



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Consideration of reports submitted by States
parties under article 9 of the Convention**

**Combined nineteenth to twenty-second periodic reports of
States parties due in 2012**

Costa Rica*

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I. General aspects

A. Introduction

1. At its seventy-first session, the Committee on the Elimination of Racial Discrimination considered the combined seventeenth and eighteenth periodic reports of Costa Rica (CERD/C/CRI/18) and issued its concluding observations (CERD/C/CRI/CO/18). The Committee set 4 January 2010 as the deadline for Costa Rica to submit its combined nineteenth and twentieth periodic reports on the implementation of the Convention. Costa Rica was unable to submit the report on the scheduled date, owing mainly to the lack of an institutional platform for doing so. Moreover, once it was able to begin the task of gathering information for the report — and with a new institutional platform in place — Costa Rica decided that the report to the Committee should include actions and conditions that had been developing in fact after January 2010.

2. In addition, in July 2010 Costa Rica was required to respond to a request for information from the Committee — in connection with the early warning procedure framework — on the situation of indigenous peoples in the south of the country in respect of the El Diquís hydroelectric project. This process also continued into 2011, at the same time as the Special Rapporteur on the rights of indigenous peoples, James Anaya, visited Costa Rica to monitor the same issue. These two major events — so closely linked to the topic of the elimination of racial discrimination — became the main focus of efforts, particularly during 2011.

3. As mentioned in the first paragraph, a range of processes have been developed since the previous report and discussions with the Committee. However, a significant number of these processes were extended and enhanced, and many were initiated after 2010 – when the current report was to have been submitted. As a result, the State of Costa Rica considered it inappropriate to submit the periodic report merely to comply with the deadline if it would contain nothing new or different from the report submitted in 2006 and discussed with the Committee in 2007.

4. As will be shown later in this document, through the Ministry of Foreign Affairs and Religion, Costa Rica developed a new process for the preparation of the current report. This included collating news and information provided by public institutions up to July 2013. However, the draft National Policy and its First Plan of Action for a society free of racism, racial discrimination and xenophobia were produced in December 2013. In some cases, albeit infrequently, certain points explicitly refer to information from after July 2013.

5. The State has taken into consideration the reporting guidelines defined by the Committee (CERD/C/2007/1). In view of the above, Costa Rica would stress that, this being its nineteenth and twentieth periodic reports, a large part is devoted to following up on the recommendations issued by the Committee in 2007. Consequently, and due to the fact that the report basically follows the logic of the recommendations, the report has been structured thematically. Thus, in some cases, references to articles 1–7 of the Convention are grouped together. In addition, because of space constraints and page limitations imposed by the Committee, it was also decided that the primary focus of the document should be to follow up on the recommendations specifically raised with Costa Rica. The report contains a general outline of the majority of the processes being developed but, for reasons of emphasis already described — such as space constraints — it does not go into great detail. The State will be able to provide more in-depth, tangible information during the written questions phase if the Committee considers it appropriate.

6. Costa Rica also wishes to point out that it must update its common core document, but that this is a process that should be developed with the institutional platform created for the purpose. It is worth noting that, of the reports due before the treaty bodies in the current reporting cycle for Costa Rica, this is the first periodic report submitted for treaty body consideration. A continual programme of reporting to treaty bodies is currently being undertaken and coincides with the preparation of the second national report of Costa Rica for its universal periodic review. As a result, the common core document for the treaty bodies will be updated at a later date.

7. One of the cross-cutting issues of regular reporting and human rights accountability relates to the indicators and statistics that the country must maintain and develop. Given that this is one of the topics that the Committee is interested in — and has issued recommendations on — it should be noted that, by and large, Costa Rica is making significant efforts to establish a system that better reflects the realities of the population in respect of ethnicity and, in general, from a human rights standpoint. Although there are several paragraphs dedicated to this topic, Costa Rica did not want to let this introduction go by without making reference to this point, bearing in mind that it will need to be addressed in detail in the common core document.

