



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

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**Responses to the list of issues and questions with regard  
to the consideration of the combined fifth and sixth  
periodic report**

**Costa Rica\***

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\* The present document is being issued without formal editing.



## **General**

### **1. (a) implementation of the agreement between the National Institute for Women (INAMU) and the National Statistics and Census Institute (INEC) (see para. 24).**

In implementation of the agreement between the National Statistics and Census Institute (INEC) and the National Institute for Women (INAMU), a methodology was proposed for conducting a time use survey to obtain information for the calculation of indicators in this area from a gender perspective. The results were published in the Time Use Module where estimates were made using the following indicators: overall amount of work, average daily social time, average daily effective time, daily rate of participation, weighted and non-weighted rates disaggregated by sex and other demographic variables like income level, age group, family relationship and education (see details in annex 1).

INEC continuously updates the system, which has yielded information made available to the general public and is also used to conduct specialized research and in publications. The time use survey is currently being applied to the Greater Metropolitan Area in 2011.

### **(b) the steps taken to ensure disaggregated data by sex, ethnicity and nationality in order to assess the situation of women in all areas covered by the Convention;**

Updated information will be available on these variables beginning with the Tenth Population Census and the Sixth Housing Census which are planned for the period 30 May to 3 June 2011. In addition, INEC, with the support of UNDP, has revised the country's main data collection tools from a gender perspective: National Census, Household Survey, Employment Survey and Income and Expenditure Survey.

### **(c) the measures undertaken to introduce the gender dimension in the collection of data, to use it as a tool to identify the problems faced by indigenous women and those working in the agricultural sector (see paras. 638 and 658);**

For the purpose of compiling information to enable gender analysis, efforts have been made to ensure that all INEC data collection tools contain a gender variable, which will allow analyses differentiated between men and women to be performed, as in the case of the population census. Specifically, in order to gather the information referring to indigenous women, the Population Census and a survey on women working in the agricultural sector are available, in addition to the National Household Survey.

### **(d) new gender indicators created by the State party to promote the rights of women.**

A sustained effort has been made through the inter-institutional commissions, to estimate indicators for gender and health, gender violence and time use. As a result there are three publications and a well-defined set of indicators on gender and health. A publication on the Unified System for Measuring Statistics on Gender Violence in Costa Rica with indicators for 2006-2007 was issued, as well as two publications on the implementation of the Time Use Module in 2004, one containing results. Likewise, with the redesign of the Household Survey a major effort was

made to introduce variables allowing more detailed information to be gathered on employment activities performed by women.

For the Tenth National Population Census there are a series of short-term recommendations on the possibilities of analysis offered by the more specific information in respect of the treatment that should be given to the “head of household” variable in order to introduce a gender perspective.

Furthermore, such institutions as the judiciary have been working on a review of their tools for registering information, incorporating a gender variable and improving information systems so that data can be presented as disaggregated by sex. Also, the Unified System of Statistical Measurement of Gender Violence has carried out a preliminary stage which consisted in the design of a set of 22 indicators and their construction for 2006 and 2007 (see annex 2).

2. In the training processes they conduct, public institutions for the promotion of the human rights of women, such as the National Institute for Women (INAMU), the Office of the Ombudsperson, public and private universities with the support of international organizations like the Inter-American Institute of Human Rights (IIDH) and the Women, Justice and Gender Programme of ILANUD, have taken on the dissemination of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and other international legal instruments, including the Optional Protocol to the Convention.

In 2006, INAMU issued a popular publication “*Por que y para que un Protocolo Facultativo de la CEDAW?*” (The Optional Protocol to CEDAW — Why have it, what is it for?) which was included in a collection of Acts and Executive Decrees to disseminate the knowledge of lawyers and professionals in other disciplines from both public institutions and private companies, available in two volumes; the digital version is on the web page:

Tomo1:[http://www.inamu.go.cr/centro-de-documentacion/bases/WORK/DOCS/tomo1\\_copy1.pdf](http://www.inamu.go.cr/centro-de-documentacion/bases/WORK/DOCS/tomo1_copy1.pdf)

Tomo2:[http://www.inamu.go.cr/centro-de-documentacion/bases/WORK/DOCS/tomo2\\_complete\\_copy1.pdf](http://www.inamu.go.cr/centro-de-documentacion/bases/WORK/DOCS/tomo2_complete_copy1.pdf)

### **Constitutional, legislative and institutional framework**

3. For INAMU, as the national mechanism for the promotion of women’s human rights, the fact that its Executive President does not have the rank of Minister for the Status of Women has not been an obstacle in accomplishing its mission. One of its major achievements took place in 2007, when it developed the National Gender Equality and Equity Policy (PIEG) 2007-2017 and Plan of Action, through broad inter-institutional cooperation.

With regard to Costa Rican public institutions, Executive Decree No. 34729, promulgated and published in Gazette No. 179 of 17 September 2008, established two inter-institutional coordination bodies, one at a high political level (article 9) comprising the Ministers of Education, Labour, National Planning, Health and Finance. It was respectfully requested that the Legislative Assembly, the Judiciary and the Supreme Electoral Tribunal should appoint representatives to this body as consultants or advisers. The other body, of a technical nature, is known as the Inter-institutional Technical Commission; it is made up of representatives of the

institutions and sectors related to the execution of the PIEG and serves as a technical liaison between those institutions and the National Institute for Women.

While it is true that during the previous and current Governments, the Executive President has not been given the rank of Minister-without-portfolio, for the period 2010-2014 the current Government has organized its Cabinet into two Presidential Councils according to the various areas dealt with.

These Councils are: the Presidential Council for Social Welfare and the Family and the Presidential Council on Citizen Security and Social Peace, of which INAMU is a member. This has allowed INAMU to coordinate closely with the leadership of other institutions in sectors that address areas related to women's rights, namely: health, education, poverty, security and justice, inter alia (see annex 3).

4. Annex 2 of the combined fifth and sixth periodic report to CEDAW included a summary of some judgments issued by the First, Second, Third and Fourth (Constitutional) Chambers of the Supreme Court of Justice during this period. An updated summary of other judgments handed down after the completion of that report is attached (see annex 4).

5. Efforts aimed at reaching a consensus on a legislative agenda for women in order to overcome the backlog in adoption of laws to promote women's rights during the period 2002-2006 included the establishment of a Women's Legislative Agenda Committee made up of women deputies, advisers and representatives of public agencies and social organizations. In addition, a range of actions was defined aimed at repositioning various draft laws on the legislative agenda and achieving their adoption. Some of the actions, conditions and factors influencing the consensus agenda, which is dynamic and constantly changing, are: a) negotiation, lobbying and political influence by public institutions for the promotion of women's rights, social organizations and women as a whole; b) strategic alliances with interested deputies, both men and women, who wish to promote women's rights; c) establishment of cross-cutting institutional gender mechanisms like the Technical Unit for Gender (UTIEG) in the Legislative Assembly; e) technical assistance on legislation with a gender and human rights perspective from the institutions for the promotion of women's rights; as well as the issuance of technical criteria from a gender perspective to deputies; f) the willingness of both men and women deputies on the Ad Hoc Standing Committee on Women intentionally to push the legislative agenda for women; g) the political will of the authorities of the Republic to make progress in rights and public policies to promote gender equality and equity, which has crystallized in the adoption of a National Gender Equality and Equity Policy, which includes Government commitments (see annex 5).

#### **Programmes and action plans**

6. The National Gender Equality and Equity Policy, adopted in 2007, developed a five-year plan of action (2008-2012) for its execution. This Plan of Action includes 85 strategic actions and defines the institutions responsible and timetable for execution of each. These actions seek to create the change necessary to close the gender gaps in employment and income; family responsibilities; health and education; protection of women's human rights and their political participation. The three facets of the PIEG are human rights, sustainable human development and gender.

