



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

Distr.: General  
11 October 2011

Original: English

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**Committee on the Elimination of Discrimination  
against Women**  
**Forty-ninth session**

**Summary record of the 979th meeting**

Held at Headquarters, New York, on Tuesday, 12 July 2011, at 3 p.m.

*Chair:* Ms. Pimentel

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Convention (*continued*)

*Combined fifth and sixth periodic report of Costa Rica (continued)*

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention (continued)**

*Combined fifth and sixth periodic report of Costa Rica (continued) (CEDAW/C/CRI/5-6, CEDAW/C/CRI/Q/5-6 and Add.1; HRI/CORE/CRI/2006)*

1. *At the invitation of the Chair, the members of the delegation of Costa Rica took places at the Committee table.*

2. **The Chair** invited the delegation to resume its replies to questions raised at the previous meeting.

*Articles 1 to 6 (continued)*

3. **Ms. Clarke** (Costa Rica), said that in 2010, the State had received 12,500 claims for refugee status, of which 42 per cent were from women; one claim for asylum, which had been approved; and 43 reports of human trafficking. The National Institute for Women (INAMU) ran three shelters which provided care to some 500 women and 700 children each year and provided advice, including legal counselling, to more than 5,000 women.

4. **Ms. Morice** (Costa Rica) said that the Government recognized that every woman had the right to conceive a child. It had thus complied with the Inter-American Human Rights Commission's recommendation by submitting legislation to repeal the ban on in vitro fertilization to the Legislative Assembly. As the proposed legislation had been quite controversial, the Government had worked with the Ministry of Health and the Ombudsperson to raise awareness and garner public support for it.

5. There had been a major shift in cultural attitudes in Costa Rica, especially among the youth, who were quite receptive to the concepts of sexual diversity, reproductive health and contraception, and even same-sex unions, approved by only 20 per cent of the general population. The Government had also demonstrated its willingness to eliminate discrimination based on sexual orientation by declaring a National Anti-Homophobia Day. It had also created the National AIDS Council, which included representatives of Government, civil society and people living with HIV and AIDS. A 2010 survey had shown that 82 per cent of sexually active

women in Costa Rica had access to contraceptive methods, which had had a significant impact on the overall fertility rate. In 2010, it stood at 1.8 children per woman, compared with 7 in 1960, while the rate of teenage pregnancy was 62.8 births per 100,000 women, down from 100 births per 100,000 women in 1990.

6. Lastly, migrants had universal access to prenatal care and assistance during birth. In 2010, 20 per cent of births in Costa Rica had been deliveries by foreign-born mothers, the majority of whom were Nicaraguans enjoying universal access to Costa Rica's social security system.

7. **Ms. Schulz** said that it was unclear how article 75 of the Constitution, which established a State religion, affected women's rights.

8. **The Chair**, speaking in her capacity as an expert, said that it would be difficult for the Government of Costa Rica to make progress on certain issues if it continued to seek the public's opinion before taking action. On the subject of same-sex unions, for example, her own country, Brazil, had been able to adopt legislation by circumventing the population and going directly to the Supreme Court.

9. **Ms. Clarke** (Costa Rica) said that article 75 had not had a significant impact on the progress of women's rights, because the Constitution had established the principle of separation of powers between Church and State. Although all three branches of Government were required to cooperate in order to effect change in society, most changes were initiated by the Government through draft legislation submitted to the Legislative Assembly, as reflected in the proposed legislation concerning in vitro fertilization.

10. **Ms. Villanueva** (Costa Rica) said that the struggle for women's rights was being waged on many different fronts using a variety of strategies, including learning from other countries' experiences.

11. **Ms. Morice** (Costa Rica) said that women in civil society had played a major role in having the proposed referendum on same-sex unions — which had been promoted by many conservative groups but which the State had considered a divisive endeavour — declared unconstitutional. The authorities were therefore now in a position to act on the matter as they saw fit.