B. Methodology

8. A new process was undertaken at the national level to prepare the replies to the Committee's recommendations. The establishment of the Inter-Agency Commission for the Monitoring and Implementation of International Human Rights Obligations has resulted in better and more fluid coordination among Government institutions with a view to ensuring the fulfilment of obligations under international human rights conventions, including the Convention on the Elimination of Racial Discrimination.

9. The Inter-Agency Commission was established in 2011 as a permanent advisory body of the executive branch, attached to the Ministry of Foreign Affairs and Religion, to coordinate and implement international human rights obligations at the national level and coordinate relevant actions at the international level with a view to enhancing the promotion and defence of human rights.

10. In its first year (2012), the Inter-Agency Commission operated regularly and met on eight occasions, including two workshops on the National Policy for a Society Free from Racism, Racial Discrimination and Xenophobia.

11. The new process and the establishment of the Inter-Agency Commission have led to greater interaction with and feedback from civil society, especially through the Standing Committee for Civil Society Consultations, which was set up concurrently with the Inter-Agency Commission. However, this is an ongoing challenge for the Inter-Agency Commission: although more permanent and fluid channels and mechanisms for dialogue have been established with civil society, much remains to be done and methods need to be refined. On a positive note, with the establishment of the Inter-Agency Commission, the Standing Committee has lent institutional legitimacy to the dialogue with civil society and made such dialogue mandatory in discussions, the preparation of reports and the development of initiatives regarding human rights. The preparation of this report and the process of designing the National Policy and Plan for a Society Free from Racism, Racial Discrimination and Xenophobia are significant steps in the development of national institutional capacity to better understand and approach the struggle against racism, racial discrimination and xenophobia in Costa Rica. Efforts may be ongoing, but noteworthy steps have been taken that will lead to greater, more definite and more tangible progress in this domain.

12. This document was circulated among the relevant civil society organizations, associations and representatives to gather their remarks and comments prior to its submission to the Committee.

C. Designing the National Policy for a Society Free from Racism, Racial Discrimination and Xenophobia (arts. 1, 2 and 7)

13. The preparation of the National Policy and Plan set in motion a crucial dialogue and exchange process with civil society: between May and December 2012, six regional workshops were held with indigenous persons, Afro-descendants and representatives or associations of migrants and refugees, as well as a national interactive workshop and other forms of informal exchange with individuals and small groups. The purpose was to collect background information, which the Inter-Agency Commission used to prepare and substantiate the draft National Policy during the first semester of 2013.

14. One of the key outcomes of the input-gathering process and of understanding the stakeholder's positions and formulating the National Policy over the course of 2012, was the considerable contribution of civil society, especially indigenous persons and Afro-descendants, to the realization that the Government should improve, and ideally refocus, its methodology. Based on the comments received, in early 2013, the Government made a concerted effort through the Inter-Agency Commission to work with the institutions involved to redirect the process.

15. The Inter-Agency Commission considered that responsibility for formulating the National Policy should be shared among the various institutions; accordingly, it decided that most of its member institutions would become more involved in order to place the process squarely under the leadership of the Inter-Agency Commission and to demonstrate to society that the National Policy and action plan process was the initiative not only of the Ministry of Foreign Affairs but of national institutions as well. In this collective spirit, the members lent extra logistical support to facilitate the next part of the formulation of the National Plan.

16. The draft National Policy (see annex) contains a more detailed explanation of the process and the Inter-Agency Commission's activities. It should be noted that, as a result of the discussions and efforts of the Inter-Agency Commission and the specially established Subcommission, additional exchanges took place and various participatory mechanisms were set up in the first half of 2013 in an effort to take as full account as possible of the requests, concerns and interests of civil society in the formulation process. During this period, civil society continued to contribute in various ways to devising a document to help the Government incorporate the interests and concerns of rights holders and potential victims of racism and racial discrimination in its initiatives.

17. In May and July 2013, the Inter-Agency Commission facilitated discussions, exchanges and dialogues with leaders, members and groups of each of the National Plan's target populations, i.e. Afro-descendants, indigenous persons and migrants and refugees. The main objective of these dialogues was to keep the interested parties fully informed of the status of the draft National Policy and gather their concerns, views and advice regarding the way in which the Government should meet the particular needs of each of these population groups.

