



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

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**Committee on the Elimination of Discrimination
against Women**
Twenty-eighth session

Summary record of the 613th meeting

Held at Headquarters, New York, on Wednesday, 2 July 2003, at 3 p.m.

Chairperson: Ms. Açar

later: Ms. Shin (Vice-Chairperson)

later: Ms. Açar

Contents

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

*Combined initial, second and third periodic reports and fourth 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 initial, second and third periodic reports and fourth periodic report of Costa Rica (continued) (CEDAW/C/CRI/1-3 and CEDAW/C/CRI/4)

Article 6

1. **Ms. Morvai** expressed dismay at the fourth report's reference to a cabinet ruling that at Christmas and on holidays, there would be a guaranteed response to requests for help and special protection from victims of domestic violence. She wondered whether that had not previously been the case and said that such incidents should always receive priority treatment. In the same context, she noted that the practice of holding conciliation meetings between the aggressor and the abused woman (p. 198) was incompatible with the Committee's general recommendation 19. Had any measures been adopted to put an end to violence and prevent recidivism other than restraining orders, for example group counselling for men? She also wondered whether marital rape was considered a crime. With regard to criminalization of sexual relations with under-age girls (para. 544) she said she assumed that meant girls under the age of 18.

2. She was alarmed at the number of girls aged 12 to 14 who became pregnant and asked for information on the age of the fathers, steps being taken to prevent such under-age pregnancies and prosecution of fathers for statutory rape. Turning to prostitution and trafficking, she said it was disappointing that the emphasis seemed to be only on the involvement of children and teenagers (pp. 95-97). More information would be welcome on any legislation, regulations or policies aimed at preventing those phenomena and on the number of prosecutions for those crimes.

3. **Ms. González Martínez** suggested that it would have been preferable to gather together all information relating to violence against women in one chapter. Although it was important to have programmes to prevent and eliminate the sexual exploitation of girls, there should also be programmes to prevent exploitation of boys. A wide-ranging national awareness raising campaign that was not limited to

government workers should be undertaken to eliminate that scourge and highlight its effect on the victims. Statistics should be provided on the number of street children affected by exploitation as well as measures taken to combat trafficking in adults as well as children, whether for the purpose of sexual exploitation or for any other purpose.

Article 7

4. **Ms. Tavares da Silva** said the impressive progress made in the representation of women at the political level testified to the Government's political will to promote women's rights in what remained a conservative society. The Costa Rican model and lessons learned could serve as an example elsewhere. At the local level, however, she wondered whether any measures were envisaged to increase the number of women mayors. She also wondered whether women's relatively feeble representation at the higher levels of the judiciary was simply a result of their lack of seniority or whether it was difficult for women to advance to the higher levels.

5. The electoral reform measures proposed by the National Institute for Women (INAMU) for the Electoral Code Reform Bill contained an impressive number of measures such as alternating male and female candidates, non-sexist language, funding for training women and gender disaggregated statistics to promote fair representation for women. Table 6 in the fourth periodic report revealed, however, that women were not as well represented at the upper levels of major institutions and she requested more information on their representation at the upper levels of unions, associations and cooperatives as well as the private economic sector. Finally, with regard to the use of the words "equality and equity" with men in article 48 of the Electoral Code (para. 285) she stressed that the emphasis should be placed on full equality and sharing of power between women and men, and not simply on equity.

6. **Ms. Belmihoub-Zerdani** welcomed the impressive increase in women's political participation but cautioned that continued effort and vigilance were necessary to ensure sustained interest and high participation rates in the long term. The mechanism which alternated male and female candidates (para. 264) was an excellent means of ensuring fair representation of women, but she pointed out the need to continue to exert pressure on the authorities to

ensure that, for non-elected positions, women received their fair share of appointments in all areas and at all levels, with a view in particular to increasing their influence at the regional level. The media should also be enlisted as a powerful tool to promote women's rights, which would lead to even more spectacular progress. The situation of women in Costa Rica could even serve as an example for the United Nations itself.

