

(Translated from Spanish)

COMMITTEE ON THE RIGHTS OF THE CHILD

**WRITTEN REPLIES BY THE GOVERNMENT OF COSTA RICA
CONCERNING THE LIST OF ISSUES (CRC/C/Q/CRI/3)
RECEIVED BY THE COMMITTEE ON THE RIGHTS OF THE
CHILD RELATING TO THE CONSIDERATION OF THE THIRD
PERIODIC REPORT OF COSTA RICA (CRC/C/125/ADD.4)**

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IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

Part I

Under this section the State party is requested to submit in written form additional and updated information, if possible, before 6 April 2005.

A. Data and statistics, if available

1. Please provide disaggregated statistical data (by sex, age, indigenous and ethnic groups, urban and rural areas) covering the years 2002, 2003 and 2004 on the:

(a) Number and proportion of children under 18 living in the State party

Years	2001	2002	2003
(percentages)			
Children under 10	9.8	9.6	9.4
Between 5 and 12	16.9	16.5	16.0
Between 13 and 17	10.6	10.6	10.5
Between 18 and 24			
Total population	4 008 265	4 089 609	4 169 730

Source: State of the Nation Programme. Tenth State of the Nation Report on Sustainable Human Development, 2004.

(b) Number and proportion of children belonging to indigenous, ethnic groups, refugees and migrants

Province, ethnic origin and sex	Total	Age		
		Under 5	Between 5 and 14	Between 15 and 24
COSTA RICA	3 810 179	376 584	840 223	734 791
Indigenous	63 876	9 186	16 863	12 950
Afro-Costa Rican or Black	72 784	7 521	16 482	14 147
Chinese	7 873	450	1 090	1 395
Other	3 568 471	348 496	782 929	687 395
Unknown	97 175	10 931	22 859	18 904

Province, ethnic origin and sex	Total	Age		
		Under 5	Between 5 and 14	Between 15 and 24
Men	1 902 614	192 287	429 910	370 240
Indigenous	32 880	4 651	8 751	6 572
Afro-Costa Rican or Black	36 478	3 766	8 377	7 021
Chinese	4 089	221	561	691
Other	1 780 886	178 131	400 450	346 396
Unknown	48 281	5 518	11 771	9 560
Women	1 907 565	184 297	410 313	364 551
Indigenous	30 996	4 535	8 112	6 378
Afro-Costa Rican or Black	36 306	3 755	8 105	7 126
Chinese	3 784	229	529	704
Other	1 787 585	170 365	382 479	340 999
Unknown	48 894	5 413	11 088	9 344
SAN JOSE	1 345 750	122 090	276 118	262 841
Indigenous	9 220	884	1 844	2 028
Afro-Costa Rican or Black	10 409	854	1 730	2 212
Chinese	4 359	211	554	831
Other	1 284 951	116 225	263 623	250 474
Unknown	36 811	3 916	8 367	7 296
Men	656 205	62 215	140 660	131 404
Indigenous	4 506	452	946	1 003
Afro-Costa Rican or Black	5 170	433	882	1 137
Chinese	2 173	100	271	396
Other	626 662	59 258	134 251	125 202
Unknown	17 694	1 972	4 310	3 666
Women	689 545	59 875	135 458	131 437
Indigenous	4 714	432	898	1 025
Afro-Costa Rican or Black	5 239	421	848	1 075
Chinese	2 186	111	283	435
Other	658 289	56 967	129 372	125 272
Unknown	19 117	1 944	4 057	3 630
ALAJUELA	716 286	72 267	162 290	136 961
Indigenous	3 469	364	907	787
Afro-Costa Rican or Black	2 191	171	423	501
Chinese	583	45	107	102
Other	690 640	69 574	156 367	131 879
Unknown	19 403	2 113	4 486	3 692

Province, ethnic origin and sex	Total	Age		
		Under 5	Between 5 and 14	Between 15 and 24
Men	361 562	36 894	83 472	69 334
Indigenous	1 793	185	507	390
Afro-Costa Rican or Black	1 149	79	203	285
Chinese	299	21	58	50
Other	347 970	35 514	80 348	66 666
Unknown	10 351	1 095	2 356	1 943
Women	354 724	35 373	78 818	67 627
Indigenous	1 676	179	400	397
Afro-Costa Rican or Black	1 042	92	220	216
Chinese	284	24	49	52
Other	342 670	34 060	76 019	65 213
Unknown	9 052	1 018	2 130	1 749
CARTAGO	432 395	42 008	97 422	82 766
Indigenous	4 261	729	1 282	847
Afro-Costa Rican or Black	1 596	141	287	282
Chinese	325	20	40	58
Other	417 862	40 156	93 763	79 926
Unknown	8 351	962	2 050	1 653
Men	216 357	21 403	50 069	41 760
Indigenous	2 142	344	673	434
Afro-Costa Rican or Black	874	75	160	149
Chinese	181	10	23	33
Other	209 081	20 515	48 169	40 320
Unknown	4 079	459	1 044	824
Women	216 038	20 605	47 353	41 006
Indigenous	2 119	385	609	413
Afro-Costa Rican or Black	722	66	127	133
Chinese	144	10	17	25
Other	208 781	19 641	45 594	39 606
Unknown	4 272	503	1 006	829
HEREDIA	354 732	32 955	73 110	69 406
Indigenous	2 213	226	482	486
Afro-Costa Rican or Black	2 184	184	403	456
Chinese	607	41	86	111
Other	340 357	31 515	70 117	66 457
Unknown	9 371	989	2 022	1 896

Province, ethnic origin and sex	Total	Age		
		Under 5	Between 5 and 14	Between 15 and 24
Men	176 307	16 913	37 434	34 935
Indigenous	1 218	121	236	276
Afro-Costa Rican or Black	1 103	84	205	238
Chinese	306	21	49	55
Other	169 130	16 174	35 951	33 424
Unknown	4 550	513	993	942
Women	178 425	16 042	35 676	34 471
Indigenous	995	105	246	210
Afro-Costa Rican or Black	1 081	100	198	218
Chinese	301	20	37	56
Other	171 227	15 341	34 166	33 033
Unknown	4 821	476	1 029	954
GUANACASTE	264 238	26 376	60 989	49 716
Indigenous	4 663	458	1 107	863
Afro-Costa Rican or Black	992	100	236	172
Chinese	560	27	69	80
Other	249 845	24 907	57 634	47 047
Unknown	8 178	884	1 943	1 554
Men	133 327	13 506	30 982	25 339
Indigenous	2 413	231	605	452
Afro-Costa Rican or Black	510	55	111	105
Chinese	299	14	29	42
Other	126 055	12 771	29 236	23 950
Unknown	4 050	435	1 001	790
Women	130 911	12 870	30 007	24 377
Indigenous	2 250	227	502	411
Afro-Costa Rican or Black	482	45	125	67
Chinese	261	13	40	38
Other	123 790	12 136	28 398	23 097
Unknown	4 128	449	942	764
PUNTARENAS	357 483	39 831	85 539	67 923
Indigenous	15 034	2 494	4 254	3 011
Afro-Costa Rican or Black	1 281	117	237	224
Chinese	562	37	89	87
Other	330 743	35 975	78 404	62 743
Unknown	9 863	1 208	2 555	1 858

Province, ethnic origin and sex	Total	Age		
		Under 5	Between 5 and 14	Between 15 and 24
Men	183 458	20 338	43 830	34 631
Indigenous	7 800	1 271	2 191	1 551
Afro-Costa Rican or Black	704	60	139	120
Chinese	323	19	51	45
Other	169 647	18 367	40 131	31 957
Unknown	4 984	621	1 318	958
Women	174 025	19 493	41 709	33 292
Indigenous	7 234	1 223	2 063	1 460
Afro-Costa Rican or Black	577	57	98	104
Chinese	239	18	38	42
Other	161 096	17 608	38 273	30 786
Unknown	4 879	587	1 237	900
LIMON	339 295	41 057	84 755	65 178
Indigenous	25 016	4 031	6 987	4 928
Afro-Costa Rican or Black	54 131	5 954	13 166	10 300
Chinese	877	69	145	126
Other	254 073	30 144	63 021	48 869
Unknown	5 198	859	1 436	955
Men	175 398	21 018	43 463	32 837
Indigenous	13 008	2 047	3 593	2 466
Afro-Costa Rican or Black	26 968	2 980	6 677	4 987
Chinese	508	36	80	70
Other	132 341	15 532	32 364	24 877
Unknown	2 573	423	749	437
Women	163 897	20 039	41 292	32 341
Indigenous	12 008	1 984	3 394	2 462
Afro-Costa Rican or Black	27 163	2 974	6 489	5 313
Chinese	369	33	65	56
Other	121 732	14 612	30 657	23 992
Unknown	2 625	436	687	518

Source: INEC - see <http://www.inec.go.cr/>

2. In light of article 4 of the Convention, please provide additional disaggregated data for the years 2003, 2004 and 2005, on budget allocations and trends (in absolute figures and in percentages of the national and regional budgets or GDP) allocated to the implementation of the Convention, evaluating also the priorities for budgetary expenditures given to the following:

(a) Education (different types of education, i.e. pre-school, primary and secondary education)

Investment in pre-school, primary and secondary education in Costa Rica is through the budget allocated to the Ministry of Public Education, which is responsible for investing in schools and colleges. Investment in primary education in 2002 was 101,636.2 million colones, which was increased to C 123,658.4 million in 2003. A budget of C 139,932.9 million was allocated for 2004.

In 2002, C 68,367.4 million were invested in secondary education, in 2003, C 80,301.9 million and in 2004, the investment amounted to C 94,588.4 million. Those figures include investment in academic and technical studies. It can be seen that investment in education has increased each year. This does not include private investment.

Table 1

Ministry of Public Education

Cost per student in regular education, 2002-2004

Level	Enrolment*			Expenditure (in millions of colones)			Cost per student (in colones)		
	2002	2003	2004	2002	2003	2004	2002	2003	2004
Primary	504 050.00	500 663.00	491 942.00	101 636.20	123 658.40	139 932.90	201 639.10	246 989.20	284 449.90
Secondary	233 955.00	245 608.00	257 203.00	68 367.40	80 301.90	94 588.40	292 224.50	326 951.40	367 757.70
Academic	181 165.00	189 893.00	200 018.00	46 497.30	55 183.60	65 391.00	256 657.10	290 603.60	326 925.50
Technical	52 790.00	55 715.00	57 185.00	21 870.10	25 118.30	29 167.40	414 284.90	450 835.50	510 577.90

Source: Ministry of Public Education. Educational Planning Division, February 2005.

* Refers to enrolment in the public and semi-public sectors.

Investment by the Ministry of Public Education for the indigenous population in 2004

Total investment in 2004: C 186,301,502.

Student scholarships	No. of scholarships paid: 315
School voucher	No. of vouchers distributed: 2 189 Amount invested: 28 457 000
Pre-school education	No. of students: 966 Amount invested: 77 259 540
Primary education	No. of students: 7 961 Amount invested: 850 984 698
Secondary education	No. of students: 773 Amount invested: 80 584 962

During the period 2003-2004, the education service for indigenous communities was expanded:

- 22 new pre-school education centres were opened;
- 22 new primary education centres were opened;
- 6 new secondary education centres were opened;
- The availability of indigenous language and cultural programmes was increased.

Source: Report, October 2004. Office of the President of the Republic.