18. Combating racism, racial discrimination and xenophobia was the primary focus of the Inter-Agency Commission's first 18 months; accordingly, considerable efforts were made to understand how best to serve the specific needs of the indigenous, Afro-descendant, migrant and refugee population, by involving the authorities more fully in the realization of human rights.

19. Given that the process of formulating the National Policy directly informed the preparation of this report, the methodology described above should be supplemented by information on the implementation of the National Policy.

D. General remarks prior to addressing the specific recommendations

20. It should be noted that the establishment of the Inter-Agency Commission and the formulation of the National Policy have led to growing awareness and broader understanding among Government institutions of the need to tailor policies and actions to indigenous, Afro-descendant, migrant and refugee populations.

21. Although Government institutions have not yet designed broad policies with specific focuses on these population groups, considerable and varied efforts are being made, specialized bodies have been set up and programmes benefiting mainly indigenous communities and certain groups of migrants and refugees have been implemented. However, there is a lack of efforts regarding Afro-descendants and, although the Committee barely mentions them in its recommendations, the Government acknowledges that it needs to do more for this population. Costa Rica has committed, through not only the Convention but also other international instruments such as the Durban Declaration and Programme of Action, to taking affirmative action in respect of Afro-descendants.

22. In that connection, the Government would like to make clear from the outset that the authorities are not only following up on the recommendations referred to in this report, but are also going beyond them. As a result of the National Policy, the authorities are striving to better meet the needs of the three groups by taking integrated action, decided upon jointly with the groups concerned, and to shift from isolated efforts to a national policy. The aim is also to increase the groups' visibility and to demonstrate that, unlike in the past when indigenous peoples and Afro-descendants in particular were not included in long-term institutional policies, the time has come to develop targeted actions that take their specificities into account and adequately serve their needs, in keeping with the Government's commitment to its international human rights obligations.

II. Institutional processes and initiatives for the elimination of racism, racial discrimination and xenophobia (arts. 1, 2 and 7)

23. In its previous concluding observations, the Committee recommended that "the State party continue to improve its census methodology in order to reflect more fully the ethnic complexity of Costa Rican society, bearing in mind the principle of self-identification [...]".

24. The National Statistics and Census Institute changed its methodology for the Tenth National Population Census and Sixth Housing Census in order to measure progress on the recognition and enjoyment of the human rights of the indigenous, Afro-descendant and migrant population.

25. In keeping with the recommendations of the United Nations, the Latin American and Caribbean Demographic Centre and the Economic Commission for Latin America and the Caribbean and with the international treaties to which Costa Rica is a party, especially those on human rights, the principle of self-identification, i.e. every person's right to self-identify with a given ethnic or racial group based on cultural traditions, ancestry or phenotypic traits that can define identity, has been implemented.

26. The proposed census form was submitted to an expert panel consisting of leaders and representatives of indigenous groups, Afro-descendant and Chinese organizations, the

School of Anthropology, the School of Statistics, the Central American Centre for Population Studies and the Office of the Vice-Rector for Research of the University of Costa Rica, the United Nations Development Programme and the United Nations Population Fund.

27. The expert panel worked throughout 2010 to produce the census form and run a number of specific and general methodological trials. A set of specific trials was carried out in Suretka, Bratsi district, Mojoncito, Kachabri, Telire district — all predominantly indigenous communities located on the southern Caribbean coast — and in Cahuita, Talamanca canton, a primarily Afro-descendant town, also on the southern Caribbean coast. The general trials consisted of tests conducted in Patarrá district, located in the south-eastern part of the San José Metropolitan Area, and a pilot census in Palmares canton, Alajuela province, in the central valley.