INAMU, as the agency responsible for coordination and follow-up to the PIEG and more specifically the Plan of Action, has executed various actions, including the design of an information system for the PIEG that contains a set of both results indicators and process indicators covering the annual reports from institutions on the status of execution of the actions in the Plan. Activities under the Plan of Action have also included discussions, assessments and reporting, with the active participation of staff of those institutions and women from social organizations and civil society.

For 2011 there are plans to conduct an overall assessment of the Plan of Action (that will include an evaluation on closing gender gaps and a report on institutional progress) and drafting of the second Plan of Action of the PIEG. This process will be led by INAMU with broad participation by other sectors, institutions and civil society organizations.

An important achievement during this period has been the inclusion of the PIEG and its Plan of Action in the National Development Plan 2011-2014, in the Social Sector to be specific, which implies strengthening of the Policy since it has become a Government priority, with follow-up actions on its implementation by the relevant bodies.

### **Violence against women**

**7. (a) the nature of reported incidents of violence against women:** Regarding the nature of reported incidents of violence against women, the information recorded by the judicial system focuses on violence suffered by women under the two laws available to women to demand a life free of violence: The Domestic Violence Act (Act No. 7586) and the Act on the Criminalization of Violence against Women (Act No. 8589). However, it is important to clarify that records do not specify the type of violence reported, therefore the data is specific to the enforcement of each of the laws. Part of the analysis conducted by the Statistics Section of the Planning Department of the Judiciary, included in the Judicial Yearbook 2009 on the highlights of the work of the 12 specialized courts and 59 mixed courts that deal with the issue of domestic violence, shows that during 2009, approximately 85 out of every 100 cases pending in this area had been resolved.

The Yearbook also mentions that a total of 52,104 cases were brought before the domestic violence courts, representing the second year in a row since 2007 that there was an increase, and the highest number in the decade, for a difference of 6,092 (13.2 per cent) more cases over the number reported in 2008 (see annex 6).

**(b) the number of sanctions and types of sentences imposed on perpetrators:** in respect of this topic, the data available is from the Statistics Section of the Planning Department of the Judiciary as included in the Judicial Yearbook 2009. It mentions that 90.9 per cent of the persons convicted (4,969) were male and 9.1 per cent were female. Sanctions imposed under the Act on Criminalization of Violence against Women rose from 18 cases in 2008 to 118 the following year.

**(c) reparations granted to victims of violence:** With respect to this topic, no statistical information is available illustrating this situation that benefits women. Although this is provided by law, the monetary amount of the penalty is not disaggregated from the decision as a unit.

8. In order to monitor the enforcement of this Act, various actions have been taken for the purpose of ensuring its enforcement and also to ensure women's fundamental right of access to justice. Some of these actions are mentioned below.

With regard to the issue of femicides, it is important to note that the number of cases decreased in 2007, the year the Act was passed, with a total of 19 femicides for the year. In 2010, 52 women were murdered for various motives. The most common motives were related to gender, accounting for 19 of the murders; 10 were femicides, and the rest were motivated by robberies, revenge and drug problems, among others.

It is important to note that during the last quarter of 2010, a vigorous campaign on preventing violence against women was conducted, joining the international campaign "Maltrato Cero" [Zero Abuse] with the national campaign "Ya es hora" ["Now is the time"]. The institutional campaign integrated the right to live free from violence. It appears that the campaign was a factor in the decrease in the number of femicides. In fact, no femicides occurred during the month of December, which has not been the case since 2007.

With regard to the National Intra-Family Violence Response and Prevention System, a welcome development has been the entry into force of Act No. 8688 on 18 December 2008, by which the title of the National System was changed and its scope expanded. The National Response and Prevention System on Violence against Women and Intra-Family Violence was created, which included the establishment of both a political and a technical body to ensure the System functions properly.

9. With respect to sexual harassment, the Costa Rican Government has undertaken implementation of the Act on Sexual Harassment in the Workplace and Schools as part of its regulation efforts. Act No. 8805, which was adopted on 21 April 2010, amends the Act on Sexual Harassment in the Workplace and Schools by strengthening regulatory measures; it includes a requirement that employers must have staff with training on preventing sexual harassment. Allegations of sexual harassment within the public sector must be reported to the Office of the Ombudsperson, and in the private sector and educational institutions to the National Directorate and the Labour Inspectorate of the Ministry of Labour and Social Security. Businesses and private and public bodies and institutions were given a period of three months to adapt their internal policies to comply with the new law. Both administrative and judicial conciliations were declared inadmissible under the new law (see annex 7).

For its part, the National Institute for Women (INAMU), along with other public institutions, advocates for the protection of victims of this type of violence and discrimination by assisting them through legal and administrative processes and offering them psychological support. In terms of promoting rights, INAMU provides training to employers in both the public and private sector on the international legal instruments and national legislation that protect women's human rights against all forms violence and discrimination, including sexual harassment at work and in schools.

In the private sector, activities have been conducted with companies that have demonstrated a clear interest in motivating their staff to employ socially responsible policies in the workplace, which is helping to strengthen good preventive practices and respect for women's labour rights.

**10. (a) The reasons why complaints of sexual harassment referred to in paragraph 126 of the report of the State party have not been dealt with by the system of justice.** It should be clarified that the complaints filed did receive a response and penalties were ordered; paragraph 126 of the combined fifth and sixth report indicates that in some cases, the penalties recommended in the court of first instance were reduced in the Court of Appeals.

**(b) what measures the State party envisages to take to train the national university staff on rights of women.** The Act on Sexual Harassment and the amendments adopted in April 2010 should be considered as measures that seek to train national university staff on women's rights. The Act obligates all State and private institutions to assume their responsibility to implement preventive measures and disseminate the Act. Such actions should be based on the guiding principles of the Act, which are aimed at condemning sex-based discrimination and establishing laws in fulfilment of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention of Belem do Pará.

There are institutional programmes and policies to discourage sexual harassment in the country's universities. These include specialized courses, workshops, formal courses, awareness-raising activities and activities to commemorate special dates related to the issue, among other training mechanisms on women's rights.

**(c) what measures the State party envisages to take to encourage victims of sexual harassment to denounce such acts (see para. 133).** Measures taken to encourage victims of sexual violence to file complaints include activities such as informational talks, training workshops and campaigns to raise awareness of legislation and provide information on internal procedures to investigate cases of sexual harassment. Printed materials (posters, brochures and pamphlets) also aim to inform students and the workforce about sexual harassment issues. Some university centres are using institutional radio, national radio programmes and other communications strategies to raise awareness and empower people to report such acts.

**(d) whether the law to prevent and sanction sexual harassment has been approved (see para. 138).** The Amendment to the Act on Sexual Harassment in the Workplace and Schools, No. 7476, was approved on 28 April 2010 to prevent and punish sexual harassment. As indicated earlier, the amendment was approved by Act No. 8805 of 21 April 2010.

**(e) whether the guidelines to prevent sexual harassment have been adopted, as recommended by INAMU (see para. 180).** As indicated in paragraph 180 of the report mentioned, the guidelines or recommendations to fight sexual harassment in the workplace were developed by the Gender Equity Unit of the Ministry of Labour and Social Security (MTSS), not by INAMU. However, officials from the Labour Inspectorate of MTSS have conducted training sessions on sexual harassment at businesses. The Commission on Labour Affairs of MTSS assists the Boards of Women Workers in including internal procedures in regulations. The Labour Inspectorate Procedures Manual was updated; as a result of an evaluation project conducted by the International Labour Organization in 2008, the chapter entitled Special Privileges now includes paragraph IV on procedures in cases of sexual harassment. The Gender Equality and Equity Policy and the corresponding Action Plan for the Ministry of Labour and Social Security, which were adopted in

December 2009, include actions to prevent and penalize sexual harassment in the workplace (see annex 8).

