



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.
GENERAL

CAT/C/CRI/Q/2
26 February 2008

ENGLISH
Original: SPANISH

COMMITTEE AGAINST TORTURE
Fortieth session
28 April-18 May 2008

**List of issues to be considered during the examination of the
second periodic report of COSTA RICA (CAT/C/CRI/2)**

Article 2

1. Please indicate whether a national record is kept of information from domestic courts concerning cases of torture and ill-treatment that have occurred in the State party.
2. Please provide information on legislation and practice with regard to:
 - (a) When and by whom a detainee's personal details are recorded, who has access to the record and how long it takes to bring the detainee before a judge;
 - (b) What percentage of detainees have not been charged.
3. Please comment on measures taken to address the problems relating to the juvenile criminal justice system identified in the State party's initial report and on their impact.
4. Please comment on the infrastructure of the Detention Centre for Foreigners and the care provided in the Centre for victims of human trafficking offences. Please comment also on the lack of proper detention centres for migrants in border areas, particularly those entering from Nicaragua.
5. Please provide detailed information on the work of the team of interpreters handling aboriginal languages, the number of interpreters involved and the impact that the measures described in the State party's report have had in ensuring access to justice for indigenous communities.

Article 3

6. How does the State party ensure compliance with article 3, paragraph 1, of the Convention in cases of expulsion, return or extradition? Is there a procedure to assess the danger of the person being subjected to torture in the country to which he or she is returned? Please indicate whether immigration officials or authorities empowered to order refoulement receive training in the subject of political asylum and the requirements of article 3 of the Convention. Please indicate also whether free legal assistance and interpretation are available in practice to foreigners who appeal against a deportation decision.

7. Please provide information on the number of applications for asylum and refugee status that were rejected during the period 2002-2006, the procedure for determining the countries to which asylum-seekers were returned and the steps taken to ensure that they were not exposed to danger on their return.

8. Please indicate what stage has been reached in the planned amendment of the Migration Act that is currently in force. It has been reported that the body responsible for ruling on applications for refugee status is to be changed in the amended version of the Act, which establishes a Visa and Asylum Commission and stipulates that there shall be no appeal against that body's decisions. Please comment on the composition/qualifications envisaged for the Visa and Asylum Commission and indicate how the fact that its decisions are unappealable can be reconciled with the State party's obligations under article 3 of the Convention.

Article 4

9. Please state whether attempted torture is an offence in the State party.

10. The State party's report provides data in paragraphs 55 to 65 concerning complaints regarding cases of degrading treatment, abuse of authority and other violations. Please provide updated information on complaints regarding cases of torture, if any, of cruel, inhuman or degrading treatment, of complicity in or instigation of such acts, and of abuse of authority by law enforcement agencies and prison staff. If convictions were returned for such offences, what criminal and/or administrative penalties were imposed? Please provide information on such complaints, with a quantitative breakdown by offence, sex, age, and the ethnicity or minority group to which the complainants belong.

11. Paragraph 60 of the State party's report refers to a number of complaints against the police from transvestites and to the Office of the Ombudsman's recommendation to the Ministry of Public Security that it should instruct the National Police Academy to identify training needs. Please comment on the action taken on this recommendation and its impact.

Articles 6 and 7

12. Please indicate what measures have been taken by the State party to ensure that all detainees can communicate immediately with a lawyer of their choice, and that they have access to a doctor, a person of confidence and, in the case of foreigners, the representatives of their State of origin.

Article 10

13. Please provide more information on the follow-up action taken on the Committee's concluding observations regarding the training of police officers and prison personnel.
14. Please state whether all prison police officers are systematically issued with an explicit set of human rights instructions, dealing in particular with torture and inhuman, cruel and degrading treatment.
15. It has been reported that in late 2005 the Basic Police Training Course - the course that anyone interested in working as a police officer must attend and pass before being appointed - included a special course on human rights dealing, inter alia, with the prohibition of torture. Recently, however, there has been a reduction in the number of hours devoted to the Basic Police Training Course and the approach has been changed, with priority being given to the development of other tactical skills and with human rights training being confined to a single course for senior officers. Please explain how this apparent regression in human rights protection can be reconciled with the State party's obligations under article 10 of the Convention.
16. Please provide detailed information on the training that police forces receive regarding the obligation not to obey superior orders that would involve the commission of acts of torture.
17. What action does the State party take to assess the impact of training courses on the prevention of torture and other cruel, inhuman or degrading treatment, including all matters pertaining to the abuse of authority?
18. Please comment on whether the Istanbul Protocol is used in training medical staff to identify cases of torture.