28. As a result of these consultations with the expert panel, the following set of questions were included in the 2011 census form:

Chart 1

Questions regarding indigenous affiliation, 2011 census

- | | | | | |
|-----|---|---|-----------------------|------------------|
| 7. | Does (name) consider him/herself indigenous? | | | |
| | Yes ... | 1 | No ... | 2 |
| | | | | → Skip to No. 10 |
| 8. | To what indigenous people does (name) belong? | | | |
| | Bribri | 1 | Maleku or Guatuso | 6 |
| | Boruca | 2 | Ngobe or Guaymi | 7 |
| | Cabécar | 3 | Teribe or Térraba | 8 |
| | Chorotega | 4 | From another country | 9 |
| | Huetar | 5 | None | 10 |
| 9. | Does (name) speak an indigenous language? | | | |
| | Yes... | 1 | → Skip to No. 11 | |
| | No... | 2 | → Skip to No. 11 | |
| 10. | (Name) considers him/herself...? | | | |
| | ... Black or Afro-descendant | 1 | ... White or mestizo | 4 |
| | ... Mulatto | 2 | ... Other | 5 |
| | ... Chinese | 3 | ... None of the above | 6 |

29. In the case of question No. 10, the organizations agreed on the following definitions for each of the categories:

- Black or Afro-descendant: individuals who identify as having primarily African cultural roots;
- Mulatto: individuals who identify as having primarily African cultural roots, on the side of one of their parents;
- Chinese: individuals whose ancestors came from the People's Republic of China, including Taiwan and Hong Kong;
- White or mestizo: individuals who identify primarily with Spanish-American, European or Anglo-Saxon cultural heritage;

- Other: individuals who self-identify with an ethnic group that does not come under any of the previous categories;
- None of the above: individuals who do not feel that they belong to any particular ethnic group.

30. Despite the fact that the Economic Commission for Latin America and the Caribbean explicitly stated what the intent of the census should be and cautioned against using the potentially problematic categories of “mulatto”, “mestizo” and “white”, they were included in the Tenth National Census in keeping with the opinions of the groups’ leaders and representatives and the experts who participated in the design process.

31. Furthermore, in order to uphold the right of respondents to self-identification, those who left these questions blank were systematically categorized as “undeclared”.

32. It should be noted that the questions included in the 2011 census differed greatly from those in the previous census carried out in 2000 because the goal was to improve the measuring of the various ethnic groups. For example, in the 2000 census, the question regarding indigenous affiliation was only put to the population living in indigenous territory, whereas it was put to the entire population surveyed in 2011.

33. In order to collect data on traditional indigenous housing, it was introduced as a category under housing type, and natural elements (e.g. palm branches or fronds, cane, bamboo, grass and straw) were added to the list of construction materials (external walls, roof and floor).

34. The 2011 census broached the topic of migration by enquiring about respondents’ place of birth, using as a proxy their mother’s habitual place of residence when they were born, and their date of arrival in Costa Rica.

35. In an effort to promote the fullest possible participation in the census, a comprehensive information campaign was conducted that not only dealt with ethnicity, gender, migration status and disability but also reflected cultural, demographic and social diversity.

36. Radio advertisements were aired in Bribri, Cabecar and Ngobe languages. Information leaflets were produced in Mandarin, in cooperation with the Asociación de Profesionales Chinos, so that census officials could impress upon this group the importance of taking part in the census.

37. In addition, billboards were designed specifically for Afro-descendants and radio spots aired in Spanish and English for their benefit. Radio advertisements geared towards migrants, especially Nicaraguans, who account for the biggest share of the migrant population, were also aired.

38. According to the results of the 2011 census, most of the population (83.6 per cent) self-identifies as white or mestizo. It should be noted that, although the census suggests a drop in the Afro-descendant population as compared to the 2000 census, this may be explained by the addition of the mulatto category, which had not been an option in 2000. The same reasoning applies to the increase in the number of individuals who identify as indigenous.

39. The results of the 2011 census are as follows:

Table 1
Percentage of the population by ethnic or racial self-identification

<i>Ethnic or racial group</i>	<i>Percentage</i>
Black or Afro-descendant	1.1
Mulatto	6.7
Chinese	0.2
White or mestizo	83.6
Indigenous	2.4
Other	0.8
None of the above	2.9
Undeclared	2.2

40. In order to gain a sense of the living conditions of the various ethnic groups, specific analyses of the 2011 census results were carried out during a symposium held in November 2012. A more detailed analysis of the 2011 census and the living conditions of indigenous people, Afro-descendants, migrants and refugees can be found in the draft National Policy.

