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Held at the Palais Wilson, Geneva,
on Monday, 22 October 2007, at 10 a.m.

Chairperson: Mr. RIVAS POSADA

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (agenda item 6) (continued)

Fifth periodic report of Costa Rica (CCPR/C/CRI/5; CCPR/C/CRI/Q/5)

1. At the invitation of the Chairperson, Ms. Thompson and Ms. Segura (Costa Rica) took places at the Committee table.
2. Ms. THOMPSON (Costa Rica), introducing the periodic report, said that the Government of Costa Rica was pleased to enter into a dialogue with the Committee and took the opportunity to reaffirm its commitment to discharge its international obligations and cooperate with the treaty bodies. Since the consideration of the previous report, it had endeavoured to implement the Committee's recommendations, even though some obstacles remained.
3. The fifth periodic report, prepared in cooperation with State institutions and civil society, in accordance with the Committee's guidelines, bore witness to Costa Rica's efforts to continue enhancing respect for the rights of all, without distinction, in particular by adopting new laws. Costa Rica already had a substantial legal framework to ensure the protection of human rights, which had been supplemented by the signing, in February 2007, of the International Convention for the Protection of All Persons from Enforced Disappearance, together with the International Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, in March 2007. The Costa Rican Constitution and legislation contained a large number of provisions designed to guarantee respect for human rights. Violations thereof by State officials and, in certain cases, individuals, could be remedied by habeas corpus and amparo applications to the Constitutional Chamber. Through its interpretative rulings, the Constitutional Chamber had played a vital role in the development of constitutional law. For example, it had ruled that international human rights instruments took precedence over the Constitution.
4. Costa Rica, which had no army, was an ardent champion of human rights. It had abolished the death penalty in 1878 and prohibited torture, which had explicitly been made punishable under the Criminal Code since December 2001, in response to the Committee's recommendations. Costa Rica had chaired the working group of the former Commission on Human Rights responsible for preparing the draft optional protocol to the Convention against Torture, and had ratified that instrument upon its adoption by the General Assembly in 2005, having been convinced of the enormous value of such a text for the prevention of torture in detention centres.
5. Costa Rica had a long tradition of receiving refugees and asylum-seekers, who enjoyed the same rights as nationals, including in the area of employment and health. In that connection, the Government had signed an agreement with the Social Security Fund to enable refugees to receive any medical care they might require. Moreover, great importance was attached to the continued training of members of the police force and labour inspectors, to prevent them breaching their obligations. The new Migration Act, adopted in 2006, was designed to punish traffickers, regulate marriages arranged between foreigners and Costa Ricans to obtain a residence permit, and prohibit entry into the country of foreigners convicted of sexual offences,

exploitation of minors, homicide, genocide, tax evasion and trafficking in persons, arms or drugs, among other things. However, that law was currently being reviewed by the Legislative Assembly because of gaps in some of its provisions.

6. With regard to the indigenous populations, concerning whom the Committee had also made recommendations, it should be pointed out that a prosecutor of the Supreme Court would be given special responsibility for indigenous issues, that indigenous language translators would be attached to the courts, and that judges had been instructed always to consult the indigenous communities before ruling on any dispute which concerned them.

7. Costa Rica was also seeking to take action on the recommendations of the International Labour Organization relating to freedom of association. Thus, it had set up a mediation body in the field of labour relations and had prepared a bill on labour law reform, currently under consideration by the Parliament, which was designed to overhaul labour court procedures. Costa Rica was strongly committed to the defence of the right to life from the moment of conception, but it was well aware that clandestine abortion was a scourge which it had diligently combated. Thus, measures had been taken to reduce the number of clandestine abortions - including through awareness-raising and sex education campaigns. Those were only some of the initiatives undertaken in recent years.

8. The CHAIRPERSON thanked the Costa Rican delegation and invited it to reply to the questions contained in the list of issues that had been transmitted to it (CCPR/C/CRI/Q/5), beginning with questions 1 to 9.

9. Ms. THOMPSON (Costa Rica) said that bill No. 13874, which criminalized violence against women (question No. 2), had been adopted in April 2007. A commission made up of representatives of different institutions had been established and was currently preparing a campaign to publicize the new text. No complaints had yet been registered under article 123 bis of the Criminal Code, which classified torture as an offence (question No. 3), but two organs of the Ministry of Public Security dealt with complaints against the police, namely the Disciplinary Department and the Services Supervisory Bureau. The number of complaints for abuse of authority had declined significantly since 2005, as a result of improved training of police officers, who were also issued precise guidelines, and improved information to the public about their rights. In order to give effect to a recommendation by the Office of the Ombudsman, since 2006, the directors, administrators and guards of penitentiary establishments had been required to forward all complaints by prisoners regarding unlawful acts or attacks by staff to the competent administrative authority for investigation by the latter, in accordance with the Public Administration Act.