7. *Ms. Shin (Vice-Chairperson) took the Chair.*

8. **Ms. Gaspard** wondered whether any sanctions could be imposed on parties that failed to meet the legal requirements for women's representation in the Electoral Code and Act Promoting the Social Equality of Women, especially with regard to their internal structures; for example, whether their public funding could be decreased, how much funding they received and whether a mechanism existed for monitoring its use. Although she welcomed the allocation of funds to parties for training women, she said that men would also probably benefit from training. She approved of measures in the Electoral Code Reform Bill to require that 40 per cent of important positions be held by women but wondered how that would be implemented and whether the political parties could be expected to comply. She asked whether the fact that the bill had not yet been adopted meant that there was resistance to such measures.

Article 8

9. **Ms. Gabr** welcomed the increased representation of women in the diplomatic service, as shown in table 7 of the fourth report (p. 118), although that table included diplomatic staff as well as honorary consuls and administrative and support staff. The next report should focus on women's representation in the diplomatic corps and should also provide information on how well represented women were in Costa Rica's delegations to international conferences. Finally, with regard to the title on page 120 of the fourth report, she said the real objective was not equity but full gender equality in the diplomatic corps and among trade representatives.

10. **Ms. Kapalata** welcomed Costa Rica's ratification of the Convention without reservations as a sign of the political will of its Government to promote women's rights. She requested further information on the mechanisms used to increase the representation of women in the Ministry of Foreign Affairs and hoped

parity could be achieved within five years. She also requested more data that focused specifically on the representation of women in the foreign service.

Article 9

11. **Ms. Manalo** noted the large number of immigrant women, in particular Nicaraguans, in Costa Rica (p. 123) and pointed out that the Constitution gave all residents the right to equal treatment and social services. Migrant women were vulnerable to abuse and exploitation and she wondered when a clear policy would be developed to address that situation; was the problem one of political will, institutional will or lack of expertise? She requested clarification on the legal status of refugees and economic migrants and on any laws or measures to improve their situation.

Article 10

12. **Ms. Achmad** said there still seemed to be resistance to the goal of gender equality in the teaching profession. She wondered whether the Government planned to include gender mainstreaming in the curriculum of teachers' colleges in order to increase teachers' awareness of the issue and empower new teachers to deal with gender issues. More information would be welcome on the extent to which teachers were prepared to use gender positive manuals or adapt more traditional teaching materials to include gender issues.

13. It was also important to ensure that training institutions for law enforcement authorities such as police, prosecutors and judges included a gender perspective in order to ensure respect for the provisions of the Convention. Non-governmental organizations could be involved in overcoming community resistance to progress on gender issues and the Government should promote dialogue with traditional, cultural and religious leaders.

14. Parents should also be educated on the moral and legal obligation to share parental responsibilities as part of their commitment to each other and future generations. The United Nations Decade for Human Rights Education provided an ideal opportunity to increase awareness of the Convention as one of the human rights instruments ratified by Costa Rica, especially since the State party had ratified the Convention and its Optional Protocol without reservation.

15. **Ms. Manalo** said she commended Costa Rica for enhancing the participation of women in the educational system: women and girls now outnumbered boys at the secondary level. She would like to know, however, what measures were being taken to encourage girls and boys to take non-traditional courses. The practice of using female teachers for girls and male teachers for boys did not help to incorporate girls into fields traditionally dominated by males. Was her understanding correct that there were no women in decision-making posts in school administrations? If that was the case, she would like to know what measures Costa Rica was taking to promote women to such positions.

16. She would also like to know what steps the Government was taking to provide sex education in the schools, in accordance with the Convention, and what measures were being taken to provide adequate education to disabled young people, especially girls.

Article 11

17. **Ms. Khan** said she would like to know why domestic workers were paid so little, since they worked much longer hours than other workers and were denied benefits available to other workers. She wondered, in that regard, whether domestic workers constituted a special category in the Labour Code or were simply considered part of the informal sector. She would also like to know how wages were established for agricultural workers, and whether social security and unemployment benefits were provided to them. It would be useful to know, in particular, whether women agricultural workers doing the same jobs as men were accorded the same pay, whether there was discrimination between men and women and whether there was discrimination, for instance, between migrant women workers and local workers.