Laws and institutions benefiting indigenous peoples

41. In its second recommendation, the Committee urged “the State party to remove without delay the legislative obstacles preventing the adoption of the Autonomous Development of Indigenous Peoples Bill”.

42. As the Committee is aware, the Special Rapporteur on the rights of indigenous peoples visited Costa Rica in April 2011, at the Government’s direct invitation, to ascertain in situ the situation of indigenous peoples in the area affected by the El Diquís hydroelectric project. The Government accepted the Special Rapporteur’s recommendations, including that relating to the Autonomous Development of Indigenous Peoples Bill.

43. The Government received with keen interest the Special Rapporteur’s detailed recommendations, which also dealt with issues other than the hydroelectric project, and stated before the Human Rights Council in September 2011 its determination to find avenues for dialogue with the indigenous population in order to discuss issues of particular relevance to them and, unquestionably, to the welfare of Costa Rican society as a whole. It is important to emphasize this because fostering an atmosphere of trust that leads to satisfactory consultations and relationship-building is one of the fundamental goals the Government and indigenous peoples must strive to achieve together.

44. One of the Special Rapporteur’s main recommendations related to the restitution of indigenous land, and the Government agreed that this was a great opportunity to address this fundamental issue. It indicated that it was very willing to initiate a dialogue with the country’s indigenous peoples in order to find ways of achieving together the goal of land restitution; the Government is making an effort to put this commitment into practice.

45. In the wake of the Special Rapporteur’s visit in April 2011 and the early warning procedure initiated by the Committee, the Government has begun to foster closer ties with and better awareness of the indigenous peoples. A discussion forum has been established under the leadership of the Office of the President and the coordination of the Ministry of Social Welfare and the Family. It consists of representatives of indigenous peoples, especially from the southern part of the country, and the Government representatives.

46. The discussion forum is being assisted by the United Nations system and the Ombudsman's Office, in their capacity as observers and guarantors of the dialogue and consultation process with the indigenous peoples. Both entities are impartial and boost confidence in the process.

47. The Minister of Social Welfare and the Family, as the Government coordinator of the discussion forum, spearheaded the establishment of a Government team to analyse the Autonomous Development of Indigenous Peoples Bill for the purpose of encapsulating the Government's approach and then sharing it with the discussion forum. The goal is also to give indigenous peoples the chance to voice their concerns about their rights, especially with regard to their own forms of government and their representation, and find solutions to problems arising from the lack of recognition in law of indigenous forms of government.

48. Regarding the hydroelectric project, it should be noted that, in compliance with the Special Rapporteur's recommendations, the Government's policy is to be patient and facilitate — but not impose — a consultation process with indigenous peoples, giving them the opportunity to decide how they wish to be represented and to adequately prepare. The Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights continue to monitor the process to ensure that the policy is implemented.

49. The Government also accepted that it needed to facilitate the participation of indigenous peoples in the process as a means of correcting the imbalance in the relationship between the parties and ensuring that the outcome of any agreement is lasting.

50. The dialogue between southern indigenous representatives and the Government, now embodied in the discussion forum, stemmed from the concerns raised by the Special Rapporteur and the United Nations system regarding the El Diquís hydroelectric project and from their monitoring of the situation. However, it is having an impact beyond the hydroelectric project and associated consultations: the parties have agreed to add to the agenda for discussion more structural aspects and more general concerns than those that have arisen from the hydroelectric project.

51. The goal of the ongoing open dialogue is not only to resolve historical problems with Government treatment of indigenous peoples but also to pave the way for the regulation of the right to prior consultation, which is not currently provided for as such. In May 2013, international experts attended various meetings and training sessions on the right to prior consultation held with the authorities, civil servants, independent experts, parliamentarians and civil society, thanks to the support of the United Nations.

52. Although there are a number of laws protecting indigenous rights, including the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the Indigenous Peoples Act of 1977 and its regulations, the Government acknowledges that the law alone cannot fully protect indigenous rights without Government policies and action to ensure that the standards to which it has committed are actually enforced and observed.