10. Regarding abortion (question No. 4), Costa Rica remained convinced that life began from the moment of conception. However, article 121 of the Criminal Code authorized abortion in exceptional circumstances if the life or health of the mother was in danger, subject to three conditions: the abortion must be carried out by a doctor with the consent of the woman concerned when the risk to life or health could not have been avoided by other means. Article 93 gave courts the possibility of pardoning someone convicted for abortion in two specific cases: pregnancy caused by an offence against honour or resulting from rape.

11. Costa Rica had no current plans to reduce the period of pretrial detention (question No. 5), which was set at 12 months in the Criminal Code and could be extended in exceptional cases. Detention incommunicado was in principle limited to 48 hours. Only in very exceptional cases could it be extended up to a maximum of 10 consecutive days, again by court decision, if justified on substantial grounds (for example, if there was a risk that the person concerned might hinder the investigation or enter into contact with accomplices). In all cases, the detainee was entitled to consult counsel before making any statements. There was currently no bill to amend the duration of incommunicado detention.

12. Costa Rica had no specific legislation on the press (question No. 6). Press freedom was governed by different texts (Constitution, Publications Act, Radio and Television Act, Criminal Code, Ethical Code for Journalists), which were all in conformity with article 19 of the Covenant. However, the Legislative Assembly was currently considering a bill on “freedom of expression and press freedom” aimed at amending certain provisions of those texts, with a view to more precisely regulating the exercise of the freedom of expression, while guaranteeing the right to privacy. With regard to threats against journalists, two cases were currently before the courts: the murder of a well-known sports journalist, and the review on points of law of the acquittal on appeal of several individuals charged with the murder of a journalist.

13. Human rights organizations were widely represented in all discussions and decision-making on national policies (question No. 8). For example, no fewer than eight NGOs participated in the work of the National Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents (CONACOES) and civil society also participated in the Migrant Population Forum.

14. Regarding the attack against the headquarters of a trade union organization (question No. 9), the case had been discontinued as the investigation had not made it possible to establish individual responsibility.

15. Sir Nigel RODLEY emphasized that Costa Rica had consistently opposed the death penalty and torture, and had played a fundamental role in the elaboration of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It also took an active part in the work of other international bodies. The constitutional stability of the country was conducive to ensuring respect for human rights.

16. As had been mentioned by the delegation, by virtue of a Constitutional Chamber decision, international instruments were ranked above the Constitution. However, it would be useful to ascertain whether the provisions of the Covenant, or of any other international instrument, had been directly invoked before the courts in order to challenge a domestic law or the Constitution itself. In that connection, it should be noted that the State party’s report contained considerable detail about legislative measures and the institutional follow-up to the Committee’s recommendations, but it failed to pay sufficient attention to the practical implementation of the Covenant, a point regarding which the Committee had already expressed reservations in its previous concluding observations.

17. The adoption of the Act on Violence against Women (question No. 2) was a major step forward. It would be useful to know whether its implementation had already given rise to investigations or prosecutions, or even only to protective measures.

18. Concerning acts of brutality and abuses of authority committed by the police, the delegation had stated that not one single action had been brought before the courts under article 123 bis of the Criminal Code. He wondered about the reasons for that and whether one of the possible explanations might be that the authorities preferred to adhere to the legal concepts with which they were familiar, and continued to cite “abuses of authority”, especially if the application of new concepts entailed more serious consequences for those responsible. The statistics provided in the written replies concerning inquiries conducted by internal supervisory bodies held by the Office of the Ombudsman were extremely valuable. However, they failed to indicate whether the inquiries had resulted in disciplinary or criminal measures. If that had been the case, it would be useful to know what those measures had been, what acts they had covered and what compensation, if any, had been granted.