### **Trafficking and exploitation of prostitution**

**11.** The State runs the National Coalition against the Smuggling of Migrants and Human Trafficking, which includes various national institutions (see annex 9). Several laws have been passed and the existing legislative framework on trafficking and related issues was amended significantly. Protocols for action have been developed by different institutions in order to address potential situations in a more comprehensive way, for example:

- ESME protocol.
- Protocol for Action for Migration Officials concerning Underage Individuals in Vulnerable Situations.
- Binding provisions from the Ministry of Public Education on screening for commercial sexual exploitation in the Costa Rican educational system.
- Comprehensive Care Model for Survivors-Victims of Human Trafficking.
- Protocol for the Repatriation of Child and Adolescent Victims of Trafficking.

Furthermore, the special category afforded to victims of trafficking in the new Immigration Act represents major progress on the issue, as victims now have the opportunity to access all services they may require based on their circumstances, including health, psychological care, clothing and food. In addition, the establishment in 2005 of the National Coalition against the Smuggling of Migrants and Human Trafficking and its division into subcommissions will help strengthen Government actions on the issue (see annex 10).

As in previous years, in 2010, the Ministry of the Interior, Law Enforcement and Public Security was allocated a budget to combat human trafficking, with the goal of fulfilling the Operational Action Plan. Although a larger budget would be preferable in order to cover all requirements and optimize the work planned, important efforts have been made with the use of limited resources to prevent and detect trafficking.

The Office of Victim Services of the Public Prosecutor's Office makes every effort to respond to cases it receives and that are filed in court. In the majority of cases, the financial resources available are insufficient; the assistance provided by non-governmental organizations (NGOs) is critical for work to continue in this area and to provide the assistance victims require.

Since signing and ratifying the Palermo Protocol in 2002, Costa Rica has taken its responsibility regarding human trafficking very seriously. Thus, on 22 April 2009, with the promulgation of Act No. 8720, the "Act on protecting victims, witnesses and other persons involved in criminal proceedings — amendments and additions to the Code of Criminal Procedure and the Criminal Code", important changes were made to criminal legislation in accordance with the principles of protection, proportionality, necessity and confidentiality.



**Measures taken by the State party to collect disaggregated data by sex, age, ethnicity, nationality and regions regarding the above matter.**

By signing and ratifying the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the State of Costa Rica has taken on a series of national and international responsibilities in terms of preventing, punishing and responding to human trafficking, including measures to address the special needs of victims of trafficking and to account for factors that distinguish it from other crimes, in the context of organized crime. The commitments assumed represent a complex challenge that requires an inter-institutional, comprehensive response. The Government has strengthened the institutional framework by creating the National Coalition against the Smuggling of Migrants and Human Trafficking and making its Technical Secretariat one of the most reliable sources of information on the issue.

Training sessions have been conducted for officials on identifying and assisting victims of trafficking; however, data disaggregated by sex, age, purpose of the trafficking and ethnicity of victims is not available. Although there are no State shelters for victims of trafficking, the Government has referred some victims to short-term State shelters, which offer basic care for women and minors.

The Government frequently relies on non-governmental and religious organizations to provide specialized care to victims of trafficking. Foreign victims received the same services as Costa Rican citizens. The protocol for immediate care developed jointly by several Government institutions has helped to define the steps each institution should follow in order to screen, identify, protect and provide comprehensive care to victims. The Immediate Response Team has provided care to potential victims from its establishment in 2009 to the present. The Government has provided limited legal and psychological services and recognizes the need to make greater efforts to reintegrate victims into their communities. A new immigration law, which has been in effect since March 2010, added “victim of trafficking” as a migration category, thereby authorizing the provision of visas for temporary stays to foreign victims of human trafficking (see annex 11).

**12.** During the reporting period, Costa Rica implemented the National Plan to Eradicate Commercial Sexual Exploitation of Children and Adolescents 2008-2010, which included inter-institutional activities.

During 2009, efforts to train tourism operators on the issue of sexual exploitation continued. In coordination with the Costa Rican Tourism Institute, several workshops were conducted by officials from the National Institute for Women, the judiciary, the General Directorate on Migration and Aliens, the Ministry of Justice and Peace, and the National Children’s Council for officials from the Tourism Police and Immigration Police forces from different parts of the country, including San Carlos, Golfito and San José. In addition, as part of the Plan, training on commercial sexual exploitation was added as a requirement for certifying tourism operators, thereby making training on the issue mandatory for any operators wishing to become certified.

**13.** In 2008, the most recent year for which official statistics are available, the Government investigated 18 potential cases of human trafficking and 5 convictions were handed down for crimes of human trafficking, compared to 2 convictions in

2007. The Government maintained one anti-trafficking and smuggling unit made up of six agents, which worked closely with foreign Governments in cases of trafficking as a transnational crime.

Article 172 of the Criminal Code, which was amended in April 2009, establishes a penalty of 6 to 10 years of imprisonment for movement of persons across borders or within the country for the purposes of prostitution, bonded labour or sexual servitude, slavery, forced labour or services, servile marriage, begging or other forms of forced service. The article also prohibits irregular adoption, a concept that is not found in the internationally agreed definition of human trafficking. The penalty increases to 8 to 16 years in cases of aggravated circumstances, as when the trafficker victimizes minors or commits acts of fraud, violence, intimidation or coercion. The penalties established by the amendment to Article 172 are sufficiently rigorous and proportionate to sanctions for other serious crimes, such as rape. In addition, Article 376 and 377 of the Criminal Code prohibit the trafficking of minors, establishing a penalty of imprisonment of two to four years.

Act No. 8754 on organized crime, adopted in July 2009, authorizes the use of special procedures, such as wiretapping and pretrial evidence for prosecution of human trafficking cases. However, lack of awareness of the new legislation has limited its enforcement, and the Government continued to use other statutes to prosecute perpetrators of sexual exploitation of minors.

#### **Political participation and participation in public life**

**14.** The Act in question has not been amended, but other legal reforms have obtained results beyond what would have been achieved by the proposed amendments to the articles. In 2009, the Comprehensive Legal Reform of the Electoral Code was passed (Act No. 8765, August 2009), changing the system of maintaining a minimum quota for women's participation to a system based on gender parity and distributing public offices by sex: 50 per cent women and 50 per cent men (woman-man or man-woman). When the total number of members of a delegation, election ticket or in a given body is an odd number, the difference between the number of men and the number of women involved may not exceed one. The principle of parity must also be applied to the internal bodies of political parties.

The requirements for parity and distribution are applied to elected posts only under the system of proportional representation, which includes collegial bodies, but not under the majority system, in which offices are occupied by a single person. However, after numerous consultations on the amendments, the Supreme Electoral Tribunal ruled, by resolution No. 3671-E8-2010, that political parties must organize their lists of candidates for President and Vice-President of the Republic, mayors and deputy mayors, and commissioners and deputy commissioners in such a way that if a man heads the ticket, the candidate for the other office must be a woman and vice versa. It should be emphasized that, despite the great progress signified by the change from a system of quotas to one based on parity, an important challenge remains in terms of ensuring gender parity in the heads of tickets, as this issue was not included in the reform.

In accordance with article 309 of the Electoral Code, the Institute for Training and Research in Democracy was created to expand the scope of action of the Supreme Electoral Tribunal. The Institute is dedicated to planning and conducting

training programmes for citizens and political parties in order to promote the effective exercise of political rights and strengthen civic culture; it is also mandated to work with a gender perspective.

In addition, Act No. 8901, published on 27 December 2010 in Gazette No. 251, approved a minimum percentage requirement for women's participation in the leadership of associations, unions and non-profit organizations. The membership of the boards of directors of such organizations must be equitable, and if the total number of members is an odd number, the difference between the number of men and the number of women may not exceed one.

With regard to positions determined by popular election, it is important to note that despite the fact that the Code was amended before the national elections in February 2010, the parity rule was not applied. Instead, the quota requirements for women's political participation were used. The parity rule was applied for the first time during the municipal elections in December 2010 (see annex 12).

