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Universal periodic review

Report of the Working Group on the Universal Periodic Review

Costa Rica

Addendum*

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.



1. Costa Rica presented its third national report on the human rights situation in the country on 13 May 2019, during the thirty-third session of the Working Group on the Universal Periodic Review, held in Geneva, Switzerland. During the session, the countries represented at the review made 212 recommendations to the delegation of Costa Rica. The executive branch considers human rights to be a priority issue of the utmost importance. The delegation of Costa Rica therefore chose to reserve judgment on the recommendations during the session, preferring to provide the Government's response to them once they had been communicated to the bodies comprising the country's Inter-Institutional Commission for the Monitoring and Implementation of International Human Rights Obligations for evaluation of their relevance and viability, thereby ensuring wider ownership of decisions relating to international obligations.
2. Costa Rica created the Inter-Institutional Commission as a permanent advisory body to the executive branch with the objective of, inter alia, coordinating the implementation of international human rights obligations at the national level. The Commission was established by Executive Decree No. 36776-RE of 9 August 2011.
3. Following the evaluation of the 212 recommendations by the relevant national institutions, the Government of Costa Rica wishes to convey to the Working Group on the Universal Periodic Review, by means of the present document, its decision to accept 194 of the recommendations, partially accept 3 and note 12. The Government does not accept 3 of the recommendations.
4. In addition to these decisions, the Government of Costa Rica made a voluntary commitment, during the presentation of its third national report, to develop an action plan for the implementation of the recommendations made during the universal periodic review. Costa Rica also committed to drafting a midterm progress report on the implementation of the accepted recommendations, to be submitted in 2021. The aim of the report is to ensure that the State can work towards the effective implementation of its commitments in the area of human rights, both in the medium term and ahead of its next national report due in 2024.
5. The Government of Costa Rica takes very seriously the process of preparing reports and the promotion of and participation in accountability mechanisms in the area of human rights. The universal periodic review, as one of the main tools of the Human Rights Council, is of particular importance for the country. Since its creation, through General Assembly resolution 60/251 (A/RES/60/251), the aim of the universal periodic review has been to ensure universality and the equal treatment of all States. Costa Rica has chosen to submit national reports that describe the reality in the country in terms of both progress and challenges, with the aim of ensuring monitoring and oversight of the rights and dignity of all persons equally and without discrimination. Costa Rica also considers that the universal periodic review has been extremely useful in the formulation and implementation of public policies and action in the field of human rights.
6. Costa Rica values the recommendations it receives regarding its commitments to promoting and defending the full exercise of human rights.
7. Of the recommendations received during the review of the third national report, those marked as accepted in the present report relate to actions currently being taken by Costa Rica or to the Government's commitment to moving forward with follow-up to a specific recommendation. The majority of the recommendations are aimed at encouraging the State to pursue its efforts and maintain its determination to promote and respect human rights.
8. In follow-up to General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, Costa Rica wishes to urge States to employ more precise wording when making future recommendations. This is in line with points made previously regarding proposals for improvements and the importance of formulating recommendations more clearly to increase their usefulness and make it easier for the working groups, the Office of the United Nations High Commissioner for Human Rights and States themselves to evaluate them and take follow-up action.
9. In the present report, the recommendations are grouped by thematic human rights issues rather than being listed in numerical order.

10. The position of Costa Rica on each of the recommendations in the report of the Working Group is set out below.

<i>Universal periodic review recommendation</i>	<i>Country position</i>
111.1	Accepted and implemented. The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights was ratified by the Legislative Assembly on 13 May 2014 and published in Official Gazette No. 116 of 18 June 2014 (Act No. 9249).
111.3	Noted. Costa Rica has laws and jurisprudence that uphold the principles enshrined in the Convention and that guarantee full rights to migrant workers and members of their families.
111.4	Noted. Costa Rica has laws and jurisprudence that uphold the principles enshrined in the Convention and that guarantee full rights to migrant workers and members of their families.
111.5	Noted. Costa Rica has laws and jurisprudence that uphold the principles enshrined in the Convention and that guarantee full rights to migrant workers and members of their families.
111.6	Accepted
111.2	Accepted. Costa Rica sponsored General Assembly resolution 68/268.
111.7	Accepted
111.8	Accepted
111.9	Accepted
111.10	Accepted
111.122	Accepted
111.121	Accepted
111.11	Accepted
111.12	Accepted
111.13	Accepted
111.14	Accepted
111.15	Accepted
111.16	Accepted
111.17	Noted. Bill No. 19288 was shelved in October 2018.
111.18	Noted
111.19	Accepted
111.20	Accepted
111.21	Accepted
111.22	Accepted
111.23	Accepted
111.24	Accepted
111.25	Accepted
111.26	Accepted