(b) Health care (different types of health services, i.e. primary health care, vaccination programmes, adolescent health care and other health-care services for children)

The Ministry of Public Health, as the highest body in health matters, and the Costa Rican Social Security Fund (CCSS) are largely responsible for health programmes. This includes the budget allocated to the National Children's Hospital, whose purpose is to provide all types of specialist care for children in the country, and the estimated operating costs of the Comprehensive Adolescent Care Programme (PAIA) amounting to approximately C 50,000,000. These three institutions invest in a variety of prevention and care programmes intended to cater for the needs of children, young people and their families, etc. Each year the State increases the funds in the section of the health budget for family care.

Table 2
Budgetary funds allocated
Costa Rican Social Security Fund - Ministry of Health-National
Children's Hospital, 2000-2005

Year	2000	2001	2002	2003	*2004	**2005
Costa Rican Social Security Fund (in millions of colones)	N/A	N/A	329 678.50	376 263.40	306 432.70	452 251.40
Ministry of Health (in millions of colones)	19 935.20	22 671.60	27 441.50	30 695.20	N/A	N/A
National Children's Hospital (in billions of colones)				12 477.38		

Source: Costa Rican Social Security Fund: Budget performance reports (<http://www.info.ccss.sa.cr/>).

Source: Annual Reports of the Office of the Comptroller General of the Republic, 2000-2003.

* As at September 2004.

** Budget estimates.

(c) Programmes and services for children with disabilities

The National Council on Rehabilitation and Special Education (CNREE) is the principal governing body on disability matters. All its programmes and activities are aimed at promoting policies and enforcing compliance with legislation by institutions. It also runs some care programmes for adults and minors with disabilities..

The budget allocated to the institution for its programmes in 2004 was C 376,000,000. During the same period grants for persons with disabilities amounting to C 154,728,938 were processed, and between February and March 2005 aid amounting to C 63,446,040 was granted. The recently adopted Act No. 7600 contains a range of rules that will help to promote the enforceability of rights on equal conditions for all persons with disabilities. It obliges all State institutions, according to their functions, programmes and projects, to encourage the equitable participation of disabled and non-disabled persons. This does not include investment by the Ministry of Public Education in various programmes for the disabled population.

(d) Support programmes for families and social services for family reinsertion

In Costa Rica there is a wide range of institutions intended to provide protection and support to families through various programmes, in keeping with the type of institution concerned. They include the National Children's Trust (PANI), whose purposes include that of providing care and protection and guaranteeing the effective realization of the rights of children and young people. For that reason the funds allocated to its programmes, mainly programmes 02 (Prevention and Promotion) and 03 (Care and Protection), are channelled into this activity.

Table 3
Budgetary funds allocated (colones)
National Children's Trust, 2002-2005

Programmes/Year	2002	2003	2004	2005
*Programme 02 Promotion and Prevention		305 380 000.00	363 240 000.00	375 732 640.00
Programme 03 Care and Special Protection (Safeguarding and Restoration of Rights)	5 336 277 294.00	6 936 384 351.00	6 087 584 046.00	5 696 340 860.00
Total	5 336 277 294.00	7 241 764 351.00	6 450 824 046.00	6 072 073 500.00

Source: Budget Control 2005.

* Constituted as a programme as of 2003.

Similarly, the Joint Social Assistance Institute is responsible for alleviating poverty in Costa Rica. It invests resources in taking care of the most disadvantaged families through various programmes. During 2004, the Institute scheduled investment of C 4,036,600,000.00 in the area of children and adolescents alone.

Table 4
Budgetary funds allocated to the Joint Social Assistance Institute and percentage of resources used, 2000-2004

Year	Budget	Actual expenditure	Percentage of resources used
2000	21 357 167.00	15 854 599.00	*74.2
2001	21 462 166.00	13 995 151.00	**65.2
2002	14 848 711.00	12 262 292.00	82.6
2003	17 986 987.00	14 874 110.00	82.7
2004	21 239 878.00	18 924 461.00	89.1
Total	96 894 909.00	75 910 613.00	

Source: Joint Social Assistance Institute. Budget area.

* Does not include the sum of C 3,951,771.0 by way of outstanding commitments to be implemented the following year.

** Does not include the sum of C 1,583,817.5 by way of outstanding commitments to be implemented the following year.

The National Women's Institute is an institution that protects women's rights by promoting programmes and projects aimed at preventing domestic violence and guaranteeing gender equality. The resources allocated to this institution in 2004 for matters relating to children and young people amounted to C 64,032,081.00. The 2002 budget for the activities of the institution as a whole to protect women's rights was C 847,769,847; in 2003 its budget was increased to C 1,179,559,476.87.

Table 5
Budgetary funds allocated to the Joint Social Assistance Institute and the National Women's Institute for the care of children and adolescents, 2004 (colones)

Joint Social Assistance Institute	4 036 600 000.00
National Women's Institute	64 032 081.00

Source: Reports submitted to the Secretariat of the National Council on Children and Adolescents.

(e) Support for children living below the poverty line

The Joint Social Assistance Institute runs various programmes for children and young people, in particular those from families that are the most vulnerable to poverty. In 2001, approximately C 2,151,295,900 was earmarked for the Institute; in 2002, funds of C 3,043,516,712 were made available. In 2003, the Institute had a budget of C 1,934,619,200 for its children's programmes, and for 2004 funds of approximately C 2,383,167,100 were allocated. Details are given in the table below.

Table 8
Joint Social Assistance Institute
Funds made available for programmes for children
and young people (colones)

Component	Years			
	2001	2002	2003	2004
Child and youth development options	34 530 200.00			
Care facilities for children and young people (including community and other homes)		1 478 500 000.00	731 650 300.00	813 714 100.00
Building Opportunities	483 824 900.00	560 000 000.00	280 068 900.00	316 548 000.00
We can do better	734 782 000.00	970 000 000.00	839 610 000.00	
Community and other homes	888 849 200.00			
Cases referred by PANI	2 309 600.00			
Domestic violence	7 000 000.00			
Development of social capital		35 016 712.00		
Professional services for children			10 800 000.00	
Professional services for Building Opportunities			72 490 000.00	
Access to education (We can do better)				1 252 905 000.00
Total	2 151 295 900.00	3 043 516 712.00	1 934 619 200.00	2 383 167 100.00

(f) Protection of children who are in need of alternative care, including the support of care institutions

Children who come from homes with low or very low incomes benefit from various care, education, nutrition and recreation services through institutions such as the National Children's Trust, with its childcare assistance day-care centres and canteens, through the Joint Social

Assistance Institute, which promotes and subsidizes “community homes”, and through the Ministry of Public Health, inter alia, with its comprehensive childcare centres (CEN-CINAI). Table 6 shows investment by the National Children’s Trust during the years indicated in day-care centres and canteens, as well as resources used to run the Joint Social Assistance Institute community homes programme.

Table 6

Budget

National Children’s Trust

**Aid to children and young people in care facilities
and community homes, 2002-2005 (colones)**

Year	2001	2002	2003	2004	*2005
Direct payments to persons (610)		308 000 000.00	427 000 000.00	426 122 000.00	490 040 000.00
Payments to NGOs (637)		1 577 773 000.00	1 699 988 600.00	1 447 938 300.00	1 143 490 000.00
Community and other homes	888 849 200.00	1 478 500 000.00	731 650 300.00	813 714 100.00	
Total	888 849 200.00	3 364 273 000.00	2 858 638 900.00	2 687 774 400.00	1 633 530 000.00

Source: Budget performance reports 2002-2003-2004.

Source: Joint Social Assistance Institute. Type of Care - Children and Adolescents.

**Note:* The estimated figures for 2005 are taken from the 2005 Annual Operational Plan (PAO).

(g) Central authority on intercountry adoption

The central authority on intercountry adoption is the National Children’s Trust. The institution comprises the Adoption Bureau, which is jointly responsible with the National Adoption Council for the final placement of children and young people with national or foreign adoptive families. The psychological, social and legal aspects of adoption are handled by different local bureaux under the Special Care and Protection Programme, which also deals with other matters relating to the minor population. The funds made available for this activity totalled C 5,336,277,294 in 2002, C 6,936,384,351 in 2003, and C 6,087,584,046 in 2004, and C 5,696,340,860 has initially been earmarked for 2005 from the total budget for PANI.

(h) Programmes and activities for the prevention of and protection from child abuse, child sexual exploitation and child labour

The National Children's Trust is the institution responsible for preventing ill-treatment, caring for and protecting children and young people in Costa Rica and guaranteeing their rights in cooperation with other State institutions, pursuant to article 55 of the Constitution. To that end it runs programmes and activities in the area of prevention and assistance so as to alleviate problems of violence and sexual exploitation affecting children, under the National Plan to combat commercial sexual exploitation, in which various institutions are involved including the Costa Rican Social Security Fund, the Ministry of Public Education, the Ministry of Public Security and the Costa Rican Institute of Tourism, which together form a commission called CONACOES (National Commission to Combat the Commercial and Sexual Exploitation of Children and Adolescents in Costa Rica), chaired by PANI, in the person of the Minister for Children and Adolescents. It also liaises closely with the Ministry of Labour and Social Security and other institutions under the Second National Plan for the elimination of child labour and the regulation of work by young people. The funds allocated to the National Children's Trust to implement its programmes are as follows.

Table 7

Budgetary funds allocated

National Children's Trust, 2002-2005 (colones)

Programmes/Year	2002	2003	2004	2005
Main activities	2 192 339 241.00	2 354 260 160.00	2 328 646 953.00	2 461 539 000.00
*Promotion and prevention	0.00	305 380 000.00	363 240 000.00	375 732 640.00
Care and Special Protection (Safeguarding and Restoration of Rights)	5 336 277 294.00	6 936 384 351.00	6 087 584 046.00	5 696 340 860.00
Total	7 528 616 535.00	9 596 024 511.00	8 779 470 999.00	8 533 612 500.00

Source: Budget Control 2005.

* Constituted as a programme as of 2003.

(i) Programmes and services for street children and abandoned children

The National Children’s Trust is also responsible along with other State institutions for specific action targeted at street children and young people and for providing assistance to abandoned children and young people. It also has various protection facilities available as and when necessary, including hostels, private “little homes” (*hogarcitos*), facilities run by NGOs, and arrangements such as placements in families for protection and care. All the resources received by the Trust are channelled directly to deal with situations where the law has been violated.

Table 7

Budgetary funds allocated

National Children’s Trust, 2002-2005 (colones)

Programmes/Year	2002	2003	2004	2005
Main activities	2 192 339 241.00	2 354 260 160.00	2 328 646 953.00	2 461 539 000.00
*Promotion and prevention	0.00	305 380 000.00	363 240 000.00	375 732 640.00
Care and Special Protection (Safeguarding and Restoration of Rights)	5 336 277 294.00	6 936 384 351.00	6 087 584 046.00	5 696 340 860.00
Total	7 528 616 535.00	9 596 024 511.00	8 779 470 999.00	8 533 612 500.00

Source: Budget Control 2005.

* Constituted as a programme as of 2003.

(j) Juvenile justice and alternative measures to deprivation of liberty

In Costa Rica it is the juvenile criminal courts and the Ministry of Justice through the Social Rehabilitation Directorate that imparts and administers justice to minors when they break the law. In the case of the Social Rehabilitation Directorate this is done through the National Directorate for the Prevention of Violence, which runs programmes and services designed to provide care for both men and women deprived of their liberty as well as for persons on whom the courts have imposed alternative measures. During 2004, approximately C 81,944.615 was allocated, in addition to other resources allocated within the Department and the Ministry for the care of adolescents subject to juvenile criminal law.

Please also indicate the expenses of the private sector, in particular for health and education.

Since there is no information available, steps are being taken to obtain it.