53. In its third recommendation, the Committee urged the State party to “ensure that the mandate and operation of the National Commission on Indigenous Affairs (CONAI) are consistent with the Convention and that this body acts to defend and protect the rights of the indigenous peoples”.

54. In December 2011, the Office of the Comptroller-General issued report No. DFOE-PG-IF-11-2011, which analyses the substantive efforts and the financial management of the National Commission.

55. The Comptroller-General found that the relationship between the Government and the National Commission has not been conducive to the establishment of public policies that address indigenous issues in a meaningful way. This is due to a lack of political will on

the part of the various Government departments, which have failed to include indigenous peoples in their development plans and to guarantee the stability of the social affairs directorate, making it difficult for the National Commission to keep communication channels open at all times.

56. Furthermore, the National Commission's internal regulations do not allow for a long-term mission and vision; in fact, these change every two years, along with the board. The Comptroller-General's audit also demonstrates that the National Commission has failed to persuade the Government to focus on developing public policies on behalf of indigenous peoples.

57. The Comptroller-General also found that "the needs of the indigenous communities may be clear, but the National Commission has not succeeded in determining how to coordinate between the authorities and the various development associations in order to improve quality of life for these communities (p. 9)".

58. Governmental obligations as set out in the National Policy include consulting with the authorities and indigenous peoples to identify the best strategy for overcoming the National Commission's ineffectiveness and inefficiency. A permanent mechanism should be set up that not only facilitates the representation of indigenous peoples but also takes action designed to meet their real needs and interests and duly address indigenous rights.

III. Definitions of criminal conduct as contained in the Convention (art. 4)

59. The Committee, in its fourth recommendation, urged Costa Rica "to amend its criminal legislation so as to bring it into line with the Convention. The State party should define each element of the criminal behaviour listed in the relevant paragraphs of article 4 of the Convention as an offence and increase the penalty in proportion to the gravity of the offence".

60. At present, there is no bill criminalizing the behaviours contained in article 4 of the Convention before the legislature in Costa Rica. It should, however, be reiterated that, over the course of 2012 and 2013, the Inter-Agency Commission for the Monitoring and Implementation of International Human Rights Obligations has been working in consultation with civil society to devise a national policy and corresponding action plan to build a society free from racism, racial discrimination and xenophobia, which is annexed to this report.

61. One specific area of activity identified as part of this policy and its corresponding action plan is "1.2. The drafting of a bill which criminalizes racism and sets forth sanctions for various types of racial discrimination".

62. The State of Costa Rica has taken this step in an effort to comply with the Committee's fourth recommendation concerning the definition of offences contained in article 4 of the Convention.

IV. Economic and social rights (art. 5)

63. The governing institutions of the State of Costa Rica carry out various activities to guarantee indigenous peoples, Afro-Costa Ricans, migrants and refugees full enjoyment of economic and social rights.

64. The Committee, in its fifth and sixth recommendations, urged the State party "to take the necessary steps to remove the economic, social and geographical barriers that

prevent it from guaranteeing access to basic services in the indigenous territories, so that indigenous people do not find themselves compelled to leave their ancestral lands ...”, “to pay particular attention to the canton of Talamanca and the banana plantations” and “to improve the indigenous peoples’ enjoyment of economic and social rights, and in particular to take steps to ensure equal pay for indigenous people and other sectors of the population, and access to education and health”.

65. The following sections provide details of the respective activities taken in each sector in the light of the above recommendations.

A. Right to work

66. Within the framework of its annual budget allocation, the Employment Directorate of the Ministry of Labour and Social Security expanded the National Employment Programme, which conducts projects in areas populated by indigenous peoples. Although the projects are not solely aimed at indigenous peoples, they are one of the main target groups.

67. The Employment Directorate also launched a scheme aimed at developing entrepreneurial skills, called “Emprendedurismo”. This scheme focuses specifically on indigenous peoples in the south of the country. The microenterprise Tamalera Estrella Dböm is an example of the work carried out under this scheme. It employs 73 indigenous persons with disabilities and helps them to sell products through strategic alliances in different locations in the south, which in turn generates income and provides sustainability for the business.