*Articles 7 to 9*

12. **Ms. Neubauer** said that she wished to know whether the obligation for political parties to ensure gender parity in their internal structures was set out in the Electoral Code and, if so, how it was being enforced. She also asked whether any measures were being taken to encourage political parties to integrate the gender dimension into their programmes.

*Articles 10 to 14*

13. **Ms. Açar** said that while she welcomed the progress made in Costa Rica with regard to women's rights, many of the concerns raised by the Committee in 2003 were still valid. For example, it was still not clear what the Government had done to eliminate gender stereotypes and discriminatory cultural norms and to provide judicial and legal training in the area of violence in general and violence against women in particular. She wished to know whether the Convention had been incorporated into the curriculums of law faculties and all mandatory training for judicial and legal officials. It would also be useful to know whether the sessions organized by INAMU for the training of civil servants and the public on gender and human rights had had any real impact.

14. The State party's report (CEDAW/C/CRI/5-6) also made reference to both "equality" and "equity", even though the Committee had stressed in 2003 that the Convention referred only to "equality" and not "equity": where did Costa Rica's policy perspective now stand with respect to those two concepts? She requested additional data on the segregation of women in certain higher-education disciplines and faculty positions. She sought clarification about the Government's willingness to prioritize the national sex education programme and to allocate the necessary resources to it.

15. **Ms. Bailey** said that the data provided in the report were outdated and rather confusing. She hoped that the delegation would clarify the logic-defying finding that, in urban areas, more males than females were functionally literate, while the reverse was true in rural areas. At the early childhood level, the net enrolment rate for five-year-olds was 42 per cent, while for six-year-olds, that figure jumped to 92 per cent. It would be useful if the delegation could explain that 50-point increase. The report indicated that there was no gender gap at the primary level, yet the figures

showed that there were more males enrolled in first grade than females. At the secondary level, although it was encouraging to see that the enrolment rate for girls was 70 per cent compared with 64 per cent for boys, it would have been far more useful to know if anything was being done to support the 30 per cent of girls who were not enrolled in school.

16. Lastly, she wished to know what measures the State had contemplated to change the attitude of teachers and the way in which they replicated gender stereotypes, and whether it had taken any measures to ensure compliance with the Social Equality of Women Act and International Labour Organization (ILO) Convention No. 111, given the underrepresentation of women in senior positions in the education system.

17. **Mr. Bruun** asked whether the article of the Constitution concerning the right to work had had any concrete impact on women in Costa Rica and whether the Government intended to address the consequences of the Central American Free Trade Agreement, which had reportedly had a negative impact on women's employment since its introduction. He wished to know whether the 2010 amendments to the act on Sexual Harassment in the Workplace and Schools had had any positive effects. Lastly, he would like more information about the new Immigration and Aliens Act and its impact on refugees.

18. **Ms. Patten** said that, while the State party should be commended for its proposed amendments to the Labour Code regulating the employment of paid domestic workers, it would be useful to know whether that proposed legislation would provide the minimum protection which all other categories of workers enjoyed, including social security and maternity benefits, and whether it would include special measures to address the vulnerability of young, live-in or migrant domestic workers. In the case of live-in workers in particular, it would also be useful to know whether the legislation would include minimum requirements for accommodation and privacy, age of employment, and prevention of fraudulent and illegal practices of private employment agencies.

19. She asked how the Government, through the National Wage Council, was trying to narrow the significant wage gap between men and women in the private sector, and how it ensured that the principle of equal pay for work of equal value was respected. She also wished to know how the Government was

addressing stereotypes about women's suitability for certain types of jobs, and what efforts it was making to promote women's employment in highly skilled jobs, career development and upward mobility in the labour market, and access to microcredit in order to enhance their income-generating potential.

20. Lastly, she asked whether the Government intended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the ILO Convention concerning Decent Work for Domestic Workers (No. 189).