3. With reference to children deprived of a family environment and separated from parents, please provide disaggregated data (by sex, age, indigenous and ethnic groups, urban and rural areas) for the years 2002, 2003 and 2004 on the number of children:

Separated from their parents due to immigration for economic reasons

It is important to remember that protection is provided in shelter and care facilities only under the following three circumstances:

- For minors who are undergoing investigation and/or treatment following a direct violation of their physical, emotional and/or psychological integrity;
- For minors who are receiving special treatment for a special condition, such as drug addiction, sexual abuse or behavioural problems;
- For minors who are there specifically for training that enhances their level of education and technical skills, which is the case of the City of Children. As of 2003, it has had the facilities to provide this service for 300 young persons. It should be noted that the tables refer only to the population benefiting from assistance. However, facilities to cater for 300 young persons are available.

It must also be remembered that “economic condition per se” is not a reason for separation. In such cases other support services are offered by the State, including two types of day-care centres:

Nutrition centres and comprehensive day-care centres:

Year	Number of centres
2003	3 422
2004	3 770
2005 (March)	2 583

Separated from their parents due to other reasons

The information provided does not refer to the number of minors, but instead to cases, since one child or young person may be separated for more than one of the following reasons:

Cases registered according to reason for stay

Reason for placement in care	2003	2004	2005*
Building Life Project	45	114	73
Court order (*)	254	237	219
Pregnancy	17	17	5
Illness	22	22	20
No information	430	380	252
Large family	14	14	17
Mother	39	33	12
Working mother	33	23	16
Not applicable	86	128	77
Orphan	16	13	12
Recovery from addiction	346	437	167
Works with family	100	133	105
Administrative decision (*)	391	378	272
Total number of reasons	1 793	1 929	1 312

* As at March 2005.

Some general remarks

(*) It should be noted that although administrative decisions and court orders have been included in this category, they are not the real reasons for placement in care; what is meant is that the problems behind the placement resulted in judicial proceedings.

A. Cases recorded by cause of departure: those that have been recorded according to NGO reports

Reason for placement in care	2003	2004	2005*
Intercountry adoption	21	3	0
Domestic adoption	44	20	6
Bereavement	5	2	0
Age	75	57	14
Unauthorized departure	72	26	6
Lack of information	978	1 290	1 086
Placement in foster home	9	9	6
Not applicable	181	126	87
Return to family	276	189	19
Transfer	100	91	34
Voluntary	193	243	70
Total number of reasons	1 954	2 056	1 328

* As at March 2005.

The reasons highlighted in **bold** are the cases recorded of minors adopted domestically or through intercountry adoption procedures. There is no information at this stage on whether the adoption has taken place as a result of agreement between biological and adoptive parents, on the recipient countries in the case of intercountry adoptions, or on the type of adoption.

Placed in institutions

Type	2002	2003	2004	2005*
Temporary NGO shelters	2 774	1 945	1 928	1 303

Source of data: Alternative Care Facilities Information System (SIAP).

Note: Figure takes into account arrivals and departures (reflects movements during the year).

* As at March 2005.

Placed with foster families

Type	2002	2003	2004	2005*
Minors in foster homes	No data	1 701	1 727	1 518
Foster families	No data	934	924	845

Source of data: Alternative Care Facilities Information System (SIAP).

Adopted domestically or through intercountry adoption, including those adopted through agreement between biological and adoptive parents; the recipient countries of intercountry adoptions and the number of intercountry adoptions

Minors adopted domestically through PANI, by age and sex, 2000-2004

Year	Total number of children	Age (years)	Number	Sex
2000	42	5	17	25 boys 17 girls
		6	8	
		7	5	
		8	4	
		9	2	
		10	1	
		11	3	
		13	1	
2001	45	14	1	
		Under 1	7	23 boys 22 girls
		1	6	
		2	3	
		3	9	
		4	10	
		5	4	
		7	2	
8	2			
2002	56	11	1	
		12	1	
		Under 1	7	27 boys 29 girls
		1	14	
		2	11	
		3	9	
		4	5	
		5	5	
6	2			
7	1			
2003	32	10	1	
		11	1	
		Under 1	7	16 boys 16 girls
		1	14	
		2	4	
		3	1	
		4	2	
		5	1	
8	1			
9	1			
2004	27	11	1	18 girls 9 boys
		Under 1	1	
		1	11	
		2	6	
		3	4	
		4	3	
		6	1	
7	1			

Source: Adoption Bureau, National Children's Trust.

Minors adopted internationally through PANI, by age and sex, 2000-2004

Year	Total number of children	Recipient countries/number of children per country	Age (years)	Number	Sex
2000	27	Netherlands (3) Spain (16) United States of America (4) Italy (1) France (3)	7	1	11 boys
			8	2	
			9	2	
			10	5	16 girls
			11	5	
			12	3	
			13	1	
			14	3	
			15	4	
2001	16	Spain (13) France (3)	11	2	6 boys
			10	3	10 girls
			9	1	
			8	3	
			7	3	
			6	1	
			5	1	
			4	1	
			1	1	
2002	14	Spain (11) United States of America (1) Italy (2)	5	2	4 boys
			6	4	10 girls
			7	2	
			8	2	
			9	2	
			10	1	
			12	1	
2003	26	Spain (17) United States of America (7) Italy (2)	13	2	8 boys
			12	1	18 girls
			11	1	
			10	1	
			9	2	
			8	3	
			7	8	
			6	3	
			5	2	
			4	1	
			2	1	
1	1				
2004	5	Spain (5)	7	1	3 boys
			5	1	2 girls
			6	1	
			2	1	
			8	1	

Source: Adoption Bureau, National Children's Trust.

**Private adoption procedures arranged by direct contact
by age and sex, 2000-2004**

Year	Total number of children	Recipient countries/number of children per country	Sex
2000	11	Spain (6) United States of America (5)	6 girls 5 boys
2001	3	United States of America (3)	2 girls 1 boy
2002	8	Spain (2) Dominican Republic (1) United States of America (5)	5 girls 3 boys
2003	6	United States of America (6)	4 boys 2 girls
2004	2	United States of America (2)	2 girls

Source: Adoption Bureau, National Children’s Trust.

Age of minors who have been involved in direct intercountry adoption

procedures: With regard to the age of minors adopted by persons residing abroad through private, direct adoption procedures, it must be made clear that since it was only in 2004 that intercountry adoption procedures were dealt with centrally by the first circuit juvenile court of San José, in the past there were problems with obtaining specific information on the matter.

However, as far as the age of the children involved in such procedures is concerned, the experience of the Adoption Bureau staff shows that, apart from a few exceptions, the adoptions involved children under the age of two.

To illustrate the above with examples, the following information is available on the total number of adoptions that have taken place in recent years:

2000

Sex	Age	Adopting country	Date of decision
Boy	2 years	United States of America	8-9-2000
Boy	2 years	United States of America	25-10-2000
Girl	5 years	United States of America	7-9-2000
Boy	3 months	Spain	31-7-2000
Girl	7 months	United States of America	18-5-2000

Source: Adoption Bureau, National Children’s Trust.

2001

Boy/girl	Age	Adopting country	Date of decision
Girl	7 years	United States of America	14-3-2001
Girls	11 and 10 years	United States of America	23-3-2001

Source: Adoption Bureau, National Children's Trust.

2002

Boy/girl	Age	Adopting country	Date of decision
Boy and girl	1 year 11 months	United States of America	12-3-2002
Boy	11 months	United States of America	27-6-2002
Girl	8 months	Dominican Republic	17-9-2000

Source: Adoption Bureau, National Children's Trust.

The number of children living with parents deprived of their liberty

The following three options are available to children living with parents deprived of their liberty:

- Casa Cuna, Buen Pastor - this is part of the care centre for persons deprived of their liberty, where children up to age 1 are looked after (22 children);
- Asociación Mano Abiertas Diurno, which looks after children aged 1 to 3, is an extension of Casa Cuna, where the aim is for children to socialize in a different environment from the adult care centre, but to return to their mothers in the evening, at night and at weekends (19 children);
- Asociación Mano Abiertas Residencial takes care of children in a hostel, until such time as their mothers are released and/or their legal situation is resolved. Visits to the mother are encouraged (34 children).

The number of street children

Street children cared for by PANI, 2002-2004

Year	Number
2002	1 132
2003	952
2004*	982

**Note:* This includes children being sexually exploited for commercial purposes, street children and children under the age of 12.

4. Please provide disaggregated statistical data (by sex, age, indigenous and ethnic groups, urban or rural areas) covering the period 2002, 2003 and 2004 on the:

Number and percentage of children with disabilities

Details of under-age population with disabilities - percentage with respect to total population, 2002

Total population of country	3 810.179	Percentage of total population	Percentage of total population with disabilities
Total population with disabilities	203.731	5.34	-
Under-age population with disabilities	38.437	1	18.86

Proportion of under-age population with disabilities

Percentage of total under-age population, 2002

Under-age population of the country	1 608.870	Minors with disabilities as a percentage of total number of minors in the country
Under-age population with disabilities	38.437	2.40

(*1) *Source:* National Statistics and Census Institute. Module on disability. 2000 Census.

Note: The source of this information classifies the data in 17 five-year age groups. The highest age group for children and young people is 15-19 whereas the current legal age of majority in the country is 18. The data therefore include one more year than should be taken into account. Moreover, sex and rural or urban origin are differentiated for the population with disabilities as a whole and not the age groups concerned.

Number of children with disabilities either taken care of in the family or living in institutions

Proportion of children and young people with disabilities in residential care facilities with respect to the total number of minors in residential care facilities during 2005

Care facility	Total	With disabilities	Percentage
Foster homes	1 521	102	6.7
Temporary NGO shelters	1 183	113	9.5
NGO day centres	2 504	20	0.7
Residential care centres	423	53	12.5
Total	5 631	288	5.1

(*2) *Source:* S.I.A.P. Alternative Care Facilities Information System. PANI, 2005.

Note: These data are provided by way of guidance. However, since this system is updated daily, where population mobility is recorded, the source of such information is local bureaux, and not all of them provide the information in full and on time, distortions must be taken into account when the data are used for comparative purposes.

Number of children with disabilities being enrolled in regular education, how many benefit from the special education system and how many are not in school

Details of minors per year and type of education, 2000-2002

Year	Regular education	Special education	Integrated class
2000	70 748	19 112	-
2001	77 000	17 584	-
2002	79 600	15 448	7 289

(*3) *Source:* Pan American Health Organization. “La discapacidad en Costa Rica: Situación actual y perspectivas”. Ministry of Health. San José: OPS

Facilities and services available for children with disabilities

Services for disabled children are not distinguished from services for the disabled population as a whole in the only database available for consultation, in the printed version compiled and produced by the National Council on Rehabilitation in 2002.

In 1998, under the Programme to Guarantee the Rights of Children and Adolescents with Disabilities, the National Children's Trust published a "Directory of Support Services", which classifies public and private services available by province and according to five categories of impairments and disabilities. Copies of the Directory were distributed throughout the country, both within the Trust and to community-based organizations and municipalities; however, the Directory has not been updated and the number of services must now have increased. Mention is made of a wide range of services, including very specialized services that are run by the State, whereas, although services in the private sector are very diversified, they rely heavily on State funding and donations for their implementation.

The various facilities for disabled children are in the process of structural adjustments and transformations into public areas or private areas with public access, to comply with Act No. 7600, the Equal Opportunity for Disabled Persons Act. Despite the fact that the period of time for making such adjustments laid down in the Act has now expired, most of the facilities still have various obstacles to access and use, although to date precise figures on the subject are not available.

