil society and to non-governmental organizations operating in the country. It would be appropriate to distribute a summary of the report and the concluding observations to indigenous communities in their languages.

15. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should submit within one year information on the follow-up given to the Committee's recommendations in paragraphs 9 and 12 above. The Committee requests that the State party include in its next periodic report information concerning its remaining recommendations and the implementation of the Covenant as a whole.