21. **Ms. Rasekh** said that, on the issue of sexual harassment, the information provided in the report was vague and insufficient, especially with regard to access to the justice system and the prosecution of offenders. The Committee welcomed the amendments to the Act on Sexual Harassment in the Workplace and Schools as they should encourage women to report complaints to the Office of the Ombudsperson. It would be useful to know what penalties were in place for offenders under that law. She also wished to know what protection was provided against loss of employment for women who complained of harassment and whether there was only one Office of the Ombudsperson to which complaints could be addressed.

22. **Ms. Patten** said that, while the additional information on reproductive rights was reassuring, she had learned from independent sources that it was not easy to have access to abortion services in Costa Rica: there appeared to be no administrative or judicial procedure available for that purpose. One problem was that doctors could simply refuse to perform abortions. She recalled that, following its examination of Costa Rica's previous periodic report, the Committee had recommended the establishment of a comprehensive sex education programme. Why had that recommendation not been implemented and what specific measures were being taken by the Government to counter the rise in the number of teenage pregnancies due to lack of information about family planning? There was also a worrying lack of emergency contraception measures.

23. **Ms. Bareiro-Bobadilla** said that, while the Committee welcomed the presence of the President of the National Institute for Women, it would have liked the delegation to have been headed by a policy maker of ministerial rank. The State party was to be

commended for developing a national policy on sexual and reproductive health. Sexuality and reproduction were not the same, but they often coincided: in one region of the country, a glaring lack of sex education had translated into a very high teenage pregnancy rate. She referred the delegation to the Committee's general recommendation No. 24 on women and health and urged that special attention should be given to disadvantaged groups of women, in particular transgender women. The concern of the Committee was not just to ensure the development of rights, but also to cater to new beneficiaries of those rights; it was therefore important to establish registers and data banks. She noted with regret that the State party had no database on women with disabilities, women victims of domestic violence or other special needs groups: surveys could be useful, but they often failed to take human rights issues into account. Lastly, she welcomed the announced preparation of a guide on therapeutic abortions and requested information about the intended time frame and distribution.

24. **Ms. Halperin-Kaddari**, referring to the section of the report relating to article 13, said that it provided an impressive overview but was outdated. Paragraph 589 provided a valuable analysis of the shortcomings of programmes to assist women living in poverty, but it gave no indication of any action taken following that evaluation. Paragraph 614 stated that in 2005, 20 per cent of loans had gone to women. That seemed very little and, in any case, further information would be useful, particularly with regard to results.

25. **Ms. Zou Xiaojiao** said that it would be interesting to know what percentage of rural women were engaged in paid work and public life or had access to health services. The Committee would also appreciate up-to-date figures on the participation of rural women in development projects and details about the concrete benefits of those projects. Similarly, the report did not give any clear indication of the Government's policy towards indigenous women, its action to alleviate poverty in rural areas or the results of the new gender policies. If such information was not immediately available, it could be provided at a later date.

26. **Ms. Popescu** recalled that, in 2003, the Committee had recommended in its concluding observations on Costa Rica (CEDAW/C/CRI/CO/1-4, para. 67) that special attention should be paid to households headed by women and to groups of women

in vulnerable situations. Such women were often in critical need of such attention, since they were deprived by poverty of access to education, health care, housing and technical training. Commendable efforts had been made to recognize the specificity of certain population groups, including those of African descent and indigenous people, but there was no indication that a gender perspective had been incorporated into those efforts, or even that any specific concern was being shown for women. The illiteracy rate of indigenous women was six times higher than that of other women; more than 75 per cent of indigenous women could not meet their basic needs; and the areas where more than 70 per cent of indigenous women lived seemed not to have benefited from awareness-raising initiatives for women. She wondered what the Government was doing to support and assist indigenous women and women living in remote areas and to give them access to basic services, particularly through the adoption of temporary special measures. The Committee would also welcome a clear answer to question 29 in its list of issues and questions (CEDAW/C/CRI/Q/5-6) regarding measures taken to combat discrimination against gay, lesbian and transgender women.

