

COSTA RICA

CEDAW A/58/38 (2003)

31. The Committee considered the combined initial, second and third reports and the fourth periodic report of Costa Rica (CEDAW/C/CRI/1-3 and CEDAW/C/CRI/4) at its 612th, 613th and 619th meetings, held on 2 and 9 July 2003 (see CEDAW/C/SR.612, 613 and 619).

Introduction by the State party

32. Introducing the reports, the representative of Costa Rica informed the Committee of the progress made in the country on behalf of women within a framework of gradual reform of the State.

33. With regard to political structure, the representative of Costa Rica stated that in 1998 the National Institute for Women (INAMU) had been established, superseding the National Centre for Women and Family Development as the supervisory body for national policies relating to women. In addition, a Minister on the Status of Women had been appointed, who at the same time served as Executive Secretary of INAMU.

34. The representative of Costa Rica emphasized the progress made in relation to policies and action with the approval in 1990 of the Act Promoting the Social Equality of Women, for the purpose of protecting the human rights of women, and of the Responsible Paternity Act in 2001 to prevent discrimination against women with children born out of wedlock or not recognized by the father. That Act had made processes of recognition of paternity more flexible and introduced an obligation on the part of fathers to discharge their economic responsibility.

35. With regard to political participation by women, the representative of Costa Rica informed the Committee that the most important achievement had been the approval of the Act on Reform of the Electoral Code, which had established a minimum quota of 40 per cent for women's political participation for access to elected office. The results achieved reaffirmed the importance of minimum quotas for women's political participation.

36. The representative of Costa Rica stressed the progress made in relation to sexual and reproductive health through the formulation of the national health policy, which included the reproductive health and sexual rights area, recognizing the right of women to receive professional counselling services, and the Programme for the Prevention and Detection of Cervical, Uterine and Breast Cancer. Special attention had been paid to the need to extend the health care model for women to all health centres in the country.

37. The representative of Costa Rica informed the Committee about the progress made in relation to violence and sexual exploitation with the launching in 1997 of the National System for the Care and Prevention of Domestic Violence. That system, which involved the participation of a large number of public

representatives and representatives of civil society, had established care and prevention networks on domestic violence, specialized care centres and shelters for women victims of aggression, and a telephone hotline. A high-level commission to draw up policies for preventing deaths of women, and a national policy for care and prevention of violence and maltreatment of minors affected by domestic violence had also been established. Also, there was still resistance to the implementation of the Domestic Violence Act, and the draft law penalizing violence against adult women was pending approval. Those laws aimed at highlighting impunity and gender discrimination in the Costa Rican penal system. With regard to sexual exploitation, only limited progress had been made owing to the lack of linkage between the National Plan to Combat Commercial Sexual Exploitation and the strategies for care of the victims.

38. With regard to education, the representative of Costa Rica stressed the revision of curricula to eliminate gender stereotypes, avoid sexist language and images in textbooks and increase the number of women in the state universities and their equitable access to fellowships, research, teaching posts and the academic regime. She stressed the absence of a State education policy to eliminate discriminatory practices in education.

39. The representative of Costa Rica informed the Committee of the progress made in relation to employment and the economy. She stressed the establishment of the Inter-Institutional Commission on the Labour Rights of Women and the Act on Services for Women Living in Poverty under the National Poverty Reduction Plan, whose programme *Creciendo Juntas* [Women Growing Together] was the subject of special attention. The aim of that programme was to integrate women living in poverty and extreme poverty into employment and production through individual and collective empowerment of women, technical and job training and their integration into production. The representative of Costa Rica nevertheless referred to the absence of an employment policy and the persistence of gender inequalities in relation to access to jobs and production assets.

40. With regard to rural areas, the representative of Costa Rica emphasized awareness promotion and training for the staff of institutions in the agriculture and livestock sector in order to incorporate a gender perspective, but stressed the lack of policies for dealing with poverty among rural women and the low level of social security coverage.

41. The representative of Costa Rica informed the Committee about the progress made in relation to migration through the incorporation of the migrants-gender relationship, but stressed the inadequacy of the available data on the population in question.

42. With regard to diversity, the representative of Costa Rica stressed the incorporation in the 2000 census of an indicator on living conditions of minority populations, aimed at attaining more information on Afro-descendant and indigenous populations.

43. In conclusion, the representative of Costa Rica reiterated the commitment entered into by the State of Costa Rica in 1985 to promulgate the Convention on the Elimination of All Forms of Discrimination against Women without reservation.

Concluding comments of the Committee

Introduction

44. The Committee expressed its gratitude to the State party for introducing its combined initial, second and third reports and its fourth report, which, although with considerable delay, provided broad information on the progress made and the problems still being encountered by the State party in implementing the Convention on the Elimination of All Forms of Discrimination against Women.

45. The Committee noted with satisfaction the high level of the Costa Rican delegation, headed by the Minister on the Status of Women, accompanied by the Minister of Health and other high officials, and thanked them for their frankness in introducing the report and for the replies provided to the questions asked by the Committee.

46. The Committee commended the State party on its ratification in September 2001 of the Optional Protocol to the Convention.