68. The National Inspectorate of the Ministry of Labour and Social Security inspects indigenous areas as part of its annual programme of work so as to ensure indigenous peoples’ full enjoyment of labour rights.

69. The following chart shows details of the National Inspectorate’s work in various indigenous regions:

Table 2
Work of the National Inspectorate

<i>Turrialba</i>	<i>Pérez Zeledón</i>	<i>Limón</i>
Carried out inspections in Chirripó, Beré, 100 Manzanas and Grano de Oro.	Serves the indigenous population of San Vito and Buenos Aires, specifically the coffee and coyol production sectors.	Visits carried out twice a year to banana farms in the canton of Talamanca in Sixaola.
Visited commercial businesses and farms that employ indigenous peoples.	During 2011 and 2012, 15 visits conducted to ensure labour rights of workers, combat child and adolescent labour and monitor workplace health and safety.	These farms mostly employ indigenous Panamanians.
Monitored, inter alia, child and adolescent labour, payment of minimum wage and social security coverage.		No agreement signed to date with the Panamanian authorities to care for this population. However, it is in the Costa Rican Government’s interest for this to happen.

70. In regard to access to employment for Afro-Costa Ricans, the Committee, in its eleventh recommendation, invited the State party “to carry out a study to determine the

causes of this problem, and to take the necessary measures, including legislative measures, to put an end to discrimination in employment and all discriminatory practices in the labour market, and to adopt further measures to reduce unemployment among Afro-Costa Ricans in particular”.

71. The Ministry of Labour and Social Security has recently conducted awareness-raising activities for its staff in order to guide the future efforts of the relevant Directorates to support the Afro-Costa Rican population and other groups vulnerable to discrimination, particularly racial discrimination. As a recently introduced initiative, an internal review must be undertaken to decide which units will be responsible for the application.

72. In any event, once the National Policy for a Society Free from Racism, Racial Discrimination and Xenophobia enters into force, the various institutions will be obliged to take concrete measures tailored to the Afro-descendants across all sectors. The policy’s corresponding Action Plan contains a specific strategic objective to “devise a prospective study on employment and employment opportunities in indigenous, Afro-Costa Rican and migrant communities”.

B. Right to housing

73. The Ministry of Housing and Human Settlements through the National Housing Finance System is responsible for granting social housing, which is publically funded and targeted at those sections of the population that experience poverty, vulnerability and social exclusion, including the indigenous, Afro-descendant and migrant population.

74. The national housing framework is governed according to the principles of equity, accessibility and participation with the aim of promoting equal access to housing. Allowance and subsidy policies have therefore been instrumental in enabling middle-income households to purchase their own homes. According to the household surveys of 2010 and 2011, more than 75 per cent of households in Costa Rica, when taking into account their income level, would qualify for a housing subsidy or family housing allowance. Such measures effectively broadened opportunities for most socioeconomic groups.

75. The difficulties that have arisen in managing the housing sector are not caused by the race or ethnicity of persons receiving housing support but rather by the financial constraints facing the Ministry. Notwithstanding these constraints, the Ministry of Housing and Human Settlements has made efforts to review its housing policies and programmes better so as to take into account the nature and special requirements of the indigenous and Afro descendant populations.

1. Housing for indigenous peoples

76. The National Housing Finance System has introduced “indigenous housing” programmes as a means of providing affordable housing in indigenous territories. Between January 2000 and March 2012, a total of 5,234 family housing allowances were awarded in indigenous territories, equating to 4 per cent of the 132,168 family housing allowances awarded during that period. The Ministry of Housing and Human Settlements estimates that the average indigenous household contains five persons, therefore representing a coverage of more than 25,000 persons.

77. According to the general data of the National Population and Housing Census of 2011, in which 104,143 persons self-identified as indigenous, some 25 per cent of the indigenous population received grants.

78. This data reflects the reality for so-called “indigenous territories”. It is likely, however, that a larger population who self-identify as indigenous has also received family housing allowances since data collected during the allowance or loan application process does not include information on ethnicity and is therefore not disaggregated by ethnic origin. Indigenous status must, however, be verified before a family housing allowance can be awarded in an indigenous territory.