27. **Ms. Jahan** stressed the importance of social safety nets for rural women, indigenous women and women in vulnerable situations and expressed regret at the apparent lack of policies specifically geared to such women. She wished to know how much of the national budget went to rural development and what special efforts were being made for the advancement of rural women. With reference to narrowing the gender gap by promoting equal opportunities for men and women, she noted the repeated use in the report of the two terms of “equality” and “equity” and requested clarification of the distinction between them. She also asked whether any mechanisms had been put in place to ensure that traditional practices and religious beliefs did not prevail over statutory law.

*Articles 15 and 16*

28. **Ms. Awori** asked whether the illegal practice of changing large sums of money for marriages of convenience, mostly between women from low-income sectors and foreigners (report, para. 77) was still a concern. The Committee would appreciate quantitative data regarding its current prevalence and information on measures taken to put a stop to it. The report also noted that many men registered family property in their

sole name and that, in the event of divorce, women ran the risk of losing any share in it. She asked what were the amendments to the Family Property Code that had reportedly been proposed in order to guarantee women’s ownership rights and how close they were to being enacted.

29. **Ms. Halperin-Kaddari** requested clarification regarding the meaning of the term “alimony” used in the report: did it denote child support or post-divorce spousal support? Information would be appreciated about measures taken to overcome the reported difficulty of securing payment of alimony, in particular by providing legal aid for women. It would also be useful to know how marital property was distributed after the dissolution of a marriage and whether such property included intangibles such as pension payments, severance pay and future earning potential. Was there any welfare scheme for divorced women who did not have their own employment benefits?

30. **Ms. Clarke** (Costa Rica), addressing the question of women’s participation in political life, said that the recently reformed Electoral Code penalized political parties that did not comply with its provisions, in particular in the matter of gender parity in ballot lists and the funding of training to promote the exercise of political rights by women. As to the distinction between the terms “equality” and “equity”, she said that formal equality did not in itself guarantee effective equality in practice; it required differentiated treatment. Indeed, the Constitutional Court of Costa Rica had found that the principle of equality was not absolute and that, where conditions were unequal, equal treatment did not serve the interests of equity. That was the rationale for affirmative action, which took the form of quotas and other special measures. On the question of sexual harassment she recalled that, in April 2010, legislation had been enacted to strengthen the existing act on Sexual Harassment in the Workplace and Schools, as indicated in responses to the list of issues and questions (CEDAW/C/CRI/Q/5-6/Add.1, para. 9). The law now required companies to have staff specializing in the prevention of sexual harassment and, in the absence of such staff, to put them in place within three months. The law also provided for efforts to eliminate stereotypes, through campaigns and teacher training in gender equality and the systematic inclusion of the subject in school curricula.

31. **Ms. Morice** (Costa Rica) said that, in terms of the measurable impact of education on attitudes

towards sexuality, the national survey on sexual and reproductive health conducted by the Ministry of Health had found that university-level education was correlated with respect for sexual and reproductive rights and a greater tendency to support same-sex unions. A survey had also been conducted to measure changing attitudes among teachers, and it had been developed by the secondary school teachers' union, demonstrating interest of the education sector in sensitizing professionals. With regard to sex education, the Ministry of Health had been leading an initiative to train teachers and to improve the national curriculums, from primary school to university, shifting the emphasis from biology and disease prevention to a rights-based approach. Over 90 per cent of respondents to a Ministry of Education survey on education had agreed that sex education must be taught in schools, including information on contraception starting at age 10, indicative of the approval of Costa Rican society, regardless of religious beliefs.

32. Without entering into details, she affirmed that the figures provided on education proved that women and girls had equal access. In fact, school drop-out rates were higher among males. Reintegrating women who had dropped out of secondary school owing to pregnancy was a major priority. The "Avanzemos" programme, for example, provided stipends to enable young mothers and women living in poverty to attend school, and had been linked with the national childcare system to further enable access.