Women participate in political affairs through the National Meeting of Indigenous Women, an indigenous women's forum that has set up a committee representing women's organizations of the 24 indigenous territories.

The Committee for the National Meeting of Indigenous Women (CENAMUI) was created in July 2008, with the assistance of INAMU. It is composed of approximately 24 women leaders belonging to the eight indigenous peoples, with one representative for each territory (to the extent possible), along with one Gnöbe migrant. These women came together primarily to establish a politico-cultural forum where they could develop strategies for dealing with the issues and demands arising both inside and outside indigenous territories and affecting indigenous women.

In 2009, 24 indigenous women belonging to the Cabecar, Bribri, Maleku, Huertar, Térrabas, Brunca and Gnöbe peoples, including one Gnöbe migrant, received training in order to be able to train other indigenous women on the topics of land rights, culture, education and health. On average, they conducted four training sessions each, on the topics of territory, health, culture and education. In all, 23 indigenous communities in 13 indigenous territories received the training, namely:

- Talamanca Bribri: Watsi, Soki, Sibujú, Shiroles, Amubri, Pera (Meleruk), Këkoldi (one territory);
- Talamanca Cabecar: El Progreso de Sibujú, Gavilán Canta (one territory);
- Térraba (one territory);
- Guatuso: Palenques Tonjibe and Margarita (two territories);
- Zapatón (one territory);
- Gnöbe territories: Abrojo Montezuma, Niviribotdä de Las Vegas (Comité Burica), Pita de Caño Bravo (La Casona), La Casona, Alto La Laguna de Osa, Bajo Los Indios (five territories);
- Chirripó: Alto Pacuar, Tsipiriñak (one territory);
- Rey Curré (one territory).

In 2010, a consultation and training workshop on political rights was organized for 40 women in four locations — Buenos Aires, San Jose, Talamanca and La Casona — where materials on the political participation and organization of indigenous women were suggested. A document on the political participation of women has been prepared, entitled “*Las mujeres indígenas continuamos defendiendo nuestro derecho a la toma de decisiones y a la organización*” (We, indigenous women, continue to defend our decision-making and organizational rights). It will be printed this year, along with a film, cassettes and compact disks on the topic recorded in Spanish, Gnäbere, Cabecar and Bribri.

Also in 2010, a meeting attended by 30 indigenous women and women of African descent was held to present the different agendas of the Iriria Forum, the Forum of Women of African Descent and Mestizo Women, and the Caribbean Women’s Network. The objective was to prioritize the topics which the three agendas had in common, for subsequent presentation to the respective institutions.

Following that meeting, a round table was held with the respective institutions to present and negotiate the agenda that had been agreed on by the three groups, on the priority topics of land and housing, and health and education. Following that round table, a workshop was held to assess and develop an impact plan for follow-up on the agreements with the institutions.

With regard to indigenous women, work was done with women from the communities of Bajo Chirripó, Palmeras, Namaldy, Pozo Azul, Cerro Azul, Punta de Lanza, Tayní- (Valle de la Estrella), Gavilán, Cerere, Jabuy, Siböjü and Alta Talamanca. In the last two years, coverage has been provided to more than 50 indigenous women from these communities.

Currently, some of these indigenous women leaders are participating in negotiations among the networks and with the institutions, thereby demonstrating renewed and promising leadership skills — which have been forged with the support of INAMU in particular — and, of course, their empowerment. Within INAMU, the sharing of experiences has been promoted through regional meetings of indigenous women attended by delegates from various communities.

With regard to women of African descent, meetings have been held on the following topics: regional reality, cultural rights, cultural identity, legal organization and social and political impact. Discussions have been held on the regional, political and cultural reality affecting women in general, and women of African descent in particular, on their socio-economic and cultural rights, and on proposals for addressing their principal needs. Contacts between many of their leaders and other regional, national and international networks are considered important.

### **Stereotypes and education**

**15.** With regard to the State’s strategy for dealing with the problem of stereotypes and traditional gender roles, INAMU, through all its technical units, organizes sessions for the training of civil servants and the public on gender and human rights.

These sessions cover topics related to gender myths and stereotypes that perpetuate discrimination and violence against women, in such areas as the family, employment, education, recreational activities, access to justice and health services, and political participation. The topic for each session is determined according to the area of focus of each of the institution’s technical units: gender-based violence,

identity-building and life plans, women's active citizenship and leadership, women's legal status and human rights, specialized information, promotion of public policies, and regional development.

It should also be noted that efforts have been made within the framework of goals 1 and 3 of the National Gender Equality and Equity Policy (PIEG), to foster shared social responsibility in the care of dependent persons, especially in the sectors of health, education and culture. Efforts have also been made to enhance the training of public primary school teachers on the promotion of gender equality and equity in the educational sector. On this last point, it is important to note that the training falls within the context of a project being developed jointly with the Ministry of Public Education and the University of Costa Rica, entitled "*Sistema de Reconocimiento a Centros Educativos Promotores de Igualdad y Equidad de Género*" (system of recognition of schools that promote gender equality and equity).

In 2010, INAMU trained 132 teachers from 52 schools located in the priority cantons of the Safe and Healthy Communities Programme established by the current Government. The teachers developed assessments and school projects related to the topic of gender-blind curriculums in education, covering aspects such as interactions inside and outside the classroom, equal and equitable participation in recreational, cultural, sporting and political activities in the school, use of gender-inclusive language, and equitable use of time and space. These projects covered work with school teachers and administrators, fathers, mothers and students of the first and second educational cycles.

In the same vein, a series of activities were undertaken with media professionals (communicators, publicists and journalists), resulting in the organization of various forums and seminars to raise awareness of such issues as gender policies, the importance of gender-sensitive communication, and elimination of stereotypes in news reports, in order to promote gender equality. Work also began on gender-sensitive training for young communicators.

An outgrowth of this strategy was the creation in 2007 of the Inter-Agency Commission for the Promotion of a Stereotype-Free Image of Women, in cooperation with the Office of the Ombudsperson for Women of the Office of the Ombudsperson, the Advertising Standards Office of the Ministry of Interior and the Police, and the Public Performances and Advertising Standards Office of the Ministry of Justice. INAMU also developed a programme for implementation in 2008.

**16.** According to the management report of the National Scholarship Fund (FONABE),<sup>1</sup> 211,720 different types of scholarships were awarded in 2010, accounting for 92.85 per cent of the budget allocated to that end. The provinces with the highest number of scholarship recipients were San José, Alajuela and Puntarenas; 56 per cent of the recipients were from rural areas and 44 per cent were from urban areas. In general, the distribution of recipients by gender was fairly equitable: 49.58 per cent women and 50.42 per cent men.

The Technical Secretariat of the *Avancemos* programme,<sup>2</sup> which is part of the Vice-Ministry of Social Development, reported in October 2008 that a total of

<sup>1</sup> <http://www.fonabe.go.cr/Informacion/Estadisticas/Documents/Informe%20de%20Gesti%C3%B3n%202010.pdf>.

<sup>2</sup> [http://www.ohchr.org/Documents/Issues/EPoverty/casher/Costa\\_Rica.pdf](http://www.ohchr.org/Documents/Issues/EPoverty/casher/Costa_Rica.pdf).

129,487 people, disaggregated by age and gender, had benefited from the programme (see annex 13).

17. The Costa Rican Sport and Recreation Institute (ICODER) has established the goal of boosting the number of physical exercise, recreational and sporting activities that promote an active lifestyle among women.

The database of reports on participation in activities promoted by ICODER for 2010 included a specific column on the participation of women in the different programmes, in order to assess their level of participation and to promote strategies for increasing active and systematic participation in physical activity and sports.

The National Games Programme included statistics which showed that a greater proportion of women participated in the programme than men.

Under the institutional scholarship programme, significant efforts have been made to ensure that scholarship funds are distributed equitably between both genders.