47. The Committee noted with satisfaction that the State party had involved civil society and non-governmental organizations in the process of drawing up the reports, particularly the fourth periodic report.

Positive aspects

48. The Committee commended the State party's establishment in 1986 of a national mechanism as the supervisory body on national policies relating to women, a mechanism which had been strengthened in 1998 with the establishment of the National Institute for Women, a decentralized autonomous body. It also commended the establishment of the National Network of Ministerial, Sectoral and Municipal Offices for Women.

49. The Committee noted with satisfaction that the State party had given the Convention the rank of a constitutional law, as a legally binding treaty taking precedence over national legislation. The Committee also commended the State party for the adoption of the National Policy on Gender Equality and Equity 2002-2006, for the purpose of incorporating the gender approach in the Government's national programme.

50. The Committee noted with satisfaction that the Constitution proclaimed the equality of all persons before the law and prohibited discrimination, and that the Act Promoting the Social Equality of Women explicitly proclaimed the equality of women and men; it also noted that national legislation included various general laws regulating inter alia the areas of the family, employment and education, while other pieces of legislation were in the course of analysis and approval aimed at eliminating discrimination against women.

51. The Committee noted with satisfaction that the State party had adopted a substantial number of specific laws and reforms to national general laws, approved by the Legislative Assembly, with a view to ensuring the full implementation of the Convention in Costa Rica's legal framework, including Act 7142

promoting the social equality of women, the Responsible Paternity Act, the Act on Sexual Harassment in the Workplace and in Education of 1995 and the 1996 reforms to the Electoral Code providing for minimum 40 per cent participation in electoral processes. The Committee noted with satisfaction the adoption of the Domestic Violence Act and the implementation of the Comprehensive Care Programme for Domestic Violence.

Principal areas of concern and recommendations

52. Although the Constitution proclaims the equality of all persons before the law and prohibits discrimination, the Committee notes with concern that the Convention is not directly invoked in legal proceedings and that social resistance and sociocultural patterns still exist that impede the practical implementation of these legal norms.

53. The Committee recommends that the State party launch at the national level a broad programme of dissemination of the Convention and its implications for protection of the rights of women, and that it conduct legal education and training activities for women, lawyers, officials in charge of law enforcement and judges and magistrates, with a view to ensuring that the provisions of the Convention are known and are made use of in judicial processes.

54. Although the Committee notes with satisfaction the efforts made by the State party since 1994 to combat and eliminate violence against women, particularly domestic violence, it notes with concern that the problem has been viewed in the context of health, and is not recognized as a human rights violation and as grave discrimination against women. The Committee is also concerned that the Domestic Violence Act does not penalize domestic violence or rape in marriage, and that in applying it the courts do not employ uniform criteria, particularly with respect to the level of application of measures to protect the victims, while at the same time, the practice of holding conciliation meetings between the aggressors and the victims of family violence is promoted.

55. The Committee requests the State party to recognize that violence against women is a human rights violation and a serious form of discrimination against women, to promote the adoption and promulgation of the Act on the Criminalization of Violence against Women and the preparation of the requisite regulations and legal procedures for its better application. The Committee also requests the State party to strengthen programmes to combat violence against women, including training and awareness promotion for court officials and judges, and to encourage judges to reduce the utilization of conciliation between aggressors and victims and to ensure that the rights of women are duly protected in such conciliation meetings. The Committee also recommends to the State party that in carrying out the measures suggested above and in any others aimed at eliminating and penalizing violence against women, it should take into account the provisions of the Convention and of the Committee's General Recommendation 19.

56. The Committee takes note of the Government's efforts to combat sexual exploitation and forced prostitution through the promulgation of Act 7899 on the Sexual Exploitation of Minors and the establishment of the Special Prosecutor for Sexual Offences and of the Sexual Exploitation Unit in the

Ministry of Public Security. Nevertheless, the Committee notes with concern that at political and judicial decision-making levels, and in Costa Rican society at large, there does not appear to exist an awareness of the social and cultural implications of the offence of traffic in persons and sexual exploitation of women and girls.

57. The Committee requests the State party to strengthen actions aimed at combating traffic in persons and sexual exploitation of women and girls, and to encourage awareness in all sectors of Costa Rican society, particularly the judicial and public security authorities, educators and parents, with a view to the implementation of measures to prevent sexual exploitation of children, adolescents and adults. It is also recommended that vigorous measures be taken against traffic in women and girls, and that if necessary, the existing institutions responsible for dealing with this problem be remodelled, promoting the reinstatement of participation and cooperation by the non-governmental organizations concerned.

58. The Committee notes that the provisions of the Electoral Code establishing minimum 40 per cent quotas for women's participation have not been fully respected by political parties.

59. The Committee recommends that the State party redouble its efforts and strengthen legislative or procedural measures, as necessary, to ensure proper application of the legislation in force, and that it seek approval of the reforms to articles 5 and 6 of the Act Promoting the Social Equality of Women with the view to ensuring women's participation both in party structures and in elective posts, including the alternation of men and women in lists of candidates submitted for election by political parties. The Committee also recommends that the State party consider adopting temporary measures, in conformity with article 4.1 of the Convention, to promote the establishment of effective mechanisms designed to secure greater participation by women at the decision-making level in government bodies.