111.27	Accepted
111.28	Accepted
111.29	Accepted
111.40	Accepted in principle ¹
111.30	Accepted
111.31	Accepted
111.32	Accepted
111.33	Accepted
111.34	Accepted
111.35	Accepted
111.36	Accepted
111.37	Accepted
111.38	Accepted
111.70	Accepted
111.42	Accepted
111.43	Accepted
111.44	Accepted
111.45	Accepted
111.46	Accepted
111.47	Accepted in principle ²
111.48	Accepted
111.49	Accepted in principle ³
111.50	Accepted
111.51	Accepted
111.52	Accepted
111.53	Noted ⁴
111.57	Accepted in principle ⁵
111.58	Accepted
111.59	Accepted
111.60	Accepted
111.62	Accepted
111.61	Accepted
111.63	Accepted
111.64	Accepted
111.65	Accepted
111.66	Accepted
111.67	Accepted

111.68	Accepted
111.69	Accepted
111.207	Accepted
111.209	Accepted
111.39	Accepted
111.203	Accepted
111.204	Accepted
111.205	Noted. As a signatory to the Convention relating to the Status of Refugees and its 1967 Protocol, Costa Rica protects the constitutional, treaty-based and legal rights and guarantees of all refugees and all persons seeking international protection.
111.206	Accepted
111.208	Accepted
111.210	Accepted
111.211	Accepted
111.212	Accepted
111.71	Accepted
111.72	Accepted
111.74	Accepted
111.75	Accepted
111.76	Accepted
111.77	Accepted
111.123	Accepted
111.124	Accepted
111.125	Accepted
111.126	Accepted
111.127	Accepted
111.128	Accepted
111.129	Accepted
111.130	Accepted
111.131	Accepted
111.132	Accepted
111.133	Accepted
111.134	Accepted
111.135	Accepted
111.136	Accepted
111.137	Accepted
111.138	Accepted in principle ⁶
111.139	Accepted

111.140	Accepted
111.141	Accepted
111.142	Accepted
111.143	Accepted
111.144	Accepted
111.145	Accepted
111.146	Accepted
111.147	Accepted
111.148	Accepted
111.149	Partially accepted. The State commits to taking strong measures to reduce the high rates of femicide and violence against women, including through the use of public campaigns and family programmes, to adopting clear guidelines for therapeutic abortion services and to preventing and sanctioning cases of obstetric violence against women.
111.150	Accepted
111.151	Accepted
111.152	Accepted
111.155	Accepted
111.156	Accepted
111.54	Accepted
111.55	Accepted
111.79	Accepted
111.80	Accepted
111.200	Accepted
111.201	Accepted
111.202	Accepted
111.73	Accepted
111.78	Accepted
111.81	Noted. Costa Rica currently has a National Strategy for Transition to the Formal Economy. Under national legislation, occupational health can be addressed only within an employment relationship.
111.82	Accepted
111.83	Accepted
111.84	Accepted
111.85	Accepted
111.86	Accepted
111.89	Noted ⁷
111.90	Accepted
111.91	Accepted
111.92	Accepted

111.93	Accepted
111.94	Accepted
111.116	Accepted
111.191	Accepted
111.41	Accepted
111.108	Accepted
111.109	Accepted
111.95	Accepted
111.96	Not accepted. Article 121 of the Criminal Code states that abortions performed with the consent of the woman and by a doctor or an authorized obstetrician, if a doctor is unavailable, are not punishable when the aim is to prevent a risk to the life or health of the mother that could not otherwise have been prevented.
111.97	Accepted
111.98	Not accepted. Article 121 of the Criminal Code states that abortions performed with the consent of the woman and by a doctor or an authorized obstetrician, if a doctor is unavailable, are not punishable when the aim is to prevent a risk to the life or health of the mother that could not otherwise have been prevented.
111.99	Not accepted. Article 121 of the Criminal Code states that abortions performed with the consent of the woman and by a doctor or an authorized obstetrician, if a doctor is unavailable, are not punishable when the aim is to prevent a risk to the life or health of the mother that could not otherwise have been prevented.
111.100	Accepted
111.101	Partially accepted. The Government is committed to ensuring respect for the right to sexual and reproductive health.
111.102	Accepted
111.103	Accepted
111.104	Accepted
111.105	Accepted
111.106	Accepted
111.107	Accepted
111.110	Accepted
111.112	Accepted
111.113	Accepted
111.114	Accepted
111.115	Accepted
111.117	Accepted
111.118	Accepted
111.120	Accepted
111.157	Accepted
111.158	Accepted
111.159	Accepted

