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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
27 November - 1 December 2006

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of
the second to fourth periodic reports of Costa Rica concerning
the rights covered by articles 1 to 15 of the International Covenant
on Economic, Social and Cultural Rights (E/C.12/CRI/4)**

**I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS
IMPLEMENTED**

1. Please provide additional and updated information on the measures – legislative or otherwise – that the State party has adopted to implement the suggestions and recommendations contained in the Committee’s Concluding Observations on Costa Rica’s previous periodic report.
2. In view of the fact that Article 7 of the State party’s Constitution accords the Covenant a higher priority and precedence over domestic legislation, please provide examples of case law invoking the Covenant.
3. Please indicate to what extent the Covenant is incorporated in the State party’s economic policies and practices on economic development and to what extent the Covenant is taken into consideration in the State party’s bilateral and multilateral trade policies.
4. Please provide information on initiatives taken by the State party in accordance with the resolution of the Office of the National Control of Propaganda to combat discrimination against minority races and ethnic groups, and in particular, against black women.

5. Please indicate whether the State party intends to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2(2): Non-discrimination

6. Please provide information on the living and working conditions of immigrants, most of whom are from Nicaragua and Colombia, and indicate the current status of the new law on migration, including information on the reforms proposed in this law.
7. Please provide detailed information about practical measures undertaken to combat the salary discrepancies between men and women which continue to persist.
8. In view of the measures undertaken by the State party to promote women's rights, including the enactment of relevant legislation, please describe difficulties or obstacles encountered in the efforts aimed at achieving gender equality, if any.

III. ISSUES RELATING TO THE SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6: The right to work

9. According to the UN Development Programme (UNDP), the informal economy in Costa Rica has increased by 30% between 1997 and 2005. Please indicate the possible causes of this phenomenon and the measures undertaken to address the situation.

Article 7: The right to just and favourable conditions of work

10. Please provide information on the working conditions in the agricultural sector and indicate what effective measures have been undertaken by the State party to improve the precarious working conditions in these sectors, including for migrant workers. Please also indicate whether labour inspections are regularly carried out in these sectors.
11. Please provide detailed information on the level of protection provided to workers against dismissal for union activities in the State party. Please comment on the reported dismissals of unionised workers in the banana industry and alleged harassment of unionised workers in Export Processing Zones.
12. Please indicate what measures have been taken by the State party to implement the Committee's previous recommendations regarding the incompatibility of restrictions placed on the participation of foreigners in trade unions with article 8 of the Covenant.

Article 9: The right to social security

13. Please provide updated information on the extent to which the social security system in the State party covers marginalised and disadvantaged individuals and groups, including migrants and agricultural and domestic workers.
14. What measures has the State party taken to provide access to the social security system, including social assistance, to refugees and asylum seekers, particularly to those that have no or little financial resources and are thus unable to contribute to the social security system, and to the public health care services beyond emergency medical attention.
15. Please indicate why the State party has not yet ratified the Social Security (Minimum Standards) Convention (No.102), the Maternity Protection Convention (No.103), the Social Policy (Basic Aims and Standards) Convention (No. 117), the Equality of Treatment (Social Security) Convention (No.118) of the International Labour Organization (ILO).

Article 10: Protection of the family, mothers and children

16. According to the Multi-Purpose Household Survey of 2002, 127,077 children were working under precarious conditions and 30% of them were girls. More than 40% were under 15 years of age, i.e. had not yet reached the legal minimum age for employment (paras. 460-463 of the State party's report). Please indicate what measures have been undertaken to combat child labour and provide information about results achieved since 2002.
17. Please indicate whether the State party intends to adopt legislative measures and monitoring mechanisms to protect women and children, including street children, from sexual exploitation, particularly in the light of growing sex tourism in Costa Rica. Please also provide disaggregated data on street children, on an annual basis.
18. Please indicate to what extent women workers benefit from the application of the Act on Sexual Harassment in the Workplace and in Teaching.
19. According to information received in 2002, 70,128 cases of domestic violence have been reported. Please describe the measures taken address this problem and provide updated data on the number of victims, perpetrators, convictions, and the types of sanctions imposed.

Article 11: The right to an adequate standard of living

20. Please indicate what measures the State party has taken regarding the precarious conditions of housing, in particular for Nicaraguan families, and whether forced evictions, if and when carried out, are in accordance with the Committee's General Comments 4 and 7. Please provide any case law relating to forced evictions.

Article 12: The right to physical and mental health

21. Please provide detailed information regarding the reportedly high rates of teenage pregnancies, and on the measures taken by the State party, including evaluation and information campaigns on sexual and reproductive health.
22. According to information received, there have been cases of mismanagement, embezzlement and misappropriation of funds provided by foreign donors in the Costa Rican Social Security Fund (CCSS), the service that administers the public health infrastructure and operates health insurance and pension funds. Please provide information regarding internal controls of the CCSS.
23. The Committee has been informed that 75% of air pollution in the State party is caused by smoke emissions from vehicles. Please indicate what measures the State party is undertaking to address this problem.

Articles 13 and 14: The right to education

24. Please provide detailed information on measures undertaken to increase enrolment and attendance rates in primary and secondary schools, reducing the high drop-out rate of students, in particular in rural areas, and to address the lack of school infrastructure in these areas. Please provide disaggregated data on the school drop-out rates on an annual basis.
25. Please provide information on the State party's efforts to improve the quality of education for indigenous peoples, in particular by providing teaching and learning materials.
26. What measures is the State party undertaking to improve access to the supply of water for indigenous peoples?
27. According to information received, the total expenditure on education has decreased between 2001 and 2004. What has happened since then, and what measures has the State party undertaken to address this issue?

Article 15: Cultural rights

28. Please indicate why the State party has not yet ratified the Indigenous and Tribal Peoples Convention (No.169) of the International Labour Organization (ILO).