19. With regard to abortion, the Committee appeared to have been given inaccurate information, since the delegation had stated that abortion was permitted when the life or health of the mother was in danger. It would be useful to consult the legislation authorizing recourse to or the practice of abortion in those circumstances, and to be given information on proceedings that might have been instituted during the period under review against persons who had undergone or practised abortions. The pardon granted by the court in the cases cited by the delegation should efface not only the sentence but also the declaration of guilt. He wished to be given details about cases in which a pardon had been granted because the abortion had been carried out to save the honour of the family or as a result of rape. He asked whether legal proceedings had been instituted in those circumstances and what the attitude of the courts had been in the context of the practical application of the provisions of article 121 of the Criminal Code.

20. Turning to the question of pretrial detention, he requested statistics on the average duration of such detention and on the type of offences concerned. Incommunicado detention for too long a period constituted a violation of not only article 9 of the Covenant but articles 10 and 7 as well. A maximum of 10 days was excessive. The fact that incommunicado detention was ordered by a judge was not a satisfactory solution. That might make the decision less arbitrary, but no less harmful. It should be ascertained how the statutory provisions on the judicial monitoring of detention were applied. One way of guaranteeing that a prisoner did not run the risk of being subjected to ill-treatment was to ensure that the authority responsible for detention was different from the authority responsible for the investigation, which was perhaps the case in Costa Rica. He wished to know what guarantees were in place and, in particular, he wished to be given information about any individuals whose incommunicado detention had been ordered by a judge for a period in excess of 48 hours.

21. Mr. LALLAH said that he, too, had noted that the report contained detailed information on Costa Rican legislation but lacked information about the factual situation. On the subject of freedom of expression, he noted that the Criminal Code (arts. 149 and 152) defined slanderous and insulting language carried by the press as offences, and he asked how many legal proceedings had been instituted under that article since the previous periodic report had been submitted and what penalties had been imposed. Such acts should not constitute criminal offences, if only to avoid journalists feeling obliged thereby to exercise a form of self-censorship, particularly since journalists who had reported cases of corruption, drug trafficking or murders connected to those activities had received death threats. In that connection, it was disappointing to note that Costa Rica, which was a great champion of human

rights, did not seem to have the right approach to those threats. It would appear that, in practice, the perpetrators of such offences enjoyed a degree of impunity, which was a serious threat to freedom of expression. The Press Act contained provisions designed to protect the reputation of public figures or officials; however, it contained no provision guaranteeing the confidentiality of sources or the right to have access to official information. It was right and proper, of course, that some matters of State should remain confidential, but the right of access to information was an essential right.

22. Concerning freedom of association, it was disappointing that no action had been taken as a result of the attack on the headquarters of the International Confederation of Free Trade Unions, as that also suggested that there was a degree of impunity for such offences. It was difficult to see why it had not been possible to identify the perpetrators. On the matter of the proposed reforms to freedom of association set out in paragraphs 264 to 278 of the report, it would be useful to know which ones had been adopted, which had not been adopted and for what reasons, and the reaction of the trade unions to those different proposals. He also stressed the need to ensure that workers had opportunities for prompt appeals and asked whether, for that purpose, a decentralization of the courts had been undertaken. He requested clarification concerning paragraph 268 of the report, where it was stated that “the concept of exhaustion of a legal strike is introduced, which is important because it permits forced arbitration: in effect all conflicts must have a civilized solution”. He wondered what was meant by “civilized” and “exhaustion of a legal strike”. The following paragraphs referred to regulations that had been established to govern negotiated solutions to economic and social conflicts in the public sector (para. 269) and arbitration introduced as a right for workers in essential services. He asked whether such regulations also existed for the private sector and who determined what services were essential. Moreover, it should be noted that certain essential services were also the responsibility of the private sector. It was stated in paragraph 273 that “collective procedures are simplified and a special strike classification procedure is established”; it would be useful to know what “strike classification” entailed, what was the degree of complexity of the collective procedures and in what way they had been simplified. Lastly, it would be helpful if the delegation could explain the substance of the planned amendments to the provisions regarding the right to organize (paragraphs 275 and 276 of the report).

23. Mr. JOHNSON LÓPEZ, referring to non-discrimination and equality of rights between men and women, said that the adoption in April 2007 of Act No. 13874 criminalizing violence against women was an indispensable measure, bearing in mind that 60 per cent of women in Costa Rica had been victims of acts of violence and that only 10 per cent of them had reported those acts. He asked whether the State intended to take specific measures to enable women freely to report such acts when they were committed by their spouses. The follow-up commission established for that purpose could perhaps recommend the adoption of guarantees to protect women who reported acts of violence committed by their spouses. Such a measure would undoubtedly serve to reduce the level of marital violence.