5. With reference to child abuse, please provide disaggregated data (by age, gender and types of violations reported) over the years 2002, 2003 and 2004 on the:

Number of individual complaints received per year in the last three years

One of the areas in which the National Children's Trust provides care to children and young people is child abuse (physical violence) among other forms of violence.

Providing assistance, and protecting the rights of minors who have suffered from violence comes under the national care and special protection programme. The Trust receives complaints from the authorities and individuals through different channels, in particular the 911 hotline and the emergency response unit. In 2002, the Trust dealt with 23,914 children and young persons, in 2003, 23,055 and in 2004, 35,590 minors were registered as having received assistance for various reasons, all related to and with the specific characteristics of child abuse (violence), through the different local bureaux located in the 28 cantons in the country. The following table illustrates the above.

National Children's Trust

Children and young persons assisted by local bureaux for various reasons, 2002-2004

Children and young persons	2002	2003	2004
	23 914	23 055	35 590

Source: Reports on attainment of goals and objectives, Annual Operational Plans - PANI. 2002-2004.

Number and percentage of reports which have resulted in either a court decision or other types of follow-up

Information is being collected.

Programmes and activities to sensitize the parents and the public in general concerning child abuse

Listed in the annexes for 2002, 2003 and 2004 are some of the projects carried out by the Children and Adolescents Protection Boards under the National Children's Trust programme 02 (Prevention and Promotion of Rights). These projects are carried out in the cantons where the Protection Boards are represented. The purpose of these activities, which are funded from a Children and Adolescents Fund, is to raise awareness of and to prevent different forms of abuse and physical or psychological violence, and to sensitize parents, government and non-governmental authorities to the need to avoid violence and to create conditions so that minors can exercise their rights.

Likewise some institutions run programmes, projects and activities on the theme of child abuse. Lastly, set out in annex is the document entitled "*List of organizations for children and young people in Costa Rica*", which describes the overall goals and purposes of these national and international governmental and non-governmental organizations for children and young people.

6. Please provide disaggregated statistical data (by sex, age, indigenous and ethnic groups, urban and rural areas) covering the years 2002, 2003 and 2004 in percentage of the relevant age group on the:

Enrolment in percentage of children in primary and secondary schools

Start-of-year enrolment in the education system by type of institution and sex according to level and specialization

2003

Level and specialization	Total			Public			Private			Private-subsidized		
	Total	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls
Total	954 229	487 673	466 556	862 823	442 433	420 390	71 488	36 054	35 434	19 918	9 186	10 732
Pre-school	104 066	53 059	51 007	88 084	44 994	43 090	14 734	7 459	7 275	1 248	606	642
Nursery II	1 353	711	642			0	1 320	701	619	33	10	23
Interactive I	2 905	1 491	1 414			0	2 780	1 428	1 352	125	63	62
Interactive II	25 998	13 114	12 884	20 815	10 479	10 336	4 904	2 492	2 412	279	143	136
Transition	73 810	37 743	36 067	67 269	34 515	32 754	5 730	2 838	2 892	811	390	421
Stages I and II	532 852	275 425	257 427	494 740	256 271	238 469	32 189	16 474	15 715	5 923	2 680	3 243
Evening schools	1 006	544	462	1 006	544	462	-	-	-	-	-	-
Stage III and specialized education	301 300	149 635	151 665	264 173	131 715	132 458	24 475	12 067	12 408	12 652	5 853	6 799
Daytime classes	270 003	132 554	137 449	233 501	114 986	118 515	24 395	12 018	12 377	12 107	5 550	6 557
Academic	213 086	104 253	108 833	178 750	87 929	90 821	24 197	11 907	12 290	10 139	4 417	5 722
Technical	55 913	27 933	27 980	53 747	26 689	27 058	198	111	87	1 968	1 133	835
Artistic	1 004	368	636	1 004	368	636	-	-	-	-	-	-
Evening classes	31 297	17 081	14 216	30 672	16 729	13 943	80	49	31	545	303	242
Academic	30 281	16 542	13 739	30 201	16 493	13 708	80	49	31	-	-	-
Technical	1 016	539	477	471	236	235	-	-	-	545	303	242
Special education	15 005	9 010	5 995	14 820	8 909	5 911	90	54	36	95	47	48

Source: <http://www.mep.go.cr/DepartamentoEstadistica.html>.

2004

Level and specialization	Total			Public			Private			Private-subsidized		
	Total	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls
Total	1 061 375	531 616	529 759	969 225	485 858	483 367	71 921	36 333	35 588	20 229	9 425	10 804
Pre-school education	107 895	55 067	52 828	92 053	47 023	45 030	14 515	7 404	7 111	1 327	640	687
Regular education	105 891	53 922	51 969	90 073	45 891	44 182	14 502	7 397	7 105	1 316	634	682
Special education	2 004	1 145	859	1 980	1 132	848	13	7	6	11	6	5
Primary education	557 865	288 332	269 533	519 575	269 099	250 476	32 391	16 501	15 890	5 899	2 732	3 167
Stages I and II (traditional)	524 308	271 116	253 192	486 106	251 936	234 170	32 366	16 488	15 878	5 836	2 692	3 144
Evening schools	1 002	516	486	1 002	516	486	0	0	0	0	0	0
Open education - Ministry of Public Education	18 483	8 493	9 990	18 483	8 493	9 990	0	0	0	0	0	0
Open classroom	5 954	3 339	2 615	5 954	3 339	2 615	0	0	0	0	0	0
Adult education (Stage I)	1 693	953	740	1 693	953	740	0	0	0	0	0	0
Special education	6 425	3 915	2 510	6 337	3 862	2 475	25	13	12	63	40	23
Secondary education	368 126	183 835	184 291	330 359	165 508	164 851	25 015	12 428	12 587	12 752	5 899	6 853
Stage III - Specialized education	317 539	157 882	159 657	279 989	139 695	140 294	24 870	12 336	12 534	12 680	5 851	6 829
Daytime classes	281 936	138 968	142 968	245 134	121 197	123 937	24 733	12 258	12 475	12 069	5 513	6 556
Academic	223 585	110 195	113 390	189 007	93 699	95 308	24 504	12 125	12 379	10 074	4 371	5 703
Technical	57 414	28 422	28 992	55 190	27 147	28 043	229	133	96	1 995	1 142	853
Artistic	937	351	586	937	351	586	0	0	0	0	0	0
Evening classes	35 603	18 914	16 689	34 855	18 498	16 357	137	78	59	611	338	273
Academic	34 534	18 346	16 188	34 397	18 268	16 129	137	78	59	0	0	0
Technical	1 069	568	501	458	230	228	0	0	0	611	338	273
Open education - Ministry of Public Education	12 655	5 898	6 757	12 655	5 898	6 757	0	0	0	0	0	0
New opportunities	16 152	8 446	7 706	16 152	8 446	7 706	0	0	0	0	0	0
IPEC (Plan 125)	694	155	539	694	155	539	0	0	0	0	0	0
Adult education (Stages II-III)	15 903	8 167	7 736	15 903	8 167	7 736	0	0	0	0	0	0
Special education	5 183	3 287	1 896	4 966	3 147	1 819	145	92	53	72	48	24
Education for work	27 489	4 382	23 107	27 238	4 228	23 010	0	0	0	251	154	97
IPEC	21 143	2 806	18 337	21 143	2 806	18 337	0	0	0	0	0	0
Vocational education	1 649	339	1 310	1 649	339	1 310	0	0	0	0	0	0
Social education	19 494	2 467	17 027	19 494	2 467	17 027	0	0	0	0	0	0
Adult education (open university)	5 566	1 130	4 436	5 566	1 130	4 436	0	0	0	0	0	0
Care centres for disabled adults (CAIPAD)	780	446	334	529	292	237	0	0	0	251	154	97

Source: <http://www.mep.go.cr/DepartamentoEstadistica.html>.

Total enrolment and enrolment rates in public schools and urban areas

Formal and informal systems, level of education

System and level	2002	2003	2004
Total enrolment (students) ¹	1 160 208	1 197 755	1 032 073**
Public school enrolment rate ⁷			
Total, formal sector	90.9	90.4	
Pre-school	84.1	84.6	86.1
Primary	92.9	92.8	92.7
Secondary	87.4	87.7	88.2
Urban areas enrolment rate			
Pre-school	43.3	62.4 ⁸	61.5 ⁸
Primary	36.7	56.6	56.4
Secondary	63.9	73.3	72.4

Source: Ministry of National Planning and Economic Policy, Ministry of Public Education, National Board of Vice-Chancellors, Office of Higher Educational Planning, Central American School of Livestock Farming, Online data: <http://www/mideplan.go.cr/Sides/social/04-02>.

** Enrolment data for 2004 regarding training for work and parauniversity education offered by the National Learning Institute and State universities will not be available until April 2005.

⁸ The pre-school enrolment rate in urban areas for 2003 and 2004 was estimated on the basis of enrolment at the mother-and-child and transition stages. For previous years, only enrolment in urban areas at the transition stage was taken into account (i.e. the stage preceding the first grade of Stage I of general basic education).

Percentage of children completing primary and secondary education

End-of-cycle performance in traditional education according to educational level and performance type of institution: public, private, semi-private

(Relative figures)

Educational level and performance	2002	2003
Stages I and II		
Students sitting final examination (%)	100.0	100.0
Passed	91.2	90.7
Failed	8.8	9.3
Evening schools		
Students sitting final examination (%)	100.0	100.0
Passed	86.6	91.3
Failed	13.4	8.7
Stage III and specialized education		
Students sitting final examination (%)	100.0	100.0
Passed	81.1	81.9
Failed	18.9	18.1
Academic (daytime classes)		
Students sitting final examination (%)	100.0	100.0
Passed	80.5	81.3
Failed	19.5	18.7
Technical (daytime and evening classes)		
Students sitting final examination (%)	100.0	100.0
Passed	83.2	84.0
Failed	16.8	16.0

Source: <http://www.mep.go.cr/DepartamentoEstadistica.html>.

Number and percentage of dropouts and repetition rate

Years	2001	2002	2003
Repetition rate			
Stage I	10.7	9.8	9.6
Stage II	5.9	5.2	5.1
Stage III, daytime classes	10.9	11.4	11.7
Specialized education, daytime classes	4.9	7.4	7.3
Intra-annual dropout rate			
Stage I	5.0	4.2	4.3
Stage II	4.0	3.7	3.5
Stage III, daytime classes	12.9	12.5	10.7
Stage III, evening classes	28.0	26.5	23.7
Specialized education, daytime classes	7.3	6.6	6.2
Specialized education, evening classes			

Source: State of the Nation Programme. Tenth State of the Nation Report on Sustainable Human Development. 2004.

Ratio teacher per children and number of children per class

	2002	2003	2004
Pre-school	18.7	17.2	16.3
Primary	23.5	21.5	19.9
Secondary	16.6	16.6	16.1

Source: <http://www.mideplan.go.cr/sides/social/index.html>.

Number of children who attend pre-school education

Crude school attendance rate	2002	2003	2004
Pre-school	87.8	90.9	90.3

Source: <http://www.mideplan.go.cr/sides/social/index.html>.

7. Please provide updated disaggregated statistical data (including by gender, age groups, indigenous and minority groups, urban, rural and remote areas) on:

Adolescent health, including early pregnancy and sexually transmitted infections (STIs)

Early pregnancy

Year	2001	2002	2003
Births to teenage mothers	15 461	14 454	14 835
Under 15	601	473	479
15-19	14 860	13 981	14 356

Source: State of the Nation Programme. Tenth State of the Nation Report on Sustainable Human Development. 2004.