18. Furthermore, the Draft Law on Gender Equity, discussed in paragraph 357 of the combined initial, second and third reports, addressed such matters as working age and night work, but made no mention of equal opportunity measures. She would like to know how and on what basis the National Wages Board set the minimum wage, what mechanisms existed to monitor the implementation of that wage, and what sanctions applied if the minimum wage was not respected.

19. She would also like to know the specific mandate of the Inter-Institutional Commission on Women's Labour Rights, and what, in particular, it was doing to enhance the labour rights of women. Lastly, she inquired what childcare facilities were available to women working in the informal sector.

20. **Ms. Patten** inquired whether and to what extent the Ministry for Women's Affairs was supported by the Ministry of Labour and Social Security and whether those ministries worked closely together. She would also like to know what International Labour Organization (ILO) conventions Costa Rica had ratified, and in particular whether it had ratified the Maternity Protection Convention, 2000 (No. 183). In addition, she would like to know whether figures existed showing the number of men and women working in the private and public sectors.

21. Table 9, under paragraph 347 of the fourth periodic report, indicated that 42 per cent of Costa Rican women worked in community and social services and 27 per cent in commerce; the State party should describe precisely what was meant by those categories. She would also welcome detailed information on the progress and implementation of the National Policy Agenda for Women, Work and Employment and the Central American Initiative, as well as on such direct assistance programmes as housing vouchers and micro-credit facilities.

22. The discussion in paragraphs 408 to 412 of the report was full of good intentions. She would nevertheless like to know what specific measures Costa Rica intended to take with a view to facilitating women's access to resources, employment, markets and trade, and to promoting their participation in highly skilled jobs and senior management positions. Lastly, she enquired whether the Government intended to adopt temporary special measures in the short and medium term, in accordance with article 4, paragraph 1 of the Convention.

23. **Ms. Ferrer Gómez** noted the delegation's observations that efforts must be made to counteract the negative impact of the Free Trade Agreements on women's work and quality of life. What were those agreements? What, in the view of the delegation, could be done to counteract their effects?

24. In addition, she would like to know the outcome of the National Policy Agenda for Women, Work and Employment, and in particular whether the

Government had evaluated the impact of its five strategic components. She would also like to know what impact the Ministerial Gender Unit of the Ministry of Labour and Social Security had had, and whether evaluation and follow-up had been conducted.

25. Paragraph 376 of the fourth periodic report indicated that a legislative reform whose purpose was to bring the domestic work employment regime closer to minimum wage standards had been vetoed because of legislative riders. She understood that an association of women domestic workers had subsequently requested the adoption of a bill that would reform the relevant legislation. Domestic workers included 80,000 women and 70,000 girls, many of them Nicaraguan immigrants. What was the position of the Government in that matter?

26. Finally, she would like to know whether the labour rights of women were different from that of men, and in what ways, since, according to women's organizations, women did not believe that labour legislation assisted them.

Article 12

27. **Ms. Schöpp-Schilling** said that most of the comments of Costa Rica in the area of health related only to reproductive health. She wondered what measures the Ministry of Health and the Ministry for Women's Affairs were taking to resolve that problem. A new Women's Hospital had been mentioned; she would like to know whether funds had been allocated for research, and what mechanisms existed to ensure that those findings would be disseminated to doctors in both public and private health services. She was disturbed that the geriatric hospital had no gender policy, in particular since most older people were women. Similarly, legislation on the elderly lacked a gender dimension. The Government should explain what measures it was taking to incorporate a gender policy into health services.

28. She would like to know what was the mandate of the First Lady, whether there was a legal basis for her work, whether she was paid or provided with funds for her work, whether most of her efforts were related to women and whether her work was coordinated with that of the Ministry for Women's Affairs.

29. **Ms. Gonzalez** enquired whether the Inter-Institutional Commission on reproductive and sexual rights, mentioned in paragraph 420 of the fourth

periodic report, and the Advisory Service on Reproductive and Sexual Health and Rights, cited in paragraph 421, were the same institution or two separate ones, and whether they dealt with the matter of rights per se or merely health questions.

30. As abortion was illegal, the issue of contraception was an important one. There were rules governing a woman's consent to a sterilization procedure; few men had vasectomies. A broad information campaign was necessary for the general public, emphasizing the shared responsibility of men and women in family planning, contraception, and sterilization, with particular emphasis on the role of men.