24. Ms. MOTOC noted with satisfaction the importance attached by the State party to environmental law and the rights of indigenous peoples, and said that Costa Rica could serve as an example to other countries in the region that faced similar difficulties in preserving national and regional stability and which found it difficult to manage their other priorities. She associated herself with the questions and comments of other members regarding article 3 of the Covenant, and wished to know the precise content of the new law criminalizing violence against women.

As had been observed by the Committee on the Elimination of Discrimination against Women in its general recommendation No. 19, women were victims not only of “actual or threatened violence”, but also of “the underlying consequences of these forms of gender-based violence”. It would therefore be useful to know whether the new law contained provisions on sexual harassment, for example. She enquired about the status of prostitution in Costa Rica and asked the delegation for its opinion on the links between prostitution and trafficking in women. She further requested information on measures taken to combat sex tourism.

25. Ms. WEDGWOOD noted that Afro-Costa Ricans had long been subject to de jure and de facto discrimination. She asked whether steps were being taken to ensure their representation in the Government. Concerning article 7 of the Covenant, States parties were under an obligation not only not to inflict ill-treatment, but also to protect the population against such practices, and it was regrettable that corporal punishment was not yet prohibited. With regard to workplace security, it was important to know whether the Costa Rican authorities had adopted provisions to regulate the use of industrial chemical products in plantation agriculture. Regarding freedom of expression and association, she asked the delegation to comment on reports of death threats against journalists dealing with corruption cases or cases against trade unionists. As far as refugees were concerned, she requested clarification of the cessation and exclusion clauses in the new Immigration Act of August 2006 which, according to certain reports, contravened the principle of non-refoulement. If that were the case, it would be a matter of particular concern to the large number of refugees from Colombia, Nicaragua and El Salvador who were currently in Costa Rican territory.

26. It would be useful for the Visa Commission to include among its members representatives of the Ministry of Foreign Affairs, in addition to the Ministry of Public Security. The fact that asylum-seekers were not authorized to work while their applications were being considered created the risk of their being drawn into the underground economy or even into prostitution. Lastly, according to some reports, the Minister of Public Security had informed the Colombian authorities, in 2006, of the names of Colombians applying for refugee status in Costa Rica. It was important to ascertain whether that had occurred accidentally or constituted common practice, and, in the latter case, how such a lack of confidentiality could be reconciled with the State party's obligations under the Covenant.

27. It would also be useful to obtain information about overcrowding in prisons and clarification of the xenophobic tone of recent speeches by certain representatives of the Costa Rican authorities. Finally, she associated herself with Ms. Motoc's remarks regarding sexual harassment.

The meeting was suspended at 11.30 a.m. and resumed at 11.55 a.m.

28. The CHAIRPERSON invited the Costa Rican delegation to reply to the questions put by members of the Committee.

29. Ms. THOMPSON (Costa Rica) said that she would immediately seek information concerning certain questions which she was not in a position to answer and that she would provide the Committee with additional written replies in the coming days. She would indicate

in particular whether the new law criminalizing violence against women had already been invoked before the courts, whether provisions existed to protect journalists' sources and whether it was possible to provide statistics on pretrial detention.

30. She was not aware of any cases in which the Covenant had been relied upon to challenge a domestic law, but said that the Constitutional Chamber, in an order cited in paragraph 251 of the periodic report, had recognized the right of reply and correction, which was not included in Costa Rican legislation. In another order, the Constitutional Chamber had held that the manner in which a retirement pension case had been handled was inconsistent with the State's obligations under the Covenant.

31. With regard to torture, it was to be hoped that the lack of complaints meant that there were no cases of torture in Costa Rica, but it was not out of the question that certain cases could have been treated as abuses of authority, as an emerging social awareness was sometimes slow in leading to changes in the classification of criminal offences. Regarding the sanctions and other measures to which cases of ill-treatment had given rise, the Costa Rican Government's written replies (document without a symbol in Spanish only) contained information on the status of cases involving abuse of authority, arbitrary detention and other irregularities, in particular the number of cases closed and the number of cases that had resulted in recommendations.

32. As had already been indicated by the delegation, abortion was authorized by the Criminal Code when there was danger to the life or health of the mother. She would provide additional written information containing details of cases of that kind that had been brought before the courts.