Sexually transmitted diseases, 2004

Age	Chancre		Syphilis		Gonorrhoea	
	Boys	Girls	Boys	Girls	Boys	Girls
-1	0	0	57	65	0	1
1-4	0	0	2	1	0	0
5-9	0	0	1	1	0	0
10-14	0	0	1	0	3	3
15-19	4	2	11	56	90	31

Preliminary figures. *Source:* Statistical Information Unit, Ministry of Health.

Children affected or infected by HIV/AIDS

2001

Age	Boys	Girls
1-4		
5-9		1
10-14		
15-19	6	

2002

Age	Boys	Girls
1-4		
5-9		
10-14		
15-19		

2003

Age	Boys	Girls
1-4		
5-9		
10-14		
15-19	1	1

2004

Age	Boys	Girls
1-4		
5-9		
10-14		
15-19		

Source: Statistical Information Unit, Ministry of Health. Preliminary figures.
National Institute for Statistics and Censuses - Statistical Information Unit,
Ministry of Health.

Rates of infant and child mortality

Rates per 1,000 births

	2002	2003	2004
Total	11.15	10.1	9.25
Boys	12.12	11	10.15
Girls	10.09	9.17	8.31

Source: National Institute for Statistics and Censuses - Statistical Information Unit,
Ministry of Health.

Rates of immunization

Taking the third dose of DPT (diphtheria/pertussis/tetanus) vaccine as a benchmark:

Children aged under 1 year (per cent)

2001	2002	2003	2004
92.8	94.3	88.0	90.4

Source: Ministry of Health. Expanded Programme on Immunization.

Drug and alcohol abuse

The information supplied here is the same as that contained in the general population surveys on the consumption of drugs and alcohol, with reference to persons aged 12-17. The research collates data from studies over a 10-year period (1990-2000).

Note: It should be stressed that the research indicates the age at which an individual embarks upon drug or alcohol use, not the number of addicts. Nor does the research indicate what protective measures were prescribed.

- Distribution (expressed as percentage) of young people aged 12-17 who have ever smoked or are regular smokers.

1990	2000
First-time use: 13.4 years	First-time use: 13.4 years

- Distribution (expressed as percentage) of young people aged 12-17 who have ever consumed alcohol or who consume alcohol regularly.

1990	2000
First-time use: 12.6 years	First-time use: 13.6 years

- Distribution (expressed as percentage) of young people aged 12-17 who consume marijuana and cocaine.

1990	2000
First-time use: 12.3 years	First-time use: 14.9 years

Source: Alcoholism and Drug Dependence Institute (IAFA).

8. Please provide disaggregated [data] for the last three years (2002-2004) (including by gender, age, indigenous and minority groups, and type of crime) on:

Number of persons below 18 who allegedly committed a crime reported to the police

**Number of minors reported to the police
1999-2003**

	1999	2000	2001	2002	2003
Minors who have committed a crime	9 554	10 837	11 703	12 259	12 193

Source: Tenth State of the Nation Report.

Number of persons below 18 who were sentenced and the nature of sanctions (community service; detention; other types of sanctions)

**Percentage of the total prison population, by legal status
1998-2000-2002**

Year	Pre-trial detention	Enforceable sentence		Enforceable sentences, total
		Specialized facilities	Alternatives to imprisonment	
1998	39%	10%	51%	61%
2000	7%	5%	88%	93%
2002*	12%	6%	82%	88%

Source: Juvenile Prison Population Programme.

**Juvenile prison population, by crime and institution/sentencing option
January-June 2004**

Crime	Sentencing option/institution				Total	%
	Alternatives to imprisonment	Zurquí	Young adult male	Young adult female		
Sex crimes	41	2	4		47	43
Crimes against property	8	6	8	1	23	21
Psychotropic substances	7	2	1	1	11	10
Two or more of the categories above	6	3			9	8
Crimes against life	4	4	6	1	15	14
Not classified	-	-	-	-	5	4
Total	66	17			110	100%

Number of juveniles (under 18) detained and imprisoned, the location of their detention or imprisonment (e.g. police station, jail or other place) and the lengths of their detention or imprisonment, including pre-trial detention

Juveniles deprived of their liberty at detention centres pursuant to the Juvenile Criminal Justice Act

1998-2003

Sex	1998	2000	2001	2002	2003*
Total	85	22	24	45	36
Male	73	20	21	43	36
Female	12	2	1	2	0

Source: National Juvenile Prison Population Programme.

Note: The population is recorded annually in July, except for 2003 when the census was undertaken on 5 September 2003.

Comparison in absolute terms of the prison population, by sentencing option and sex

Sentencing option	Men			Women		
	1998	2000	2002*	1998	2000	2002*
Total	154	167	261	19	17	23
Alternatives to imprisonment	194	147	195	7	15	18
Specialized facilities	73	20	43	12	2	5

Source: Juvenile Prison Population Programme.

Note: *: No determination was made in respect of 13 per cent of the population in 2002.

Juvenile prison population, by age group and institution or sentencing option January-June 2004

Age	Alternatives to imprisonment	Juvenile Zurquí	Young adult male	Young adult female	Total
12 but less than 15	-	2	-	-	2
15 but less than 18	28	15	-	-	43
18 but less than 21	37	-	19	3	59
21 and older	6	-	-	-	6
Total	71	17	19	3	110

Number of persons below 18 detained in adult facilities

No minors are detained in adult facilities.

Reported cases of abuse and maltreatment of persons below 18 during their arrest and detention

No cases have been reported.

9. With reference to special protection measures, please provide statistical data (including by sex, age, indigenous and ethnic groups, urban and remote areas) per year between 2002 and 2004 on the number of children:

The table below indicates the number of minors who for various reasons were subject to protection measures. These care arrangements involve a psychological, social and legal process for dealing with the minor and his or her family, so as to restore violated rights.

In 2004 there were 26 cases of sale and trafficking of children, which were dealt with appropriately.

The annexes indicate why children and young people were provided with care in the period 2002-2004, broken down by type of domestic violence, region and local office.

Involved in domestic violence, including physical, sexual and psychological (see table below)

Involved in sexual exploitation, including pornography, sale and trafficking and the number of those children who were provided with access to recovery and reintegration treatments (see table below)

Involved in substance abuse, and the number of those children who received recovery and reintegration treatments (see table below)

National Children's Trust

Children and young people who benefited from protection measures following physical or sexual abuse (by family or non-family members), commercial sex exploitation, sale, trafficking or substance abuse

2003-2005

Reason for protection/Years	2003	2004	*2005
Physical abuse	351	331	207
Abuse by family member	227	197	142
Abuse by non-family member	107	101	67
Sexual exploitation	42	39	12
Substance abuse	346	437	167
Sale and trafficking		26	

Involved in child labour (formal or informal sectors, including domestic work)

**Detailed breakdown of working population aged 5-17,
by age, sex, zone and category**

2002

Type of occupation	Age group		Sex		Zone		total	
	5-14	15-17	Male	Female	Urban	Rural	Number	%
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Employer	0.6	0.9	1.0	0.2	0.9	0.7	861	0.8
Self-employed	9.6	12.2	10.6	12.4	17.4	8.1	12 578	11.1
Employee	19.5	55.9	47.5	20.5	47.8	36.6	45 588	40.2

Source: National Institute for Statistics and Censuses, multi-purpose household survey, July 2002.

Minors in domestic work, by age and sex

2002

Sex and age	Total population	Total	Participation rate %
Total 5-17	1 113 987	176 214	15.8
5- 9	411 353	16 620	4.0
10-14	428 875	76 871	17.9
15-17	273 759	82 723	30.2
Males, 5-17	575 506	48 731	8.5
5-9	216 157	6 813	3.2
10-14	220 197	23 323	10.6
15-17	139 152	18 595	13.4
Females, 5-17	538 481	127 483	23.7
5-9	195 196	9 807	5.0
10-14	208 678	53 548	25.7
15-17	134 607	64 128	47.6

Source: National Institute for Statistics and Censuses, multi-purpose household survey, July 2002.

Note: The information in this section reproduces that found in the 2002 survey; the data refer to the total population aged under 18 integrated into the labour market, not to the prescribed protection measures.

That have disappeared

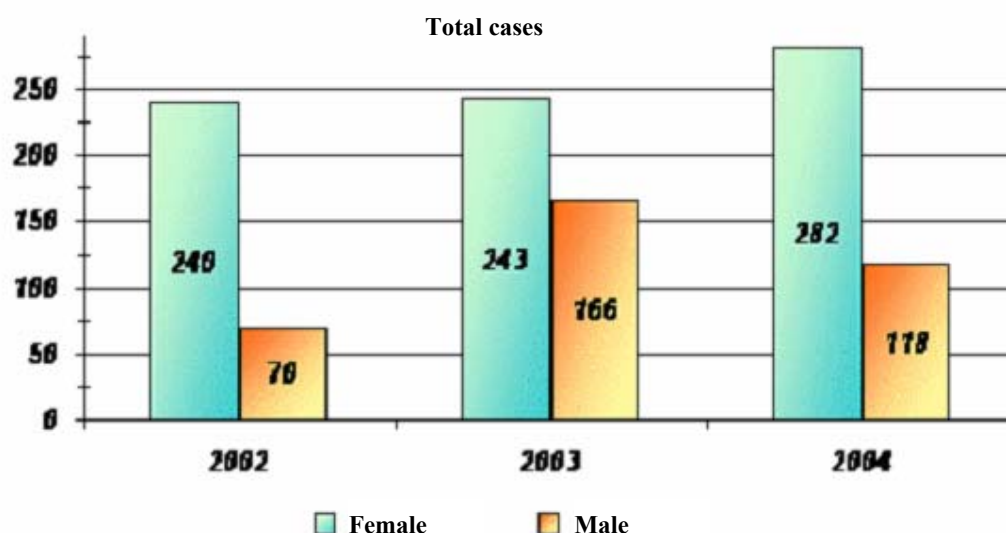
Minors who have disappeared, by year and sex

Juvenile Crime Department of the Judicial Investigations Agency

2002-2004

Year	Female		Male		Total
	Cases	%	Cases	%	
2002	240	77.4	70	22.6	310
2003	243	59.4	166	40.6	409
2004	282	70.5	118	29.5	400
Total	765	68.4	354	31.6	1 119

Note: It was not possible to obtain disaggregated data from outside the headquarters area (Juvenile Crime Department).



The body responsible for investigating disappearances is the Judicial Investigation Agency, which is part of the judiciary. There is a central complaints office in San José, open 24 hours a day, where any crime may be reported.

The following significant progress has been made in this area:

1. The signing of a convention with the International Centre for Missing and Exploited Children by the Judicial Investigation Agency, the Ministry of Public Security and the National Children's Trust. Consequently, Costa Rica is now part of the "Global

Network” of the International Centre for Missing and Exploited Children, an Internet site based in the United States of America, which publishes information about minors who have disappeared.

2. Cooperation with the web portal Red Latinoamericanos Desaparecidos (<http://www.latinoamericanosdesaparecidos.org>), a site that publishes images of persons who have disappeared, together with information about their age and sex.

It should be stressed that the Judicial Investigation Agency has the necessary expertise to apply ageing techniques to photographs of minors who have disappeared.

10. Please provide information on the number of judges specialized in the rights of children and adolescents and the number of judges specialized in juvenile justice.

The Children and Young Persons Court is part of the judiciary. It is presided over by a judge.

There are 33 courts nationwide that have been specifically established to hear juvenile criminal cases. In areas of the country where no such courts exist, juvenile cases are heard by a combined chamber dealing with family matters, domestic violence and juvenile crime.