The Recreation Unit of ICODER has changed its approach to recreation over the years. While its recreational activity programmes used to focus exclusively on children and young people, they have been expanded in recent years to include the elderly and women in general, as all three represent the most vulnerable groups in our society.

One of the goals is to cover the entire national territory, but given the institution's resources, its programmes have focused on selected vulnerable communities.

In 2010, the strategic objectives of the Recreational Unit of ICODER included the following:

- To increase the number of physical exercise, recreational and sporting activities, in order to promote an active lifestyle among women; it carried out 7,889 activities throughout that year.
- To place greater emphasis on sports and recreation across the 10 regions covered by the Costa Rican Sport and Recreation Institute, in order to promote canton integration and regional identity; more than 5,600 women participated in the different activities that were promoted.
- To offer recreational and sporting activities in communities where they had not been offered in the past, and where most of the participants would be women; the number of activities rose by 341 per cent and covered 113 communities.

All these activities were developed and communicated to the public through the institution's website, sports committees in the cantons and grassroots organizations in various communities.

Based on these data, we can conclude that we took a very wise decision to focus our programmes on women, as more and more women are participating in these programmes on a daily basis. Nonetheless, our objective is to offer women not only sporting and recreational opportunities, but also training that would give them the basic tools they need to develop similar programmes in their communities.

The goals for 2011 are as follows:

- To increase the number of sporting, recreational and physical exercise activities that enable women to participate more in the quest for an active lifestyle, better overall health and social security, especially in priority vulnerable communities for social investment. In this regard, at least 7,865 activities are expected to be developed, with 594,000 women participating throughout the country and in the selected communities.
- Continue to provide coverage to cantons that are to be served by the “*Activate*” and “*Costa Rica en Movimiento*” programmes; the latter will promote active and healthy lifestyles among women.
- Offer women in vulnerable communities opportunities to obtain basic sports education, with the aim of serving over 2,500 women.
- In order to attain these goals, it is expected that a minimum of 56 instructors will be hired and an active volunteer programme developed that will carry out these programmes in the targeted communities. To that end, basic training sessions for volunteers are planned throughout the year.

### **Employment**

**18.** It is important to note that, following the reporting period, Act No. 8726 of 2 July 2009, “Amendment of Chapter 8 of Title 2 of the Labour Code, Act No. 2”, was adopted, the Paid Domestic Work Act.

The decision of the Constitutional Chamber is taken into account and complied with in the provisions of this new Act in that it will formally endow paid domestic workers with all the rights enjoyed by other workers under the Labour Code, including the right to an eight-hour workday, thus eliminating all discriminatory provisions contained in Chapter 8 of the current Labour Code.

At the end of 2010 the Costa Rican Government submitted its observations regarding the draft convention and recommendation on decent work for domestic workers that the International Labour Organization (ILO) has been developing, through consultations and requests for submission of reports by Member States.

In addition, the Ministry of Labour and Social Security has prepared an information package that includes written material, bulletins and a web site. The Ministry is also developing both an internal and a public information campaign, highlighting the bodies responsible for promoting labour rights. At the end of 2010, a joint workshop was hosted by the Ministry, the National Institute for Women and the Household Workers Association (ASTRADOMES); at the workshop, 25 paid women domestic workers were provided with information on the scope of amendments to the Act. It is expected that similar events will continue to be held to share such information with other women.

**19.** The new Paid Domestic Act designates the Ministry of Labour and Social Security, the Office of the Ombudsperson and the National Institute for Women as the institutions responsible for mass dissemination of the content of the new Chapter 8 of the Labour Code and related legislation on the rights of domestic workers. Following adoption of the Act, seminars and training workshops have been held for both employers and domestic workers, and materials in accessible language have been developed in order to educate the public on this and other legislation on women’s rights to social security. Furthermore, joint activities are being planned

with institutions responsible for promoting women's labour rights and designing awareness-raising campaigns, in accordance with the Act.

In the context of the project "*Agenda Económica de las Mujeres*" (Women's Economic Agenda), measures were taken to strengthen women domestic workers' organizations, particularly building their skills in the areas of information and communication technology and women's rights; those activities were carried out with the support of the Institute of Gender Studies of the University of Costa Rica. A study entitled "Paid domestic work in Costa Rica: the sociocultural and legal institutionalization of inequality" was also published in 2010.

In the context of the Women's Economic Agenda programme, a study was conducted to update existing information on the situation of women domestic workers in Costa Rica (Paid domestic work in Costa Rica: the sociocultural and legal institutionalization of inequality); it has been circulated widely among decision makers including the Ministry of Labour and the Legislative Assembly, with a view to providing inputs and promoting public policy. The study clearly reflects the special circumstances of migrant women domestic workers.

As part of the measures taken to address the situation of migrant women domestic workers, an ICT (information and communication technology) training programme was developed to benefit this group, particularly targeting Nicaraguan women, in order to narrow the "digital divide" between men and women through an ongoing human resources training programme in computer use, aimed at women domestic workers.

This programme has improved their professional qualifications, enabling them to aspire to better-paying employment with more social benefits, thus affording them social mobility and greater economic stability. The results of the project led to its conversion into a regular service, provided in association with the Household Workers Association of Costa Rica, the University of Costa Rica, the National Institute for Women and CISCO Networking Academy. A publication on the first stage of the project "Against all odds: female domestic workers, Nicaraguan migrant women navigate the rough waters of new information and communication technologies" has been used to disseminate widely the project's results.

**20.** In the context of the Women's Economic Agenda project, a gender profile of the Costa Rican economy was prepared, with a particular emphasis on the situation of women and the impact of trade liberalization.

In 2007, at the time of approval of the United States Free Trade Agreement with Central America and the Dominican Republic (DR-CAFTA), INAMU compiled an analysis of every negotiated chapter identified as having potential consequences for particular groups of women, and proposed possible measures to mitigate undesired effects. Those measures were presented to the Legislative Assembly's Ad-Hoc Standing Committee on International Relations and Foreign Trade (2006-2010 legislative term). The Additional Agenda was also followed up to encourage members of the assembly to accept the recommendations associated with the Free Trade Agreement.

Active involvement by INAMU was also seen in the discussion of the European Union-Central America Association Agreement, which has three components (a free trade agreement, a development assistance component and a political component).



One of the features of the free trade agreement component most welcomed by the Costa Rican negotiators was the opportunity to implement the Gender Equality and Equity Management System with companies establishing themselves in the country, to ensure that women's labour rights were respected. However, it proved impossible to add a clause specifying that companies establishing themselves in the region must operate the System because there is no regional infrastructure to provide certification in all Central American countries.

Another INAMU recommendation, relating to the political component, was that, as a condition of involvement in the Association Agreement, all signatories should accept the Convention and its Optional Protocol, as a guarantee of respect for women's human rights. It also proposed a clause to ensure gender parity in all the bodies established by the Association Agreement.

As part of the development assistance component, a proposal was made for a project to promote women's role in businesses in order to offset the potential loss of jobs in the formal sector. The proposal was included, and subsequently approved by the European Union. This will make possible an investment of five million euros in business promotion in the poorest regions of the country, where the negative impact of the Agreements could be most pronounced.

Comments aimed at safeguarding women's human rights were presented to the Legislative Assembly's Ad-Hoc Standing Committee on International Relations and Foreign Trade (2010-2014 legislative term) in connection with the Free Trade Agreement between Costa Rica and China.

In order to implement the commitments against sex discrimination made by Costa Rica in national legislation and international agreements, and to mitigate the effects of the financial crisis and of opening up trade, programmes, projects and policies aimed at improving women's access to the labour market and decent work have been put in place or reinforced. Below is an outline of the work in progress.

In 2009/10, the Costa Rican Ministry of Labour and Social Security established an Official Gender Policy and accompanying Action Plan. Goal 1.6 of the Plan aims to establish conditions conducive to the discussion, monitoring and implementation of the Law regulating domestic work, emphasizing pay, length of the work day and social security coverage.