31. Significant attention was being paid to cervical, uterine and breast cancer. What measures, if any, was the Government taking to combat the human papilloma virus, which was carried by men but which showed symptoms only in women?

32. **Ms. Khan** said that she had been interested to learn that female sex workers were obliged to carry a card indicating that they were free of communicable diseases. The question arose why male clients were not required to carry a similar card. She would like to know whether sex workers had the right to request their clients to use condoms. It would be useful to know whether the Government had undertaken any programmes regarding HIV/AIDS, since women were being infected in growing numbers.

33. The Committee on the Rights of the Child had observed that large numbers of adolescent girls and children living in the street were using drugs and glue to allay feelings of hunger. Workers on the banana plantations, half of whom were women, were exposed to high levels of pesticides, which were dangerous to their health. More information would be welcome on both those matters. Lastly, she would like to know how much tobacco was consumed by Costa Rican women.

34. **Ms. Ferrer Gómez** said she had been interested to learn that conservative forces in Costa Rica were hindering the exercise of reproductive rights and attempting to halt sex education, which was crucial in a country with a high rate of teenage pregnancy. She enquired what measures the Government was taking to confront that problem, what measures it was taking to disseminate information about contraception, to distribute contraceptives and to provide reproductive health services to young people of both sexes. She would also like to know to what extent contraceptives

were currently available, and whether the Government had considered permitting abortion for girls under the age of 13 and for victims of rape.

Article 13

35. **Ms. Saiga** said that the report did not contain much information on article 13. Noting the obstacles faced by women in applying for credit (CEDAW/C/CRI/1-3, paras. 458 and 461), she enquired about the adoption and/or impact of amendments to the existing laws and the status of initiatives such as the creation of a National Collateral and Guarantees Fund (CEDAW/C/CRI/4, p. 276). Had the business community been consulted on any of those initiatives?

36. **Ms. Kwaku** praised the State party's very visible attempts to eliminate gender discrimination. She hoped that specific data on some of its initiatives in the early stages would be provided in the next periodic report and that the terminology "gender equity policies and programmes" would evolve into "gender equality policies".

37. She enquired about progress in implementing the proposed Rural Development Financial System referred to in the fourth periodic report, which included special conditions for rural women producers, and the extent to which rural women were benefiting from the Rural Credit Programme ensuring flexible requirements for their access to financing programmes (CEDAW/C/CRI/4, paras. 589 and 592). It would also be interesting to know whether rural women and youth already had access to credit under the Agriculture and Rural Sector Action Plan of the Ministry of Agriculture and Livestock, or whether agreements would soon be signed with banks for that purpose (CEDAW/C/CRI/4, para. 593).

Article 15

38. **Ms. Gnacadja** welcomed the adoption of the Responsible Paternity Act and the progress outlined by the State party in paragraph 619 of the fourth periodic report, in particular its success in overcoming the "naturalness" and social acceptance of acts perpetrated against women and its creation of innovative legal instruments. Against that backdrop, the emergence of a number of neoconservative groups, such as the libertarian and separated parents movements in the past two years was disturbing. The State party should

address the persistence of male-centred perceptions underlying strong resistance from lawmakers, judges and magistrates to various legislative bills and legal actions concerning discrimination, the absence of sanctions against parties who failed to comply with existing laws and measures and unconstitutional actions and filibustering against legal reforms by a number of legislators or members of Parliament. Why had the proposed law on criminalizing violence against adult women not yet been adopted and why were 70 per cent of court decisions in cases of violence against women simple provisory measures that neither condemned nor served as deterrents. Moreover, the Constitutional Chamber had contradicted its own legal precedents by declaring that women's participation in life was only a commitment by public authorities and political parties but not a fundamental right established in the Act Promoting the Social Equality of Women. What could Costa Rican women realistically hope for when there was so much resistance even at the highest levels of government?