Source: Information supplied by Mr. Mauricio Cascante Araya, Coordinator of the Judiciary Interdisciplinary Unit during a consultation on 15 March 2005.

B. General measures of implementation

1. Please provide information on the reasons some of the recommendations contained in the Committee’s previous observations (CRC/C/15/Add.117) have not yet been fully implemented, in particular the ones related to (i) the prohibition of torture (para. 18), (ii) child abuse and neglect (para. 20), children with disabilities (para. 23), and (iii) children belonging to minority and indigenous groups (para. 25).

Although some of the circumstances referred to in the 2003 report have not changed, it is important to note that Costa Rica made some progress in 2004 towards implementing the recommendations contained in the Committee’s previous concluding observations, namely:

- (i) **Prohibition of torture (para. 18):** As the reply to question 3 makes clear, the bill on the prohibition and criminalization of torture remains on the agenda of the Legislative Assembly. It should be mentioned that the bill has progressed and is currently before the Standing Committee on Legal Affairs.

- (ii) **Child abuse and ill-treatment (para. 20):** A bill prohibiting corporal punishment has been submitted to the Legislative Assembly, which has the advantage of having been formulated by the Office of the Ombudsman, an institution that enjoys considerable national prestige. The introduction of the bill has given rise to much debate on this topic, which has added value to the bill and is concretely embodied in awareness-raising and training efforts. These activities have included two retreats for groups of deputies and many round tables, forums and public debates that have been covered in the mass media. At the end of 2003, an extensive public information campaign was launched to educate parents and adults in general on appropriate ways to interact with minors. The campaign seeks to instil alternative methods of correction in a culture that has traditionally relied upon corporal punishment as a form of correction. The campaign, spearheaded by the National Children's Trust, included media coverage, mass distribution of leaflets and the organization of hundreds of parental awareness-raising and training workshops run by the Trust's 28 local offices. There is a national awareness that much remains to be done to eradicate this problem, but various sectors of society are displaying an open-minded attitude, including the churches, which is very important given the strong religious outlook of the Costa Rican peoples. Despite a slight increase in the financial resources available, these are still insufficient to deal with all aspects of the issue, especially as regards high-cost items such as therapy and rehabilitation for victims. With regard to the complaints procedure, there has been a slight improvement in the situation described in 2003 as far as procedures are concerned, but much has been done to consolidate the Children and Young Persons Court with a view to maintaining ongoing coordination with the relevant bodies in this field, and particularly with the National Children's Trust, which is responsible for protecting children at risk and oversees judicial proceedings. In addition, the Juvenile Prosecutor's Office has invested much time and effort in raising the

awareness of its staff and is proactively involved in the political decision-making process, including the Council on Children and Adolescents and its special committees.

Children with disabilities (para. 23): In 2004 an initiative of the Costa Rican Social Security Fund to make neonatal screening universal and compulsory took shape. The principal purpose of screening is the early detection of disabilities that can be partially or fully corrected through a range of early intervention techniques. The screening programme, which becomes fully operational in 2005, is accompanied by a wide-ranging publicity and awareness-raising campaign designed to make people aware of its importance and to lay the groundwork for its implementation.

- (iii) **Children belonging to minority and indigenous groups (para. 25):** The Costa Rican Government has made special efforts to ensure that migrant children and young people, mainly from Nicaragua, have access to services and can exercise all the rights accorded to them by the Convention on the Rights of the Child, particularly access to medical services and schooling. The most notable progress in respect of indigenous groups has been in the field of education, as described in section 2 (a) of these replies.

2. Please provide updated information on action and measures taken to remedy the limited scope and impact of the Protection Boards (Juntas de Protección) and the Tutelary Committees.

The Children and Adolescents Protection Boards attached to the National Children's Trust will form the National Integrated Protection System and will operate as local bodies that coordinate and adapt relevant government policies. They are canton-level organizations statutorily established by the Children and Adolescents Code and the Charter of the National Children's Trust.

On these boards, the authorities are represented by the National Children's Trust (presiding), the municipal authorities and the Ministry of Public Education; the three community

representatives and the young person representing the minors of the canton are elected by popular vote. With input from various stakeholders, the boards are responsible for promoting, safeguarding and implementing the rights of minors at local level.

The Tutelary Committees are also referred to in the Children and Adolescents Code as organs of the municipal development associations attached to the National Directorate for Community Development.

They comprise between three and five members, as decided by the development association's assembly.

The Children and Adolescents Protection Boards commenced their work in 1998 and are re-elected every two years. Since their inception they have undergone the following major changes:

- In six years 43 boards have been established, slightly more than half of the 81 boards planned, or one per canton.
- The number of boards exceeds the present number of local offices of the National Children's Trust (28); some offices accommodate up to three of these local organizations.
- In 2004 a total of 57 projects were developed with an investment of C 71 million from the Children and Adolescents Fund, representing a quantitative increase in the number of projects and the amount budgeted in previous years.
- The projects have gone beyond lecture-based dissemination of the rights of minors to include projects designed to prevent situations in which minors may be at risk, by promoting the establishment of community support groups.
- Involvement by other community organizations and official institutions in the projects is being encouraged to uphold the rights of children and young people.

- The projects developed by the boards promote a more holistic approach embracing not only minors themselves, the principal focus of the projects, but also parents, teachers and officials, thereby prompting a change of attitude leading to greater respect for children and young people.

In addition to the achievements of the Children and Adolescents Protection Boards, a series of measures have been taken to consolidate these community organizations and ensure that they have greater influence at municipal level.

Details of some of these measures are provided below:

- Regional workshops with members of the Protection Boards, to review, strengthen and focus their role in defending and guaranteeing the rights of minors at the local level.
- Workshops with the minors representing children and young people on the Boards, to promote their participation and leadership within the organization and in community-level work with children and young people to strengthen youth leadership.
- Strengthening of the Boards' work at the local level by placing them under the responsibility and direct supervision of the local offices of PANI and the regional coordinators' offices.
- Preliminary contact with high-level bodies within the Ministry of Public Education and the Union of Local Authorities, seeking greater commitment and involvement in the Protection Boards on their part, as required under the Children and Adolescents Code.
- Training for Board members on subjects relating to their tasks, including prevention of commercial sexual exploitation, promotion of adoption, and the preparation of strategic community plans, in order to promote understanding and awareness for action on the basis of community projects.

- Joint efforts by PANI and UNICEF to promote the establishment and strengthening of local protection systems at the cantonal level, incorporating the Protection Boards and the Committees to Safeguard the Rights of the Child as part of the government and community network, on the basis of strategic plans for action on behalf of children and young people within the canton.
- Strengthening of a new range of services at the institutional level, with emphasis on the mobilization and direct participation of the community and of minors themselves in guaranteeing and protecting minors' rights, involving various social actors and promoting support for local organizations in their work for the community.
- In addition, a joint DINADECO-UNICEF project is under way, entitled "Strengthening community development associations", the aim of which is to enable the community movement to foster within communities a local environment protective of children's and young people's rights, in the hope that Costa Rica's community movement will ultimately be able to put in place a community strategy for the protection of children's and young people's rights.

3. Please provide information on the revision of the Criminal Code aiming at incorporating the prohibition and penalization of torture in domestic law.

Costa Rica's Constitution explicitly prohibits torture under article 40, which states: "No one may be subjected to cruel or degrading treatment, or to life imprisonment, or to the penalty of confiscation. Any statement obtained by violence shall be null and void."

Accordingly, an amendment to the Criminal Code that includes provision for the punishment of torture is currently before the Legislative Assembly.

The following amendment is now under consideration by the Assembly:

Draft law to insert a new article 127 bis in the Criminal Code (File No. 14,848 of 14 August 2002), for the purpose of preventing torture and ill-treatment of persons under the age of 15.

The amendment reads as follows:

“Article 127 bis. A sentence of 5 to 10 years’ imprisonment shall be imposed upon:

“1. Any parent who, by force or any other means, inflicts or attempts to inflict severe pain or torture upon any of his or her children aged under 15.

“2. Any step-parent who, by force or any other means, inflicts or attempts to inflict severe pain or torture upon any child aged under 15 of his or her spouse or partner.

“The penalty for offences under the above paragraphs shall be between 6 and 12 years’ imprisonment where the minor suffers minor injury.

“Where the injury is serious or extreme, the penalty shall be between 8 and 15 years’ imprisonment.”

Note: This draft has been referred for consideration and a report by the Standing Committee on Legal Affairs.

In addition, a draft law on the abolition of corporal punishment of children and young persons (File No. 15,341 of 29 July 2003) is currently before the Commission on Young People, Children and Adolescents.

This amendment reads as follows:

“Article 1. A new article 25 bis shall be inserted into the Children and Adolescents Code, Act No. 7739 of 6 January 1998, to read as follows:

“Article 25 bis. Prohibition of corporal punishment

“Parents, legal representatives and any other persons responsible for the custody, care, treatment, upbringing or supervision of minors are prohibited from using corporal punishment as a means of correcting or disciplining children or young persons.

“‘The National Children’s Trust shall coordinate with other State institutions in order to promote and organize awareness-raising and education programmes for parents and others responsible for the care of minors on methods other than corporal punishment for disciplining and establishing boundaries for children and young persons.’

“Article 2. Article 143 of the Family Code, Act No. 5476 of 21 December 1973, as amended, shall be amended to read as follows:

“‘Article 143. Parental authority involves the right and duty to raise, protect, supervise and discipline children without resorting to corporal punishment or any other form of abuse or humiliating treatment. It also confers the right to request the courts to authorize any measures needed to help guide the minor, which may include confinement in an appropriate institution for a reasonable period.’”

These two draft laws are currently before the Legislative Assembly.

4. Please provide information on cases, if any, where the Convention has been directly invoked in domestic courts.

Article 7 of the Constitution of Costa Rica, as amended by Act No. 4123 of May 1968, provides as follows in its first paragraph: “Public treaties, international agreements and concordats duly approved by the Legislative Assembly shall, upon their enactment or from the day designated therein, have a higher authority than laws.”

Complementing this, article 48 of the Constitution, as amended by Act No. 7128 of August 1989, establishes the right of every person to the remedy of habeas corpus to guarantee his or her freedom and personal integrity and to the remedy of amparo “to maintain or re-establish the enjoyment of the other rights conferred by this Constitution as well as those of a fundamental nature set forth in international instruments on human rights that are enforceable in the Republic”.

The Constitutional Chamber of the Supreme Court of Costa Rica has interpreted the effect of article 48 on human rights as contained in international instruments as placing them in practice on an equal footing with those expressly embodied in the Constitution. Its

understanding is, furthermore, that the article contains a “special guideline” in respect of the general provision of article 7, governing the case of the international human rights instruments ratified by Costa Rica and endowing them with a regulatory effect ranking with that of the Constitution itself.

With regard to international human rights instruments such as the Convention on the Rights of the Child, the Constitutional Chamber has declared that: “With reference to international human rights instruments in force in Costa Rica, constitutional case law states that the provisions of article 7 of the Constitution do not apply since article 48 contains a special guideline with reference to human rights instruments, endowing them with a regulatory effect ranking with that of the Constitution itself; the case law further acknowledges that the human rights instruments in force in Costa Rica not only have similar status to the Constitution, but, insofar as they grant more rights or safeguards to individuals, take precedence over the Constitution” (No. 1319-97 at 2.51 p.m. on 4 March 1997).