33. The claims that the adolescent pregnancy rate had increased were untrue and showed a mishandling of data. In fact, the rate had, as stated earlier, actually decreased over the past ten years. However, the percentage of adolescent pregnancies had remained constant, owing to the fact that the fertility rate among older age groups had decreased at a faster rate. From 2009 to 2010, there had been a significant decrease in the total number of births in the country, including about a 20-per-cent drop among girls under the age of 15. However, the Government had in place a national adolescent health plan that aimed to prevent adolescent pregnancies altogether, and provide adolescent girls with specialized care. The adoption of the national policy on gender equality and equity had resulted in a national reproductive health plan that took into account the country's geographic, demographic and ethnic diversity. Regional interventions to be launched in 2012 in 11 cantons had been tailored to the needs of

vulnerable groups, including adolescents, indigenous women and women of African descent.

34. A national protocol for comprehensive care for victims of sexual assault did in fact recommend the use of emergency contraception, as well as prophylactic treatment with antiretroviral medication to prevent HIV. The Ministry of Health would be registering an emergency contraceptive drug once the registration process begun in 2008 was completed.

35. The Government had been advancing the automation of information over the past 4 years, including the collection of gender-specific data. For the first time, information from the recently completed census would be available disaggregated by age, sex, geographic location and type of disability, which would serve as an important tool in shaping public policy and increase visibility of women's issues.

36. The Ministry of Health survey on sexual health had found that religious belief did not correlate with negative attitudes and practices with regard to sexual and reproductive health, although the Ministry would continue to assess the influence of religion on behaviour.

37. **Ms. Villanueva** (Costa Rica) said that social matters, including alimony and pension issues, were the only areas in the budget of the judiciary to be allotted an increase in 2012, a clear indication of the priority given to such issues, even in a time of economic crisis. Alimony could be paid for minors, former spouses and select family members. As part of a 10-year effort to reduce delays in payment, separate alimony courts headed by judges experienced in family law had been established; and accelerated automated deposits of alimony payments had been authorized. The payment of alimony entailed long procedures and much paperwork: currently, over 100,000 alimony files were in the system, about 40,000 of them claims filed in the past year. As part of a push for modernization, a successful model court had streamlined the process by taking oral testimony and managing all information electronically. The initiative was to be replicated in six more courts in the new budget cycle.

38. Ownership of matrimonial assets could be designated to either spouse during the marriage. Several of the ownership issues that had been raised by the Committee had been resolved through jurisprudence rather than through legislation. For example, the courts had determined that pensions could

be considered a joint asset to be divided between spouses upon dissolution of a marriage.

39. All international conventions and instruments on human rights and gender issues were included in the law curriculums of universities. However, the quality of the education of judges was recognized as a general problem.

40. The inclusion of labour rights in the Constitution enhanced the support and protection offered to women seeking flexible working conditions and improved access to work-related reparations through the court system.

41. **Ms. Clarke** (Costa Rica), referring the Committee to the State party's responses to the list of issues for information concerning measures to assist women living in poverty and women with disabilities, added that five per cent of employment vacancies were reserved for persons with disabilities.

42. The Paid Domestic Work Act was a significant achievement, as it provided domestic workers with all of the legal protections and benefits afforded to other employees, including minimum wage requirements and maternity leave. A campaign to inform domestic workers of their rights and employers of their legal responsibilities would soon be launched.

43. Concerning the comment regarding the institutional positioning of women's affairs, she emphasized that although she did not hold the title of minister, there was no distinction as to her rank. The President had divided the Cabinet into what were in effect four Governing Councils, in which INAMU participated along with the various ministries. Under the current system, no distinction was made between ministers or executive presidents, and she spoke directly with the President.