39. The judicial police services and judges did not seem fully committed to ensuring the equality of men and women before the law. At times the police refused even to admit complaints, and in general were not effective. It was disturbing that the sexual and emotional behaviour of Costa Rican men was linked to the prevalence of male-centred, patriarchal patterns that legitimized infidelity as one of men's natural rights. She sought assurances that male judges (who constituted the majority) were receptive to complaints from women, and applied the law in good faith in such cases. Were laws, penalties and proceedings for evidence the same for men and women in cases of adultery, or were women required to produce additional evidence? It would also be important to know whether judges were fair and meted out appropriate penalties in cases of femicide. In general, what was the gap between legislation and practice?

Article 16

40. **Mr. Flinterman** enquired about the number of women between 15 and 17 years of age who entered into marriage with the consent of their parents (CEDAW/C/CRI/1-3, para. 532), and about possible legislative amendments to make the marriageable age the same for men and women. How close to adoption was the draft Law on Gender Equity in the Family Code requiring both spouses to support the family

jointly and proportionately (CEDAW/C/CRI/1-3, para. 534)? Did the State party contemplate amending its laws to ensure that men and women had both de jure and de facto equality in instituting divorce proceedings (CEDAW/C/CRI/1-3, para. 538)? Praising the adoption of the Responsible Paternity Act in March 2001, he nonetheless expressed shock that, in 1999, 58.9 per cent of children had no declared father and that that figure was increasing. Strong measures should be taken to remedy the situation.

41. **Ms. González Martínez** commended the work and achievements of Costa Rican women's organizations, noted the fact that the laboratories for testing DNA were not yet functioning (CEDAW/C/CRI/4, para. 649) and asked how the State party had been able to accurately predict the reduction of 5,200 births between 2001 and 2002.

42. **Ms. Patten** requested clarification of legal rights in common-law marriages, as set out in paragraph 543 of document CEDAW/C/CRI/1-3. In particular, what circumstances could prevent cohabiting partners from entering into marriage, assuming that their previous marriages had been legally dissolved. She would appreciate information on the legal rights of duly recognized common-law wives. Were they eligible to receive a man's pension upon his death? The delegation should specify whether Costa Rica had a Family Court, and whether the preference given to mothers in custody matters derived from specific provisions of the Family Code or was merely judicial practice. She hoped that the judiciary had received adequate training to implement all the recent amendments to the Family Code. It would be interesting to know the attitude of the courts concerning parental authority (CEDAW/C/CRI/1-3, para. 547), and whether they continued to be prejudiced in favour of fathers for financial or other reasons. The delegation should provide information on women's access to the justice system and the criteria for obtaining legal aid, as well as statistics on the number of women who benefited from legal aid in family-related proceedings.

43. **Ms. Tavares da Silva** pointed to a contradiction in the report. On the one hand, it indicated that all men and women could enter into marriage from the age of 15 onward and, on the other hand, that the age of marriage was the majority age of 18 years, with the exception of women between 15 and 17 years of age, who could marry with the consent of their parents

(CEDAW/C/CRI/1-3, paras. 529 and 532). She expressed concern that discrimination and stereotypes could be induced by the formulation of some Costa Rican legislation, for example article 51 of the Constitution which referred to mothers as "vulnerable groups" (CEDAW/C/CRI/1-3, para. 542) and granted them custody of children on the basis of what was "natural". That did little to encourage fathers to assume their share of the responsibility for their children's education and care. Apart from the Responsible Paternity Act, the fourth periodic report made no mention of efforts to frame legislation in a way that would eliminate such discriminatory attitudes and stereotypes.

44. **Ms. Rocío Sáenz** (Costa Rica) said that she would reply to a number of Committee members' questions in her capacity as Minister of Health. First of all, following a debate at the national level, it had been determined that violence against women was an issue of women's rights rather than one of public health. The sharp reduction in the number of births between 2001 and 2002 (7.8 per cent compared to only 2 per cent previously, even when family planning had been at its height in the 1980s) was directly related to the adoption of the Responsible Paternity Act, which was transforming men's attitudes and behaviour. Although the law guaranteed universal health coverage, it was true that, in practice, access to health services by immigrant and indigenous and rural populations remained more difficult. Lastly, replying to a question concerning sexual and reproductive health, she said that the right to reproductive health and the actual work of the Inter-Institutional Commission on Reproductive and Sexual Rights were somewhat blurred in the fourth periodic report.

The meeting rose at 5 p.m.