As part of a joint effort by INAMU and the municipalities of Desamparados and Alajuela districts, a pilot information, orientation and placement project with a focus on gender is taking place. The aim is to extend it to the remaining municipalities in the group of local governments working with the Ministry of Labour and Social Security through agreements for gender-focused institutional capacity-building in the field of job placement. The project is a strategy of the National Gender Equality and Equity Policy (PIEG).

## **Health**

**21.** In 2007, discussion began on the need for a national cancer reduction programme (PNCC) as a way to strengthen and direct efforts to address the disease in a comprehensive way.

In 2008, a proposal for strengthening the National Oncological Network was put forward. Its priorities included addressing breast, cervical, stomach and prostate

cancers using four lines of action: managing services within the Costa Rican Social Security Fund networks; human resources; infrastructure and equipment; and research.

The aim of the proposal is to improve conditions for cancer patients by improving treatment and strengthening the response capacities of the National Oncological Network from the standpoint of prevention, early detection, timely treatment and rehabilitation, and palliative care for those with terminal illness.

In 2009, the Ministry of Health gave impetus to the standards and procedures for cancer treatment in Costa Rica. The guidelines focus on the second and third levels of treatment, specifically that for the types of cancer most prevalent in the country. The standards and procedures seek to improve clinical decision-making for all professionals involved in treating such patients. In 2011, the Costa Rican Social Security Fund is working on the production of a guide to treating women with breast cancer.

**Please also elaborate on the progress to reduce maternal mortality as well as on the steps envisaged to reach the goals referred to in the report.** Goal 1.7 of the 2006-2010 National Development Plan is to reduce preventable maternal mortality by 24 per cent. The health sector has made considerable progress, reporting 82.5 per cent success in reaching this particular target (*Ministry of Health 2009 Memoria Institucional*, p. 156).

**22.** The University of Costa Rica and the Ministry of Public Education both played a role in establishing the national education plan for sexuality, which is aimed at implementing the National Policy of Comprehensive Education in Human Sexuality by mainstreaming the issue at all levels of education and constantly furthering the development of workshops in this field for middle school students. Two methods of virtual learning were established for students in the diversified education system: the course entitled “For Young People by Young People” and the Youth Sexuality learning portal ([http://www.mep.go.cr/downloads/informesgesti3n/Viceministerio\\_Academico.pdf](http://www.mep.go.cr/downloads/informesgesti3n/Viceministerio_Academico.pdf)).

In 2011, the Ministry of Public Education announced its intention to develop a learning programme independent of religious authorities, though it was open to hearing their suggestions regarding sex education.

The Ministry of Public Education points out that this is not a new version of the sex-education guidelines, but rather a comprehensive programme tailored to different levels of education. It is intended to train teachers to provide such education. The initiative seeks to provide information not just on contraception, but on affection, emotional maturity and pleasure (<http://161.58.182.53/2010-12-17/EIPais/NotasSecundarias/EIPais2624901.aspx>). It will be piloted in the third quarter of 2011 at a number of educational establishments yet to be determined, with the aim of making it universal in 2012.

### **Equality before the law and in civil matters**

**23.** The Constitution and the Family Code place an obligation on the State to protect families. The aims of the national machinery for the advancement of women include protecting women’s rights, promoting gender equality and facilitating efforts to improve the situation of women.

The institution responsible for contributing to processes affecting women's rights, for giving assistance and legal orientation to all State institutions to enable them to perform their activities without discrimination between women and men and for ensuring that administrative provisions are not discriminatory and that they respect women's rights, is INAMU.

In 2008, an information, guidance and reference centre attached to INAMU was established to provide women with advice in the form of professional legal, psychological and social services targeting women's rights and family rights. Through the Women's Office, INAMU provides the services of qualified professionals, support and assistance in legal cases involving the family and defence of the rights of women victims of domestic violence and discrimination.

**Please also provide information on the steps taken to ensure protection of the patrimony of women (see para. 726).** No changes have so far been made to Chapter VI of the Family Property Code. In order to strengthen protection of the property rights of families, preliminary draft wording to prevent fraud in connection with women's property rights is currently being prepared, with a view to being transformed into a legislative bill and to being adopted in the Legislative Assembly.

**Please also indicate whether the bill which would guarantee women's economic and social rights by strengthening the Family Property Code and setting up innovative, participatory mechanisms for the distribution of income and expenditures within the family, referred to in paragraph 729 of the report, has been adopted.** The bill targeted at guaranteeing women's economic and social rights by strengthening the Family Property Code and setting up innovative, participatory mechanisms for the distribution of income and expenditures within the family, as indicated in paragraph 729, was deferred in 2005. Work is under way on an alternative proposal, with input from social and legal research and a consultation that was carried out in 2009.

#### **Disadvantaged groups of women**

**24.** Since 2009, INAMU has been conducting a capacity-building and strengthening exercise for 40 migrant Nicaraguan women in areas neighbouring the La Cruz and Liberia districts in the Province of Guanacaste. Its aim is to improve the capacity of the women to inform and advise migrants on their human rights and to improve living conditions. Two sets of materials have been prepared and the first capacity-building workshops have taken place in each of the selected districts.

With the adoption of the current Immigration and Aliens Act, No. 8764 of 19 August 2009, exemptions were made from Act No. 8487 of 22 November 2005, referred to in paragraph 40 of the report. The new Act not only governs matters related to migration, but also has a wider scope including protection of migrants' human rights. In particular, it encourages the integration of migrants into society, taking as a basis the principles of respect for human life, cultural and individual diversity, solidarity and gender equity, and the human rights guaranteed in the Constitution and the international agreements and conventions duly signed, ratified and brought into force in the country. The Act makes respect for the cultures of immigrants and their integration into the country's development part of migration policy (see annex 14).

25. The new legislation establishes that migration policy should incorporate joint efforts, using inter-institutional coordination, to respond adequately to the immigration situation. Section 7 provides that all measures taken must guarantee social security rights to migrants. That guarantee creates an obligation for all processing of migration cases to accommodate as a basic requirement the facilities provided by the Costa Rican Social Security Fund.

Accordingly, employers of foreign staff must remain up to date with their employer-employee obligations and, once such staff have acquired residence, they must remain duly recorded in the social security system, as to do otherwise would make it impossible to renew their immigration status.

In addition, the procedural manual governing the work of Units for Affiliation and Authentication of Rights provides that, in accordance with Act No. 8783 of 14 October 2009, which amends article 2 of the Act on the Social Development and Family Allowances Fund (FODESAF) and recognizes the access of foreign nationals with proper immigration status to social security, that Costa Rican nationals and foreign nationals who are legal residents are entitled to coverage from the Costa Rican Social Security Fund.

It is important to point out the consolidation, in accordance with the Immigration and Aliens Act, of a migration policy which provides for comprehensive responses to immigration, as required by Act No. 8764, with the National Migration Council being responsible for making recommendations to protect human rights.

The Act consequently takes account of and reinforces some aspects of the rights of migrants, but some issues remain to be resolved. These include concerns about the increase in costs for individuals who must obtain documents from abroad and the level of fines for individuals found to be in the country without proper status, as these show the Act to be more restrictive for women, whose incomes are low.

The National Inspectorate of the Ministry of Labour and Social Security constantly monitors businesses to ensure that they respect their employees' labour rights. The new Immigration and Aliens Act, which applies from 1 March 2010, guarantees closer supervision of businesses and employers from the standpoint of respect for labour rights (responses to universal periodic review recommendations, 2010, Costa Rica).

26. The measures adopted by the State to guarantee the rights of women prisoners, including the right to health, the right to work and the right to receive family visits, are described below:

#### **Right to health**

In prisons, the right to health is governed by Decree No. 22139-J, Regulations on the Rights and Duties of Prisoners, article 8 of which provides that "every prisoner has the right to receive medical care. He or she has the right to be transferred to a health centre and to be accepted there. When the type of custody allows, the prisoner will go there on his or her own account." (see annex 15).