44. The Government had recognized the harmful practice of marriages of convenience, and the new Immigration Act had been amended to prohibit it. With regard to cultural issues, the Government had recently approved the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Concerning the remaining questions, she referred the Committee to the comprehensive and detailed information that had been provided in Costa Rica's report.

45. **Ms. Bareiro-Bobadilla** said that it was important for the State party to respond to the need for a protocol on therapeutic abortion, as, in its absence, women remained subject to the individual views and attitudes of health-care providers and other arbitrary factors that limited access to the service. In addition, while recognizing that including the health needs of transgender persons in sexual health policies was a challenge to any health system, the current dialogue presented an opportunity to address that need.

46. **Mr. Bruun** requested a response to his earlier question concerning the effects of the Central American Free Trade Agreement on the employment sector.

47. **Ms. Ameline** asked whether the Constitution entitled the executive branch to issue a directive providing the courts with a framework for the appropriate severity of penalties for acts of violence against women; and whether the Constitution provided for action by civil society organizations as civil parties in judicial claims in order to support women and strengthen their claims.

48. **The Chair**, speaking in her capacity as an expert, said that, since the gender equality and equity plan of action was to be launched in the coming year, an official protocol on therapeutic abortion was urgently needed. The reporting State should clarify the status of its implementation.

49. **Ms. Arocha Domínguez** said that she also wished to emphasize the need for national guidelines on therapeutic abortion, in particular provisions that addressed conscientious objection by health providers as a factor that limited access, given the influential role religious beliefs played in the country. Additionally, health-care professionals needed to be sensitized to the needs of transgender women in order to eliminate stigma.

50. Although the delegation maintained that many of the responses to the Committee's questions had been provided in the report, she noted that the report was not structured well, did not follow the order requested by the Committee, and had been submitted after a long delay, thus limiting its usefulness. The timely submission of periodic reports would simplify the reporting State's obligations, as it would then need only to submit only updated information and results, rather than a litany of new programmes and policies.

51. **Ms. Morice** (Costa Rica) said that the Costa Rican Social Security Fund had drafted a proposed protocol on therapeutic abortion and that a national protocol applicable to both public and private health centres was expected to be drafted and issued by the Ministry of Health in the course of the year. It should also be noted that the Ministry had also issued a guide to post-abortion care, an area of critical need.

52. The Ministry of Health approached the needs of the transgender population as a cross-cutting issue throughout its areas of work, rather than as a concern that could be addressed by a single policy or plan. For example, transgender persons were included as a priority in the national HIV/AIDS plan, under a dedicated budget line. The Ministry had drafted a chapter on sexual and reproductive rights to amend the comprehensive General Health Act of 1973. The new chapter included a special focus on respect for women with disabilities and their need for specialized care.

53. **Ms. Villanueva** (Costa Rica) said that civil society organizations were free to support women and participate in their judicial claims without a special directive from the executive branch, and they had already done so on diverse issues. It was not possible for the executive branch to issue directives to the courts under any circumstances. Judges were subject exclusively to the provisions of the law and the Constitution.

54. **Ms. Clarke** (Costa Rica) said that the fact that the country's unemployment rate had not increased during the international economic crisis was evidence that the Central American Free Trade Agreement had helped improve the employment opportunities available to women. Such increases had been documented in the service sector and the agricultural and medical technology industries, among others.

55. She noted that the many advances in the country since 2003 had necessitated the inclusion of a great deal of information in the periodic report. INAMU was committed to improving the timeliness and quality of Costa Rica's reports and following the Committee's guidelines in that regard. Her Government held the Convention to be the road map by which the country could achieve the full exercise of women's rights, and considered the dialogue with the Committee as a vital impetus.

56. **The Chair** thanked the delegation for the constructive dialogue and noted that the Committee's

general recommendations should also be taken into account in Costa Rica's efforts to implement the Convention.

*The meeting rose at 5.30 p.m.*