It may be deduced from the above that while the Constitution suggests that international human rights standards are ranked above the law, by virtue of the judicial interpretation, to which the Constitutional Chamber of the Supreme Court gives binding force, the standards contained in the international human rights instruments which go beyond the safeguards of the Constitution take precedence over it.

For the National Children’s Trust, in all actions before the courts, the Convention on the Rights of the Child is an integral part of the legal framework on which officials must base themselves in submitting their applications, and is therefore invoked in all administrative and judicial proceedings.

The courts furthermore invoke the Convention on the Rights of the Child in their decisions, since it is an international instrument which is part of our domestic legal order.

5. Please provide updated information on mechanisms established to coordinate policies and programmes on children's rights, including services for children and measures to maintain family ties in the case of children placed in foster homes.

Mechanisms established to coordinate policies and programmes

There are currently a number of bodies where policies and programmes relating to children and young persons can be coordinated. They include:

- The National Council on Children and Adolescents: it is presided over by the National Children's Trust (PANI) and has members from various sectors;
- The Comprehensive Security Council: it is attached to the Office of the President and is an inter-institutional body;
- The Social Council: it has an inter-institutional membership, composed of the ministers in this sector. It is attached to the Office of the President.

In 2004, in the context of the National Protection System set up under the Children and Adolescents Code, Costa Rica initiated work on drafting a public policy on children and young people in 2004 in order to organize the activities required to ensure the all-round development of minors.

By the end of 2004, a document had been produced which enjoyed the approval of the various agencies and sectors. It is expected that it will be enacted as a decree in the second quarter of 2005, at which time an intensive strategy will be promoted with a view to distribution, awareness-raising and training for its implementation.

At the same time, the National Children's Trust, the leading institution for the rights of children and young people, introduced a comprehensive reform in 2002 enabling it to exercise its leading role more appropriately through the organization and strengthening of local protection systems. The objective of the reform is also to strengthen the Trust's capacity to cope with the substantial demand for the special protection needed by highly vulnerable minors, this being the second task assigned to it by the law.

The highlight of efforts to develop public policy and reform the National Children's Trust was the high level of participation, with contributions from all parties.

6. Please provide detailed information on how the State party sets priorities for budget allocations and what these priorities are. How are children's rights reflected in resource allocation?

Table 9 sets out social investment (public expenditure) by the State in its citizens (the Costa Rican family) for the years 2001, 2002 and 2003 in education, social welfare, health, housing and recreational, cultural and religious services; it also indicates per capita investment under these headings. The table shows that social investment increased by 12 per cent between 2001 and 2002 and by 13 per cent between 2002 and 2003. At the per capita level, social investment increased by 2 per cent between 2001 and 2002 and by 12 per cent between 2002 and 2003. Social investment in Costa Rica is on the increase, and families and children in particular are the main beneficiaries.

Table 9
Social statistics, 2001-2003

Public expenditure

Years	2001	2002	2003
(Millions of colones at current prices)			
Social expenditure	1 007 053.0	1 144 337.6	1 315 102.0
Education	277 500.8	332 897.0	410 954.3
Health	289 832.1	342 286.6	398 393.1
Social welfare	339 522.6	355 139.4	381 020.7
Housing	90 082.0	104 519.0	114 295.5
Recreational, cultural and religious services	10 115.5	9 495.6	10 438.3
(Colones at 1999 prices)			
Real per capita social expenditure	203 516.1	207 628.2	237 265.6
Education	56 080.3	60 400.7	74 142.8
Health	58 572.4	62 104.4	71 876.5
Social welfare	68 614.4	64 436.4	68 742.3
Housing	18 204.7	18 963.9	20 620.8
Recreational, cultural and religious services	2 044.2	1 722.9	1 883

Source: Estado La Nación
(http://www.estadonacion.or.cr/compendio/soc_gastopub01_03.htm).

7. Please further explain how the Office of the Ombudsman addresses child rights issues and indicate what specific mandate, human and financial resources this office has in this respect.

The recognition in the law and in society that children and young people have rights is a very recent event in human history.

From a socio-cultural point of view the world is basically adult-centred. From the design of houses to urban planning and inter-personal relations, everything is centred in and revolves around adult needs and ideas.

In the last third of the twentieth century and the twenty-first century to date, however, there has been growing recognition that the innocence and vulnerability of children requires a specific and additional response by society, both in legislative and practical terms, that takes account of their special needs and circumstances.

In terms of legislation, the evolution and history of the rights of children and young people, in which they were considered as having rights in society, began to make itself felt in the last third of the twentieth century.

The road was long and hard, and it was only in November 1989 that the most important international legal instrument created by man came into being. It concerned the human rights of children, as set out in the Convention on the Rights of the Child, which came into force in 1990 and is binding on the States parties. It was only at this time that children and young people were fully recognized as people.

It is certain that a department responsible for children and young people within the frame of action of the Office of the Ombudsman not only reclaims the spaces that had been opened up in the past but also inspires one of the most honourable traditions in history, whereby the best interests of children and young people take precedence over all other interests.

Sphere of competence

The Children and Adolescents Division was formally established as a specific section of the Office of the Ombudsman in April 1998.

With this initiative, the Office took back the section it had established in 1987 as the Office of the Ombudsman for Children (decree No. 17733-J) and reaffirmed its commitment to special social and legal protection for this sector of the population as established in Costa Rican legislation.

It is a fact that the needs and capacities of children and young people evolve constantly throughout their development and that this is an important phase of their lives in its own right.

They have, however, no power to influence decisions taken by adults which have a direct and far-reaching effect on them; hence the need to create bodies through which their rights and interests can be enforced.

Mission

The Children and Adolescents Division of the Office of the Ombudsman is the technical body responsible for defending, promoting and publicizing the rights of children and young people. It acts rapidly without complicated procedures and is basically at the service of minors and their interests. It ensures that the activities of the Government, the authorities and the community in general are in keeping with the rights of all children and young people.

It also promotes and carries out efforts to ensure that the need to protect the rights of children and young people is taken into account in all the activities of the Office of the Ombudsman.

Vision

The Children and Adolescents Division will be staffed by persons who are trained and specialized in a theoretical, methodological and practical approach to the defence of the rights of children and young people, in order to ensure specialist input in dealing with cases of violations of their rights resulting from the acts or omissions of the public sector in particular and society in general. It will play a role at the national level in influencing and improving the instruments available in Costa Rica to enforce the rights of children and young people.

It will pursue the best interests of minors over and above all other interests. Its image will be that of a reliable body whose fundamental role is to serve the interests of the under-age population.

Policies

1. In all matters coming within the purview of the institution and affecting children and young people, their views will be sought.

2. The provision of care for minors is a specialized function and a matter of priority, with no strict or complicated formalities. It is rapid, flexible and timely.

3. Children and young people may approach the Division directly for consultations, reports or complaints, without adult intervention.

4. The necessary measures shall be taken when handling cases, particularly cases of child abuse, not to make children doubly victims; the principle of the privacy and confidentiality of the affairs handled shall be protected.

5. The viewpoint of children and young people shall permeate all the activities of the agency.

6. The Division's officials will deal directly with consultations, reports and complaints. Priority will be given to informal action and mediation.

7. Matters relating to children and young people shall be handled in a manner which is guaranteed free from prejudices and stereotypes. The "best interests of the child" shall take precedence over all other interests.

8. In matters relating to children and young people which are dealt with within the Department, the rules to be applied shall be those at any level which offer them the greatest protection and the best advantage.

9. In all the cases handled, account shall be taken of the customs and practices of the child's sociocultural environment, provided that there shall be no conflict with the "best interests of the child".

10. In determining the best interests to be addressed, only the parties with a legitimate interest are taken into consideration, that is to say, the child, the parents or guardians, PANI and the competent bodies. The “best interests” do not transcend the legal framework.

11. In the Division’s decisions on children and young people, the primary responsibility of the parents or those who have the minors in their charge is regarded as being of fundamental importance, while State protection is considered to play a supplementary role.

12. In the observations and recommendations concerning children and young people drawn up by the Division, the principle of special protection and promotion of their rights shall take precedence. This involves ensuring that children and young people are granted additional social and legal advantages (positive discrimination), and that their rights are promoted.

13. The Division’s actions and decisions shall give priority in the first place to means of preventing the violation of rights, in the second place to informal measures and mediation, and only lastly to formal investigation procedures.

Areas of work

From an operational standpoint, four areas of work may be distinguished in the Children and Adolescents Division:

1. Receipt and processing of consultations, reports and complaints.
2. Promotion, training and publicizing of the rights and interests of children and young people.
3. Follow-up, review and reformulation of legislation, standards and institutional procedures in this area.
4. Promotion and follow-up of social and institutional processes for the protection, realization and enforceability of the rights of children and young people.

The staff consist of a Director, a secretary, a political scientist, a psychologist, a lawyer and three assistants (who do not come under the institution’s budget), giving a total of eight persons. The office’s terms of reference can be found in the Office of the Ombudsman Act.

8. Please provide updated information on the programme “De la mano”, which is being developed with the cooperation of UNICEF and UNDP, to educate parents on children’s rights.

The programme came into existence in the form of a policy adopted by the National Council on Children and Adolescents in order to encourage the comprehensive development of children in their earliest infancy.

The parental training component has been taken on by the Department of Child Health of the Costa Rican Social Security Fund (CCSS), which will be responsible for coordinating action with the institutions taking part in the “De la mano” programme.

The beneficiaries for 2004 include:

Public-sector institutions:

Ministry of Public Education (pre-school teachers from 10 regions, school librarians, families from the “República de Haití” school);

Costa Rican Social Security Fund (teachers in clinics, directors of schools for parents, other officials);

Ministry of Culture, Youth and Sport (librarians and play centre staff);

National Children’s Trust (female carers in shelters);

Municipality of San Jose (play centre staff);

Ministry of Health (technicians of the Comprehensive Care and Nutrition Centres (CEN-CINAI) programme);

Private-sector institutions:

Dole (Valle la Estrella banana estates).

A week is set aside every year for educational activities.

9. Please indicate the issues affecting children that the State party considers to be priorities requiring the most urgent attention with regard to the implementation of the Convention using a human-rights-based approach.

The following topics were set as priorities for the years 2002-2005:

- Commercial sexual exploitation;
- Child labour;
- Sexual and reproductive health - teenage pregnancy;
- Aware and responsible parenthood;
- Smuggling and trafficking;
- Drug addiction;
- Mental health.

Committees have been set up nationally and locally for each of these topics. Each committee has developed a philosophical and ideological framework, this being a mandatory condition that all public and private bodies directly or indirectly involved with these issues must meet.

The National Children's Trust is the body responsible for accrediting public and private organizations; this is effected by means of an analysis of documentation and supervision in the field, giving an overview of the theoretical, philosophical, ideological and methodological approach of each of the bodies.

The Council on Children and Adolescents constantly monitors the activities of each of the national committees involved in the priority topics:

Commercial sexual exploitation

Three annual campaigns are held to publicize the fact that paid sex with minors is a criminal offence.

All of the bodies directly or indirectly involved in the topic of commercial sexual exploitation have received awareness training and have been instructed in the theoretical and methodological aspects of the problem.

A decree has been enacted to control access by minors to public Internet centres in order to reduce the chances that they will make dangerous contacts by this means.

Institutional responsibilities for victim assistance have been clarified.

The Institute of Tourism and the migration authorities have made a commitment to monitor the influx of foreigners intending to engage in commercial sexual exploitation.

More extensive work in dealing with sexually exploited teenage boys, particularly in situations of gender diversity, was begun in 2005.