33. Costa Rica did not plan for the time being to reduce the maximum period of incommunicado detention, but it was important to note that that regime was applied on an exceptional basis, subject to very strict conditions. The aim was merely to prevent any exchange of information which would make disclosure of the truth impossible. The right of the person concerned to consult a lawyer should be expressly mentioned in the court decision ordering incommunicado detention, so that the prison authorities were left in no doubt on that subject.

34. Regarding freedom of expression, defamation and insult were indeed punishable under the Criminal Code, but they were considered minor offences. Accordingly, they were not subject to imprisonment, but to a 10- to 50-day fine if committed in private and to a 15- to 75-day fine if committed in public. Death threats against journalists were not covered by any specific legislation but came under the Criminal Code; however, that did not prevent them being prosecuted with all due rigour.

35. On the question of freedom of association, a series of laws and bills had been prepared, as was indicated in the periodic report, but they had not yet entered into force. The reason was that Costa Rica had recently gone through a period of legislative inertia lasting some 18 months, due to parliamentary procrastination on the free trade agreement with the United States of America. The discussion concerning ratification of that agreement had been deadlocked for over a year, causing a slowdown in the entire legislative process, until the President of the Republic had decided to organize a referendum on 7 October 2007, which had eventually enabled the deadlock to be broken. It was to be hoped that the backlog in the consideration of all the draft legislative texts would soon be eliminated. The bills awaiting approval included one on reform of labour

court procedures, which was designed to authorize trade unions to negotiate and conclude collective agreements, to lower to 40 per cent the percentage of workers required to call a strike and to establish a special strike classification procedure, to regulate negotiated settlements and arbitration in public sector enterprises, to ensure the protection of persons with special rights and to introduce the requirement of oral hearings. The draft amendments to certain articles of the Labour Code were aimed at establishing an accelerated procedure to expedite verification of the lawfulness of dismissals, so as better to protect the rights of workers. The purpose of the draft constitutional reform was to add to article 192 of the Constitution a clause recognizing the right of public service employees (with the exception of senior officials) to negotiate collective agreements. The Parliament was also considering bills on the adoption of the ILO Labour Relations (Public Service) Convention (No. 151) and the ILO Promotion of Collective Bargaining Convention (No. 154). Finally, several articles of the Labour Code were to be amended in order to strengthen trade union rights as a whole.

36. Acts of violence against women were effectively covered by the definition of domestic violence contained in Costa Rican legislation. A national awareness-raising campaign was to begin in November 2007, and would be accompanied by a campaign against trafficking in human beings organized in collaboration with the International Organization for Migration. The National Institute for Women was working with the judicial authorities to ensure better dissemination of information on rights and the law. Lastly, the establishment of numerous reception facilities throughout the country for female victims of violence should encourage ill-treated women to report acts of violence more readily. She was not in a position to say whether the new Act criminalizing violence against women contained specific provisions on sexual harassment, but she undertook to seek the necessary clarification of that point. In any event, there was a law protecting women against sexual harassment in the workplace.

37. Several legislative measures had been taken to combat sex tourism and improve the protection of the victims thereof. For example, the Act on commercial sexual exploitation and certain articles of the Criminal Code and the Code of Criminal Procedure had been amended to strengthen the penalties for acts of sexual exploitation. Thus, the limitation period for criminal proceedings had been extended, the penalties for offences characterized by exploitation of the victim's vulnerability had been increased, and the possession of pornographic material had been classified as an offence, whereas previously only the production and distribution of pornographic material had been so classified. In addition, foreigners previously convicted of sexual offences were henceforth banned from entering the territory of Costa Rica. The country had thus adopted an appropriate legal framework for the effective suppression of commercial sexual exploitation. The Government was nevertheless fully aware of the gravity and scale of the problem and would spare no effort to secure its eradication.

38. Afro-Costa Ricans had long since ceased to be subjected to systematic discrimination. There was no denying that for many years that minority had not had access to the same opportunities as the rest of the population, but considerable progress had been achieved in that field over the past 30 years, particularly with regard to education. It was true that members of that minority still occupied few senior civil service posts, but the policy of promoting equality of opportunity should be given time to bear fruit. The difficulties currently encountered by members of the Afro-Costa Rican community had nothing to do with their ethnic origin; they were difficulties that were experienced by all rural populations.

39. The practice of corporal punishment was authorized by the Family Code in the family environment, but there were no legislative provisions authorizing its use in institutions. Further clarification on that issue could be provided subsequently. In any event, the provisions relating to corporal punishment should be interpreted in the light of the instruments for the protection of children's rights, including in particular the Children and Adolescents Code, which excluded brutality and all forms of corporal punishment capable of harming the physical integrity of the child.