### **Right to regular and conjugal visits**

The right to communication is governed by article 12 of the Regulations on the Rights and Duties of Prisoners: “Every prisoner has the right to communicate by means of written correspondence, the public telephones installed in the prison and through ordinary and special visits in the prison in accordance with current provisions.” (see annex 16).

### **Right to work**

According to article 15 of the Regulations on the Rights and Duties of Prisoners: “Every prisoner shall have the right to education, to receive vocational training and to be given work, with no restrictions other than those deriving from his or her personal or institutional situation.” (see annex 17).

### **Opportunities and Responsibilities Unit**

In this unit, efforts are made to achieve the ideal established in the above-mentioned manual: “Reducing the difference between life inside and outside the prison strengthens independence and responsibility, provides practice in basic skills and reduces dependence on the services provided by the prison administration.” (p. 118).

Each woman prisoner, subject to a prior selection process, signs a document in which she agrees to follow the guidelines for the unit’s functioning and confirms her awareness of the consequences of not complying with them.

**27.** From 2008 to 2010, INAMU has provided life-skills training for a total of 10,071 women from all regions of the country, especially from the central region (San José, Cartago, Heredia and Alajuela). In recent years, an average of 3,357 women per year have participated in life-skills training (see table 1 of annex 18).

The number of women who move into the second phase, in which INAMU supports counselling on access to other institutional services and benefits, is lower than the number receiving life-skills training. The percentage of women who drop out of the phase of training and supportive counselling was 22.8 per cent in 2009 and fell to 16.89 per cent in 2010 (see tables 2 and 3) (see annex 18).

**28. Please provide concrete information on the measures taken to ensure the inclusion of the rights of women with disabilities in national policies, including with regard to health care, education, employment and social security.** Act No. 7600 on Equal Opportunities for Persons with Disabilities was a landmark in terms of national measures for women with disabilities. This piece of legislation was strengthened when the Convention on the Rights of Persons with Disabilities was ratified by Costa Rica’s Legislative Assembly on 8 August 2008. It was promulgated by the Executive Decree of 29 September 2008, which made it a law of the Republic (Act 8661) (see annex 19). The main approaches, principles and foundations of the National Disability Policy (2011-2021) include equal opportunities, gender equity and non-violence.

It should be mentioned at the outset that the levels of training and employment for women with disabilities are lower than those for men with disabilities. The measures implemented in various areas are as follows:

**1. Right to health care.** Costa Rica has the following policies and strategies: the National Health Policy, the National Health Plan for 2010-2021 and the National Strategic Health Plan for 2010-2015, which incorporate disability issues; the guiding principles of the National Strategic Plan on HIV/AIDS for 2006-2010 and the National Policy on HIV/AIDS for 2006-2015 include respect for diversity and differences (sexual, ethnic, cultural, disability and others) and guaranteed access to services for vulnerable groups (everyone has access, but there is special emphasis on vulnerable groups, including persons with disabilities).

The national plan for the prevention of domestic violence against women (PLANOVI) incorporates the concept of women with disabilities as a vulnerable group. A national plan on physical activity is in preparation and will include persons with disabilities as a priority group. The national policy on sexual and reproductive health rights, a mainstream policy, is also in preparation (see annex 20).

**2. Right to education.** The following are national binding policies and strategies: the State Policy on Education, which includes policies on access to education for students with special educational needs. The central element in Costa Rican education is the provision of high-quality educational establishments which offer a comprehensive and inclusive education. Early stimulation services are available for pupils with special educational needs, so that they can then attend regular schools which have the necessary technical, financial and staffing support services.

The National Plan for State University Higher Education (PLANES) includes a section on coverage and equity which promotes projects to support and improve conditions for persons with disabilities at universities. The Interuniversity Commission for Access to Higher Education (CIAES) is responsible for coordinating policies on access to higher education, including admission and retention policies, and fosters equal access for persons with special educational needs and/or disabilities. The Programme of Services for Students with Special Educational Needs (PSED) seeks to achieve equality and non-discrimination in higher education.

Similarly, various entities are working to ensure that there is no discrimination against students, including students with disabilities, at institutions of higher education. Some of these entities are: the Advisory and Service Centre for Students with Disabilities (CASED) of the National University; the University Council; the Legal Office; the Office of the Ombudsman for Students; the Department of Student Affairs; the Equity and Gender Programme; and the Institutional Commission for Equal Opportunities of the State Distance-Learning University.

In this connection, the Ministry of Public Education provides support services for students enrolled in regular and special education. There are currently 22 special education centres situated in different regions of the country, providing services for persons with various types of disability, from birth to the age of 21 years.

The above information is significant, as in 2010, a total of 100,454 students with disabilities were enrolled in the various services of general basic education and diversified education and received direct assistance or support services. The number of students with disabilities enrolled in regular schools is also increasing, which reflects a trend towards more inclusive practices in the national education system.

Measures targeting access to education are mainly concerned with information technologies that give access to website applications so that visually impaired individuals can increase the font size and see the information provided. The efforts made to improve physical access include construction of ramps, adaptation of sanitary services, widening of entrances and installation of audible and visual alarm systems, in addition to construction of elevators, in particular in the State Distance-Learning University and the Technological Institute of Costa Rica.

### **3. Right to work and employment**

The legal framework includes the following pieces of legislation which protect the right to employment of persons with disabilities: the Labour Code; Executive Decree No. 30391, which established the Unit for Equal Opportunities for Persons with Disabilities; and lastly, the draft law on labour inclusion and protection for persons with disabilities in the public sector, which is being considered, under file No. 17.828, by the Permanent Committee on Social Affairs of Legislative Assembly.

The main measures implemented by the Costa Rican State, as reported by the Ministry of Labour and Social Security, include the work of the Ministry's Unit for Equal Opportunities, which mainly consists of providing advice and training to various social actors, including the Ministry's senior officials, on formulating and designing policies, strategies and/or measures on labour and disabilities, and to employees, professionals, students and the general public, on legislation relating to disabilities, fiscal incentives, equal opportunities, access, labour rights, labour inclusion and other issues.

### **4. Right to an adequate standard of living and social security**

The measures taken have been designed to alleviate the situation of persons with disabilities living in poverty and neglect, mainly through financial support (subsidies) which the State provides to cover a number of basic needs. Social assistance programmes have been developed for this purpose by a number of institutions and various sources of financing. Some of them were established by Act No. 7972, which introduced a tax on cigarettes and spirits for the Social Protection Plan, the regular national budget, the Family Benefits and Social Development Fund, the Social Welfare Board and others.

These assistance programmes and the measures contained in them are carried out by the Inter-Agency Institute for Social Assistance (IMAS), which provides financial subsidies for persons living in poverty and for NGOs established by and working for persons with disabilities that require basic equipment for their functioning. At the local level, the main action taken by the municipalities has been for financial support services, physical access, information and advocacy for persons with disabilities.

In relation to physical access and information, some municipalities have implemented a services platform that provides preferential treatment for individuals who need it. Inspections are conducted to verify physical access to public and private institutions, public areas and community, health and education facilities; sidewalks have been improved.

Inclusion of persons with disabilities is pursued through annual fairs promoting microbusinesses run by women; training in business-related issues for

mothers of students and for adults with disabilities; support for groups of persons with disabilities; recognition of athletes with disabilities; campaigns promoting the human rights of women; facilitation of incorporation of persons with disabilities into the labour market; donation of computer equipment and software for visually impaired persons, and training in the mainstreaming of disability and gender issues into municipal administration for local government officials.

In the last three years, INAMU has taken specific action within its various programmes and services to respond to the particular needs and requests of women with disabilities. This has enabled it to take part in training in a number of regions. The National Council on Rehabilitation and Special Education (the lead agency for disability issues) is involved in the 80 inter-institutional networks to prevent, address and monitor violence against women.