A care model for female victims is being introduced and is used by a non-governmental organization (Centro Catalina Booth); considerable shortcomings in the care of victims still exist, however, owing to a lack of organizations prepared to provide care, and limited funding. Care for victims is very expensive, especially as a problem of addiction has to be tackled at the same time in most cases.

Elimination of child labour

The National Steering Committee for the Prevention and Progressive Elimination of Child Labour and the Protection of Juvenile Workers (an interagency committee) has placed priority on compliance with Costa Rica's legislation on the rights of children and young persons and the commitments made at the international level. The second national plan of action for the prevention and elimination of child labour and the special protection of juvenile workers (2005-2010) falls within this framework. The aim is to make firm and decisive progress in preventing and progressively eradicating child labour and immediately eliminating its worst forms, and in ensuring the implementation of the regulations that have been drawn up to provide special protection to juvenile workers.

The plan is organized in five main chapters. The first outlines the statutory and conceptual framework, the second contains the results of an analysis of the situation, and the

third covering policies. The fourth chapter contains strategies, objectives, goals and programme-based actions, and the fifth and last chapter contains some reflections and recommendations for follow-up and management of the plan, including some cost estimates and indicators to help ensure accountability in the implementation of the plan.

Its agreed approach is human rights-based, in keeping with the guiding principles on the rights of children and young people, and the gender, life-cycle, risk and exclusion and geographical diversity perspectives. This includes the particular features of individuals with special abilities, migrant families and indigenous populations.

The policies drawn up are universal in character and implementation, while the programme activities are selective in order to be sure of reaching families where the children work. This selective approach is also based on the need to prepare comprehensive care models which will be successful and provide an effective response to the many reasons for and heterogeneous nature of child labour, and to demonstrate that it is possible to prevent and eliminate child labour, particularly in its worst forms.

Sexual and reproductive health: teenage pregnancies

Sexual and reproductive health care is provided through the Costa Rican Social Security Fund to all over-15s who need it.

The Ministry of Public Education brought out a policy on education about sexuality in 2003, to provide an ideological and methodological framework for this subject which is to be taught in schools and colleges from the pre-school stage onwards.

This policy also governs activities planned in education about sexuality in an educational context, whether by public or private bodies.

In 2004, a proposal was launched to reinforce education about sexuality, offering scope for the analysis of interpersonal relations, aware and responsible parenthood, planned pregnancies and other aspects which help to build a culture of peace.

In 2004, a strategic plan for advising teenage mothers was drawn up with the help of the United Nations Population Fund, in order to organize activities for the prevention and care of teenage pregnancies.

Responsible parenthood

The implementation of the Responsible Parenthood Act reduced the proportion of children who do not carry their father's name from 45 per cent to 5 per cent.

The implementation of the Act also makes it easier for a child to have access to his or her maintenance allowance.

The National Women's Institute, in coordination with all the institutions and bodies involved in this area, is using education campaigns to promote a change of culture in favour of aware and responsible parenthood.

Measures to maintain family links when children are placed in foster homes

When, in exceptional situations, children have to be taken temporarily from their families and placed in foster homes, Costa Rica has the necessary legislation to protect their right to keep in contact with their parents.

Contact with the family is ensured through the National Children's Trust for the time of the child's separation, and while efforts are being made directly with the family to enable the child to return home.

Costa Rica must improve its infrastructure and human resources in order to expedite the processes for dealing with the family and speed up the return of children separated from their families.

In 2004, the average stay in foster homes was eight months, which in technical terms is considered excessive.

Smuggling and trafficking

In 2005 a political decision was taken calling for urgent action to prevent the illegal smuggling and trafficking of persons, which is very likely to turn into some other form of exploitation.

The first steps have been taken to form a national coalition against trafficking covering all the sectors involved. Although this coalition also targets the problem of adults who suffer this type of exploitation, there is considerable interest in protecting minors from tempting offers which conceal the interests of international traffickers. Efforts are also made to protect children who cross the Costa Rican border, particularly the northern border, in search of better opportunities and end up exploited in a variety of ways.

Links have been established for this purpose with child protection institutions in Central America, in order to ensure that children's rights are respected in cases of repatriation.

10. Please provide information on the training of judges, prosecutors and other judicial personnel dealing with children and adolescents issues, as well as on the training of law enforcement personnel and local authorities.

The Judicial School, which is well aware of the importance of complying with the Convention on the Rights of the Child, has since 2001 offered an ongoing training programme for judges, prosecutors, defence counsel, social workers and psychologists. The programme has been run in the regions of San José, Limón, Puntarenas, Golfito, Corredores, Osa and Guanacaste, for a total of 828 officials.

The programme contains the following course modules:

- Commercial sexual exploitation of children and young people and the effective protection of their rights;
- Guidelines for reducing the revictimization of minors during court proceedings;
- Workshops;
- Special protection regime for teenage workers;

- Rights of children and young people: family life, intercountry adoption procedure and protection procedure.

This training is given in cooperation with the judiciary's Department of Social Work and Psychology, UNICEF and ILO, and is coordinated by Ms. Yadira Brizuela Guadamuz of the Judicial School, with a permanent team of facilitators who travel to the various areas.

Part III

Under this section, States parties are invited, whenever appropriate, to briefly (3 pages maximum) update the information provided in their report with regard to:

New bills or enacted legislation

A total of 70 pieces of draft legislation have been tabled in the Legislative Assembly's Commission on Children and Young Persons, comprising both new legislation and amendments to existing legislation. The following are some of the most important items:

Number	Subject matter
14568	Strengthening of the effort to eliminate the sexual exploitation of minors through the amendment of certain articles of the Criminal Code, Act No. 4573 of 4 May 1970, and the addition of new articles, and the amendment of certain articles of the Code of Criminal Procedure, Act No. 7594 of 10 April 1996.
14883	Act on the National System for the Treatment and Prevention of Domestic Violence.
15275	Amendment to article 256 bis of the Criminal Code to protect children and young people involved in child labour on public highways.
15341	Act abolishing the corporal punishment of children and young people.
15348	Establishment of a register of persons convicted of crimes and offences against minors (Kattia-Osvaldo Act).
15375	Act to abolish certain rights under criminal law and criminal procedure in cases of offences against minors.
15409	Partial amendment of the Criminal Code to establish the crime of abduction of a minor or a person with a disability, in order to ensure justice for Costa Rican children.
15453	Reform of the Family Code, Act No. 5476, in order to further protect the best interests of the child in intercountry adoptions.
15471	Act to protect children and young people from harmful material on the Internet.
15674	Act establishing the National Centre for Comprehensive Care for Minors Addicted to Psychoactive Substances.

Recently enacted legislation includes:

Act No.	Title
8101	Responsible Parenthood Act.
8237	Amendment of article 17 of the Children and Adolescents Code, Act No. 7739, on the right of foreign minors to protection of their interests.
8247	Adoption of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.
8254	Adoption of a basic cooperation agreement between the Government of Costa Rica and the United Nations Children's Fund (UNICEF).
8312	Amendment of articles 1, 4, 5 and 12 of the Adolescent Mothers Protection Act (Act No. 7735) and repeal of paragraph (c) of article 8, on the redefinition of the concept of adolescent mother and the expansion and modification of the aims and membership of the Inter-Agency Board for the Care of Adolescent Mothers and the scope of inter-agency cooperation.
8387	Amendment of the Criminal Code to introduce harsher penalties for the abduction and murder of children, young persons and persons with disabilities.

Decrees

Regulations for the control and supervision of premises providing public Internet services.

Regulations on the operation of video or computer game arcades and the classification of games according to the level of violence.

New institutions

- National Council for Young People
- Offices for Children and Young People in the Ministry of Public Security, the Ministry of Public Education and the Ministry of Culture, and in the National Community Development Directorate (DINADECO).

Newly implemented policies

National Mental Health Plan

National Plan for the Elimination of Child Labour and the Protection of Teenage Workers

Public policies on young people

National health policies

Policy for education on the expression of human sexuality

Directives from the National Council on Children and Adolescents (CNNA)

Directive 1: The institutions belonging to CNNA are requested to establish a commission, unit or other body whose main task shall be to ensure within their own sphere of competence or their mission, the full development and realization of the rights of Costa Rica's children and young people.

Directive 2: The entire inter-agency sector, and in particular the social sector, the National Children's Trust (PANI), the Joint Social Assistance Institute (IMAS) and the National Women's Institute (INAMU), is requested to make every effort to attain the goals established in the National Agenda for Children and Young People in the area of strengthening of the family.

Directive 3: The institutions belonging to CNNA are requested to comply with the Children and Adolescents Code in their own spheres of competence.

Directive 4: The institutions belonging to CNNA are requested, beginning in 2004, to include a budget for their annual operating plans, programmes, strategies and actions aimed at guaranteeing, within their own spheres of competence, the realization of the rights of children and young people.

Directive 5: All State agencies are requested, and all non-governmental sectors urged, to adopt the revised goals of the National Agenda for Children and Young People insofar as they correspond to their own agency or sector.

Directive 6: The non-governmental sector and civil society, and PANI in particular, as well as the Ministry of Health and the Ministry of Public Education, are requested to make every effort to attain the goals established in the National Agenda for Children and Young People in respect of the realization of rights in various areas.

Directive 7: All governmental and non-governmental sectors are requested to ensure that all services provided to children and young people are also offered on an equal basis to children and young people living in extreme poverty or who are migrants or members of indigenous or Afro-Caribbean groups, in order to ensure their inclusion in society as a whole, on the basis of the principle of universality and as holders of rights in society.

In addition, five special protocols have been produced: these were first considered by interdisciplinary commissions in the course of their work during 2004; preparation and internal validation were carried out as part of the reform process. The protocols, which address physical abuse, neglect, commercial sexual exploitation, labour exploitation and trafficking and smuggling, form part of the new model of comprehensive development to be applied in the new local offices.

Newly implemented programmes and projects and their scope

National Children's Trust

- Institutional reform plan
- Training for pregnant teenagers and teenage mothers
- La Garita shelter: project to protect street children

Costa Rican Social Security Fund (CCSS)

- STI and HIV/AIDS prevention and control unit
- Health centres
- Committee on Abused Children
- Programme of Comprehensive Care for Young People

National Council for Public Policies on Young People

- Cantonal committees on young people
- Building alternatives for youth
- Voluntary work

National Council on Rehabilitation and Special Education (CNREE)

- Support for NGOs
- Office of the Ombudsman
- Children and Adolescents Division

DINADECO

- Committees to Safeguard the Rights of the Child

National Children's Hospital (CCSS)

- Parents' shelters
- National Poisoning Control Centre
- Committee on Abused Children
- Recreational Therapy Unit
- School for parents

Alcoholism and Drug Dependence Institute

- Care for high-risk groups
- Preventive education
- Outpatient care for people with problems of addiction

Joint Social Assistance Institute (IMAS)

- Social support to strengthen families
- Incentives to develop social capital
- Incentives to embark upon training
- Grants for pregnant teenagers and teenage mothers
- Community homes programme

National Learning Institute

- Initial training programmes
- Scholarship programme
- Special programmes for teenagers with a history of living in the street

National Women's Institute

- Legal advice officer for children and young people and on responsible parenthood
- Group of teenage survivors of sexual abuse
- Groups of children living with domestic violence
- National plan to prevent domestic violence
- Offices on women's affairs in municipalities

Ministry of Public Education

- Integrated classes
- Special education centres
- Inclusion in regular classrooms

- Prevocational programmes (third cycle and specialized vocational training within special education)
- Open classes
- Programme for the improvement of education in marginal urban communities

Ministry of Health

- Strengthening of its role as principal policy-making body for the health sector

Judiciary

- Victim care centre.