111.160	Accepted
111.161	Accepted
111.162	Accepted in principle. Current legislation prohibits all forms of early, forced and child marriage. Article 64 of the Family Code explicitly states that marriages recorded in the Civil Registry are automatically annulled if they are found to involve minors. In addition, Act No. 9406 on Improper Relationships establishes the range of penalties for adults who have sexual relations with persons under the age of 15 years in cases where the age difference is 5 years or more. The Act also penalizes sexual intercourse with a minor between the ages of 15 and 18 years in cases where the age difference is 7 years or more. ⁸
111.163	Noted. This recommendation is noted because Costa Rica has legislation in force prohibiting all forms of early, forced and child marriage; therefore, no additional measures are required. Article 64 of the Family Code explicitly states that marriages recorded in the Civil Registry are automatically annulled if they are found to involve minors. In addition, Act No. 9406 on Improper Relationships establishes the range of penalties for adults who have sexual relations with persons under the age of 15 years in cases where the age difference is five years or more. The Act also penalizes sexual intercourse with a minor between the ages of 15 and 18 years in cases where the age difference is seven years or more.
111.164	Accepted
111.165	Accepted
111.167	Accepted
111.166	Accepted
111.168	Accepted
111.169	Accepted
111.170	Accepted
111.171	Accepted
111.172	Accepted
111.173	Accepted
111.174	Accepted
111.175	Accepted
111.176	Accepted
111.177	Accepted
111.111	Accepted
111.119	Accepted
111.153	Accepted
111.154	Accepted
111.178	Accepted
111.179	Noted. The bill was shelved in November 2018. Nevertheless, the Government of Costa Rica supports the strengthening of the general mechanism for consultation with indigenous peoples, which gives effect to the recognized right to free, prior and informed consultation. The 2016–2022 National Plan for the Recovery of Indigenous Territories in Costa Rica is also in place.

111.180	Noted. The bill was shelved in November 2018. Nevertheless, the Government of Costa Rica supports the strengthening of the general mechanism for consultation with indigenous peoples, which gives effect to the recognized right to free, prior and informed consultation. The 2016–2022 National Plan for the Recovery of Indigenous Territories in Costa Rica is also in place.
111.181	Accepted
111.182	Accepted
111.183	Accepted
111.184	Accepted
111.185	Accepted
111.186	Accepted
111.187	Accepted
111.188	Partially accepted. Costa Rica accepts the recommendation to implement Act No. 6172 on Indigenous Peoples.
111.189	Accepted
111.190	Accepted
111.88	Accepted in principle ⁹
111.192	Accepted
111.193	Accepted
111.194	Accepted and implemented. In August 2019, the Act guaranteeing the integration of indigenous persons living in border areas and protecting their right to Costa Rican nationality was signed with the aim of creating and regulating special procedures to ensure that indigenous persons living in border areas can enjoy full access to their right to Costa Rican nationality.
111.195	Accepted
111.196	Accepted
111.197	Accepted
111.198	Accepted
111.199	Accepted
111.56	Accepted
111.87	Accepted

Notes

- ¹ La presente aceptación técnica no supone el reconocimiento del régimen ilegítimo de Nicolás Maduro.
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- ³ La presente aceptación técnica no supone el reconocimiento del régimen ilegítimo de Nicolás Maduro.
- ⁴ El tomar nota no supone el reconocimiento del régimen ilegítimo de Nicolás Maduro.
- ⁵ La presente aceptación técnica no supone el reconocimiento del régimen ilegítimo de Nicolás Maduro.
- ⁶ La presente aceptación técnica no supone el reconocimiento del régimen ilegítimo de Nicolás Maduro.
- ⁷ El tomar nota no supone el reconocimiento del régimen ilegítimo de Nicolás Maduro.
- ⁸ La presente aceptación técnica no supone el reconocimiento del régimen ilegítimo de Nicolás

Maduro.

⁹ La presente aceptación técnica no supone el reconocimiento del régimen ilegítimo de Nicolás Maduro.