40. Regarding refugees, it was true that some provisions of the Immigration Act adopted in 2006 had provoked serious criticism from a number of human rights organizations. The Government had taken that into account and had submitted a bill to amend the Act to the Legislative Assembly, which had been drawn up in consultation with civil society, but had not yet been adopted.

41. The Government had acknowledged that the disclosure of confidential information to the Colombian authorities by the Minister of Public Security, the Interior and the Police had been a highly regrettable error, and it had taken all necessary steps to prevent such incidents from occurring again in the future.

42. Prison overcrowding was a problem faced by many countries, even developed countries. Remedial measures had been attempted, including the establishment of alternative penalties for minor offences. That had helped to reduce the number of prison inmates, but the decline was not sufficient to resolve the problem. Another possibility was to increase prison capacity, but that required resources that might not necessarily be available to the Government.

43. She regretted not being able to reply to all the Committee's questions, as she lacked the necessary information, and would endeavour to reply to the outstanding questions at the next meeting or, if the necessary information could not be obtained by then, as soon as possible in writing.

44. The CHAIRPERSON thanked the delegation and invited comments from members of the Committee.

45. Sir Nigel RODLEY expressed appreciation for the praiseworthy efforts of the delegation but regretted that no Government representative had been present during consideration of the report and that the Committee had thus been deprived of some of the information needed to conduct a thorough and objective examination. Returning to the question of incommunicado detention, he said that it was his understanding that the possibility of consulting counsel was guaranteed throughout the duration of such detention. However, according to the information contained in the written replies, it would appear that the courts were asked to limit communications between suspects and lawyers to the strict minimum, in order to avoid any conduct detrimental to the establishment of the truth. He wished to know whether that interpretation was correct and what other guarantees were provided to protect persons held in incommunicado detention from any pressure or abuse of authority in cases where access to counsel was not authorized. He also wished to know whether it was true that prisoners could be interrogated only in the presence of their lawyers.

46. Mr. LALLAH asked whether, parallel to the Act on the protection of the honour of members of the Government and public figures, there was an Act to protect the honour of persons other than members of the Government and public figures, as would be required pursuant to article 26 of the Covenant. Concerning freedom of association, he noted that none of the bills to amend legislation on the subject had yet been adopted. The Committee refrained, as a rule, from giving its opinion on mere bills. On the other hand, it would be useful, when bills had been adopted, for it to obtain more detailed information about their content, which could be provided to it in the next report of the State party.

47. Ms. WEDGWOOD congratulated the delegation on the commendable work it had done, given the scant resources at its disposal, and stressed the essential need for States parties to send a delegation representing their Government, and more specifically institutions such as the police, the prison administration and the immigration services. In that way, the Committee could directly convey its concerns to the competent persons and obtain first-hand information on the implementation of laws, instead of only receiving a description of their content. It was only in those circumstances that a fruitful dialogue could be established between the Committee and the State party. It was to be hoped, therefore, that in the future the Costa Rican Government would take the necessary steps to ensure that it was properly represented before the Committee.

48. Regarding death threats against officials and journalists (question No. 7), she asked why such threats, even if not accompanied by acts of violence, could not be covered by the criminal law, under the heading of intimidation, extortion or aggression. That was a very important question. Detailed information on inquiries initiated and any proceedings instituted against the authors of such complaints would be highly appreciated.

49. She thanked Ms. Thompson for the clarifications she had provided with regard to prison overcrowding, but said that the question related in fact to overcrowding in holding centres for immigrants and the measures taken to remedy that situation. With regard to the situation of the Afro-Costa Rican population, the presentation of detailed statistics would have made it easier to gauge the progress accomplished and the gaps that remained. It was nevertheless patently clear that Afro-Costa Ricans were underrepresented in senior government posts. It would be useful to know why more of them did not occupy positions in the highest echelons of power.

50. Ms. MOTO emphasized that it was not enough to ensure the protection of victims in order to deal with the problems of sex tourism, prostitution and trafficking; the demand also had to be tackled. She noted with satisfaction the existence of legislative provisions that made sexual harassment in the workplace an offence, but she nevertheless considered that that issue should be integrated into the broader framework of violence against women.

51. The CHAIRPERSON thanked the delegation and the members of the Committee and invited them to resume consideration of Costa Rica's fifth periodic report at the next meeting.

The meeting rose at 1 p.m.