Article 11

19. Please comment on the increase in the prison population mentioned in paragraph 135 of the State party's report. What steps have been taken to determine the reasons for the growth in the prison population? Please state the grounds for the low figures shown in paragraph 126 of the report for alternative penalties.
20. Please provide statistics, broken down by sex, age and nationality, for persons deprived of their liberty under different legal circumstances.
21. Please comment on the measures taken by the State party to address the issues raised by the Office of the Ombudsman with regard to the health of persons deprived of their liberty, as reflected in paragraphs 159 to 161 of the State party's report.
22. Please indicate what stage has been reached in the project entitled "Creation of an alternative centre specializing in comprehensive psychiatric care for mentally disordered persons in conflict with the law" (State party's report, para. 180, footnote 15).

23. According to the report of the Office of the Ombudsman for 2006-2007, “it is important to take into account the special circumstances of the Pococí and Limón Institutional Centres, which, owing to the increase in the prison population and existing demand, need to recruit full-time doctors; the measures that have been taken to date are inadequate”. It has been reported that the opening hours of clinics, emergency areas and the quasi-hospital area at Centro La Reforma fail to ensure 24 hour medical attention and that medical services are not available at weekends or on public holidays. Moreover, the administrative procedure for delivering medicines is reportedly unreliable and involves delays, especially at Centro La Reforma. Please comment.

24. The report of the Office of the Ombudsman for 2006-2007 refers to the rundown state of the F Wing (formerly the maximum security wing) of La Reforma Institutional Penal Centre. The report also expresses concern, like the Committee against Torture, about the current regime of 23 hours of confinement and 1 hour in the open air. Please comment.

25. It has been reported that, in the women’s prison, the maximum security wing is used to punish prisoners who have broken prison rules. Some complaints received by the Office of the Ombudsman refer to the indiscriminate use made of this area by the prison administration and security officials and the abusive imposition of such punishment in the case of offences for which it was unmerited. Please comment.

26. Please comment on the complaints received by the Office of the Ombudsman against the National Children’s Trust for allegedly placing children of women deprived of their liberty in different care centres from those indicated and for failing to keep them informed of their children’s circumstances in the centres concerned.

27. Please comment in particular on the situation as regards education and sport for children deprived of their liberty, including in the new Institutional Penal Centre for Young Adults. Please state whether cases of violence among the inmates have been recorded.

28. Please comment on the resources allocated to the Office of the Ombudsman for its work as a national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Articles 12 and 13

29. Please indicate how disciplinary proceedings for acts of torture or for cruel, inhuman or degrading acts are conducted and whether they run concurrently with criminal proceedings in respect of the same acts.

30. Please state whether the submission of a formal complaint by the alleged victim is required to initiate a criminal and/or administrative investigation into cases of torture or cruel treatment.

31. How does the State party ensure that victims and witnesses who report acts of torture or other cruel treatment are protected against reprisals or ill-treatment, especially where such complaints are filed by persons deprived of their liberty?

32. What steps has the State party taken to investigate and shed light on complaints of ill-treatment of children deprived of their liberty and, where appropriate, to punish the persons/officials concerned.

Article 14

33. Please indicate whether the right to compensation is linked to the acceptance of applications for *amparo* and habeas corpus. Please state whether a victim of torture or cruel, inhuman or degrading treatment can obtain compensation in a case where the perpetrator has been subjected to disciplinary or administrative but not criminal sanctions.

34. Please provide up-to-date statistical data on reparations awarded by domestic courts and granted in practice to victims of cruel, inhuman or degrading treatment and abuse of authority, including disaggregated figures by type of offence and convicted authority.

35. Please comment on the Committee's concern regarding the non-existence of State-run rehabilitation programmes for victims of torture and other cruel, inhuman or degrading treatment and indicate what steps have been taken to remedy the situation.

Article 15

36. Please indicate what stage has been reached in the plan to amend article 181 of the Code of Criminal Procedure which, as currently drafted, could be interpreted, according to some sources, as permitting evidence obtained through torture to be used in legal proceedings where it favours the defendant.

Article 16

37. What measures has the State party taken to facilitate the filing of complaints concerning acts of violence against women and children, especially those affecting persons deprived of their liberty?

38. Please comment on initiatives/measures taken to prohibit corporal punishment in domestic law.

39. Please comment on measures taken by the State party to eradicate trafficking in children for the purposes of sexual and labour exploitation.

Other matters

40. Is there legislation in the State party prohibiting the production of and trade in equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment? If so, please provide information about its content and implementation. If not, please indicate whether such legislation is being contemplated.

41. Please report on any legislative, administrative or other measures that have been adopted to combat terrorism. Please indicate also whether these measures have adversely affected any legal and practical human rights guarantees.

42. Please indicate what measures the State party has taken to include the gender perspective in legislation prohibiting torture. Indicate also specific measures taken to prevent acts of sexual violence. Please provide statistics on the number of investigations conducted and on their findings.

43. Please indicate whether the Criminal Code defines an offence applicable to public officials who fail to report acts of torture that have come to their knowledge in the discharge of their duties.