60. The Committee notes with concern that despite the measures taken aimed at changing stereotyped social concepts and the successes achieved, views and practices still exist, particularly in education, that promote segregation of women in higher education and, in general, discrimination against women throughout the educational system.

61. The Committee recommends to the State party that it continue to implement measures aimed at changing social stereotypes that encourage discrimination against women and impede their egalitarian performance in society.

62. The Committee notes with concern that although the Constitution guarantees the right to work and the principle of non-discrimination in the employment sphere, norms and practices still exist that discriminate against working women, and that there is a wage gap, to the disadvantage of women, which has greater impact in the private sector than in the civil service; it also notes with concern the precarious working and living conditions of women domestic workers, including migrant workers, as well as of salaried women workers, rural women, women in the informal sector and indigenous women.

63. The Committee requests the State party to continue promoting the approval of the reforms to the Labour Code contained in the draft Law on Gender Equity, and requests it to include in its next report

information on the results of activities aimed at neutralizing the negative effects of free-trade agreements on female employment and the quality of life of women, as indicated by the State party. The Committee also requests the State party to adopt the legislative, administrative or other measures needed to ensure that women domestic workers, including migrant workers, temporary wage earners, women in the informal sector and rural and indigenous women have access to social security and other employment benefits, including paid maternity leave.

64. The Committee notes with concern that some groups of women workers do not benefit from the application of the Act on Sexual Harassment in the Workplace and in Teaching, particularly in the private sector.

65. The Committee requests the State party to promote adequate regulations under the Act on Sexual Harassment in the Workplace and in Education in order to show that it is complied with without exception and duly implemented by the private sector.

66. The Committee notes with concern that the impact of poverty is greater among women and that the State does not apply the gender perspective in its national activities to combat poverty.

67. The Committee requests the State party to pay specific attention to households headed by women and to groups of women in a vulnerable situation, as well as to rural women, older women, indigenous women and disabled women, in drawing up and implementing programmes to combat poverty, and to seek to ensure their access to production resources, education and technical training.

68. The Committee notes with satisfaction the comprehensive health-care programmes for women and the progress achieved, as well as the establishment of the Inter-Institutional Commission on Sexual and Reproductive Health, the 1994 Reproductive and Sexual Health and Rights Counselling Services and the new comprehensive health-care model. Nevertheless, the Committee expresses its concern at the limited dissemination of women's comprehensive health-care rights and the absence of a national sexual education and family planning information and/or education programme to permit the creation of awareness among women and men of their rights and responsibilities in relation to the reproductive process. It is also concerned that, despite the steps taken and the adoption of the Adolescent Mothers' Protection Act, there is continued increase in teenage pregnancies and apparent lack of awareness among men, teenage or adult, of their responsibility as fathers.

69. The Committee requests the State party to strengthen its health-care programmes, including those for sexual and reproductive health, and to launch as soon as possible a national programme to provide women and men with timely and reliable information on the available contraceptive methods and those capable of allowing them to exercise their right of free and informed choice of the number and spacing of the children they wish to have, as well as to reinforce the measures for preventing sexually transmitted diseases and HIV/AIDS, including the availability of condoms. It also requests the State party to continue strengthening support programmes for pregnant teenagers and mothers and sex education programmes aimed at preventing pregnancies among the teenage population.

70. The Committee takes note of the interpretation given by the Constitutional Chamber of Costa Rica to the principle of equality and of the State party's view regarding the need to utilize the two concepts of equity and equality also in the legal sphere. Nevertheless, the Committee expresses its concern over the fact that the terms "equality" and "equity" appear to be used as synonyms in the State party's plans and programmes.

71. The Committee requests the State party to take note of the fact that in the context of implementation of the Convention the terms "equity" and "equality" are not interchangeable or synonymous and that the Convention includes the obligation of States to eliminate discrimination against women and ensure *de jure* and *de facto* equality of women and men.

72. The Committee requests the State party to deposit as soon as possible its instrument of acceptance of the amendment to paragraph 1 of article 20 of the Convention relating to Committee sessions.

73. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fifth periodic report, which was due in May 2003 and its sixth periodic report, due in May 2007, in a combined report in 2007.

74. Bearing in mind the gender-related aspects of the statements, programmes and action platforms approved by the United Nations at its relevant conferences, summit meetings and special sessions (such as the special session of the General Assembly on the overall review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session on children (the twenty-seventh special session), the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of the aspects of those documents relating to relevant articles of the Convention in its next periodic report.

75. The Committee requests that the present concluding comments be broadly disseminated in Costa Rica so that the Costa Rican people, and in particular senior government officials and politicians, will be aware of the measures taken in relation to the *de facto* and *de jure* equality of women, and of future measures required in this respect. It also requests the State party to continue giving broad dissemination, especially among women's and human rights organizations, to the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly entitled: "Women in the year 2000: gender equality, development and peace for the twenty-first century".