In 2008, INAMU established its institutional commission on disability (CIMAD) and has so far implemented two annual plans incorporating efforts to ensure that women with disabilities can enjoy full rights. Activities undertaken by INAMU in 2010 included two Costa Rican Sign Language courses for its employees; training for visually impaired women in the human rights of women, and evaluation of the institutional infrastructure of IMANU offices throughout the country in order to analyse the main accessibility restrictions.

**29.** The Ministry of Foreign Affairs and Worship has supplied State institutions with a list of the commitments made subsequent to the country's first Periodic Review, which included a recommendation for greater measures to protect freedom of sexual orientation and gender identity. The State institutions have been encouraged to devote special attention to efforts in this regard, in order to comply with the obligations and recommendations of the Human Rights Council. The Ministry emphasizes the priority attached to compliance, and the responsibility of the State institutions with regard to action and measures in that connection (Ministry of Foreign Affairs and Worship, Costa Rica, 2010).

Consultations with State institutions' Offices of Comptrollers of Services have not revealed any complaints of denial of rights to employment, health care or education, or of other forms of discrimination on grounds of sexual orientation. There is one complaint of discrimination on grounds of sexual identity. In 2009, the Supreme Electoral Tribunal was the target of recommendations from the Office of the Ombudsperson, following a complaint from a transsexual person of a violation of gender-identity rights because of the Civil Registry Office requirement to associate with the photograph on that person's identity document their gender as originally registered. The measures taken by the Supreme Electoral Tribunal included the establishment of regulations for identity card photographs that accommodated the needs of transsexual and transvestite persons and others whose physical appearance has been altered (2009-2010 annual report of the work of the Office of the Ombudsperson).

Various legislative bills for the recognition of the rights of cohabiting same-sex persons are awaiting discussion and approval in the Legislative Assembly.

### **Women migrant workers**

**30.** As a host country, Costa Rica has a large population of migrant workers, many of them, according to technical studies by the Ministry of Labour and Social



Security, engaged in paid domestic work. Applying the orderly labour migration criteria appearing in the 2006-2010 National Development Plan, State institutions, in coordination with non-governmental organizations, are undertaking information efforts targeted at employers and employees. The information includes details of how to obtain work or immigration permits for particular labour categories, as determined by the Immigration and Aliens Act.

A number of immigration amnesties have been declared, with the aim of providing foreign nationals without proper immigration status with temporary residence, affording them employment conditions similar to those of Costa Rican workers. As Costa Rica is host to many people of Nicaraguan origin, the Ministry of Labour and Social Security has been working on a draft Costa Rica-Nicaragua co-development project, holding meetings and workshops regarding labour rights and responsibilities. It has provided advice on current rules and regulations, in coordination with the organizations working with such employees, including Alforja, Cenderos and Astradomes. With Fundación Genero y Sociedad (GESO), it is implementing a *Mujeres sin Fronteras* (“Women without Borders”) outreach programme which is becoming a source of information on the subject.

Domestic work belongs to the private domain. In the experience of Costa Rica, this limits and sometimes complicates labour inspections, because such jobs are performed in a private or family home, rather than in service or industrial settings to which the authorities can gain access. For that reason, individuals should duly report cases, so that the law is respected.

With regard to rights, the new immigration legislation specifies that all foreign nationals must be registered for social security. Every worker has a right to social security provisions, but also has a duty to contribute to the sustainability of the system and to fund public expenditure.

The Ministry of Labour and Social Security has put in place procedures to encourage workers to approach it for information and advice on labour matters. Interestingly, 25 per cent of those doing so are foreign nationals, whether or not they have proper status. A free telephone advice line, 800-Trabajo, accessible nationwide, enables workers to request advice and resolve doubts. However, providing the service is a challenge, and more should be spent on it.

Reform of chapter 8, title II of the Labour Code, Act No. 2 on paid domestic work, has recently been approved, affecting articles 101 to 108 inclusive. It redefines the concept of a domestic worker, sets the probationary period for such work at three months, determines the rights to social security, provides for cash payment, interpreting that in the light of article 166 and in accordance with minimum wage provisions. It determines working hours, bringing them into line with the eight hours applying to other workers, incorporates overtime. In accordance with article 163, it enshrines the right to 15 days per year of paid leave, and also the appropriate rights regarding incapacity to work. It prohibits awarding work contracts to those under 15, emphasizing the basis of that provision in Costa Rica’s adherence to Conventions 182 and 138, and Recommendation 146, of the International Labour Organization. The legislation in question came before the standing special drafting committee of the Legislative Assembly in June 2009.

Despite limited national budget resources, State institutions are making efforts in this regard. In line with the joint intervention strategies, a number of regular

labour inspection exercises are taking place in coordination with the Costa Rican Social Security Fund, the National Insurance Institute and the Ministry of Labour and Social Security. In other cases, action has been taken to involve the Ministry of Health and the National Migration and Aliens Directorate in order to follow up adherence to labour rights and to emphasize the importance of continuing to create better awareness among employers about full respect for such rights. It should also not be forgotten that Costa Rica is working to ensure respect for human rights by taking effective action to punish, prevent and eradicate trafficking in human beings.

Costa Rica is not considering ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

### **Indigenous women**

**31.** Training is being provided to enable women to promote women's rights, with dedicated days devoted to examining and publicizing the rights set forth in the Convention and its Optional Protocol. Similarly, open-air events are held to promote women's rights and distribute campaign material in parks, recreation centres, forecourts and esplanades, taking account of the results of the perception survey (see annex 21).

Policies to improve access to justice and to promote rapid trials have been put in place. The Brasilia Regulations regarding access to justice for vulnerable people are being applied (responses to Universal Periodic Review recommendations, 2010, Costa Rica). As a State Party to the Convention concerning Indigenous and Tribal Peoples in Independent Countries (International Labour Organization Convention No. 169), Costa Rica consults indigenous peoples on decisions affecting them (responses to Universal Periodic Review recommendations, 2010, Costa Rica). There are items of draft legislation in this field awaiting discussion and approval.

- Bill No. 14352 on autonomous development of indigenous peoples, the main aim of which is to establish a framework to provide legal, financial and social support for the indigenous peoples of Costa Rica, in a context of self-determination and respect for the rights, customs and traditions that are the basis of indigenous peoples' authenticity. Also being established are mechanisms to guarantee those peoples' human and cultural rights;
- Adoption of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (final wording in Bill No. 16.697 of 2 November 2010);
- Bill No. 17150, reform of Article 1 of the Constitution to establish the multi-ethnic and multicultural character of Costa Rica.

In 2007, the first forum of indigenous women of the Huétar Atlántica region was held, with the aim of finding out the wishes of the indigenous women of that location. Subsequently, the Huétar Atlántica Women's Agenda and the Iria Forum were established.

In 2008, efforts began to improve individual and collective leadership with Bribri and Cabécar women of the Iria Forum, through training in leadership, communication, negotiation and impact. Furthermore, the Province of Limón Iria Forum Bribri-Cabécar Women's Agenda was revised, updated and adopted.

In 2009, a forum was held to present the Agenda to State institutions. At that event, the women's proposals on land and home issues, health, education, social problems, traditional products and tourism were explained. These formed the basis for an impact plan for working with State institutions, and approaches were made to the health sector, the Ministry of Housing and Human Settlements and the indigenous peoples' development associations.

In 2010, an outreach campaign focusing on indigenous women's rights in the areas of health, education, housing and land was conducted in the Bribri and Cabécar languages. The event was prepared, translated and recorded by indigenous women. Coverage was transmitted by local broadcasters La Voz de Talamanca and Radio Casino over a period of three months in Talamanca district.

The 2011-2014 National Development Plan contains a strategic goal entitled "National Development Plan for Indigenous Peoples in the context of a public policy with an indigenous cultural ownership". The goal specifies INAMU as one of the institutions leading the effort, in order to ensure a focus on gender and the human rights of women.

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