79. The housing sector faces several challenges in regard to indigenous territories, namely:

- Forms of ownership: Act No. 7052 establishing the National Housing Finance System provides for private property in indigenous territories by granting formal land titles for properties built with a family housing allowance. This conflicts with the system of collective ownership which predominates in indigenous territories;
- The State, via the Ministry of Housing and Human Settlements, has taken steps to comply with the guidelines determining the style of indigenous housing, such as the introduction of Directive No. 27 regarding the Technical Specifications and Guidelines for Selecting Culturally Appropriate Construction Styles for Housing and Development Works, funded by the National Housing Finance System. This directive marks a shift in institutional policy in response to the need for house-building projects that take account of the worldview of the indigenous peoples;
- In some cases, indigenous development associations falsify indigenous peoples’ situation in an attempt to qualify for family housing allowances;
- Indigenous organizations vary by province, making it difficult to identify beneficiaries.

80. The Ministry of Housing and Human Settlements has developed good practices in the area of indigenous housing over the years, including:

- The introduction of socioculturally appropriate housing projects in various territories (the State will endeavour to provide concrete examples during its constructive dialogue with the Committee);
- The Ministry of Housing and Human Settlements has maintained a close relationship with numerous indigenous organizations in an effort to promote their greater participation in the management of housing projects in their territories. (the State will endeavour to provide concrete examples during its constructive dialogue with the Committee);
- Various assessments regarding the quality and appropriateness of and demand for indigenous housing projects have been carried out in recent years (the State will endeavour to provide concrete examples during its constructive dialogue with the Committee).

2. Housing for Afro-descendants

81. One of the most significant impacts of the National Policy and its corresponding action plan to build a society free from racism, racial discrimination and xenophobia has been the various ministries and public institutions’ increased awareness and understanding of the particular difficulties faced by the Afro-Costa Rican community, which can be addressed only through direct links with the Afro-Costa Rican population.

82. For a long time, the national institutions have failed to consider the specific housing problems of the Afro-Costa Rican community beyond those of a socioeconomic nature. The Ministry of Housing and Human Settlements has, however, recently begun to take a new

institutional approach, which it is hoped will better meet the Afro-Costa Rican community's housing and human settlement needs.

3. Housing for migrants

83. With regard to migrants, it is important to note the different issues facing this population group, namely regular and irregular migrants.

84. In the case of migrants in a regular situation, apart from their socioeconomic status, there are no objective restrictions on a foreigner or a household with a foreign-born head of household applying for a housing grant or loan. Article 6 of the rules for the operation of the National Housing Finance System provides that "foreigners whose migrant status and family circumstances and employment demonstrate a reasonable prospect for residing legally and permanently in the country, taking account of their respective income", have the right to housing allowances or loans.

85. Difficulties arise, however, in the treatment of migrants in an irregular situation as there is no way to assess their personal or family circumstances. These difficulties in identifying such migrants are heightened when the different ways in which they could integrate into society are taken into account, including:

- Mixed households: cohabitation or marriage of a Costa Rican citizen and a migrant;
- Costa Rica children of migrant or mixed parentage;
- Households containing migrants both legal and illegal.

86. The Costa Rican Government has modern immigration legislation that not only works to regularize the migration status of foreign nationals through a variety of measures, but also promotes their integration into society, thereby enabling such households to participate in housing programmes aimed at slums and poverty-stricken areas.

87. There is no record of the exact number of migrants who have benefited from social housing programmes. This is due, inter alia, to a tendency to conceal family members in an irregular situation and take in new members after being granted housing, or to migrants who secure housing by way of marriage or de facto union.

88. The data on the migrant population available to the Ministry of Housing and Human Settlements is derived from the efforts made to identify foreign-born or naturalized heads of household.

89. The following table includes the three types of documentation granted to foreign-born heads of household, even though they have been naturalized.

Table 3

Family housing allowances issued to households with a foreign-born head of household

<i>Status</i>	<i>Total number of family housing allowances</i>
Foreigner	3 993
Naturalized (identity card category 8)	641
Foreigner (identity card category over 9 digits)	1 544
Total	6 178

Source: Housing Mortgage Bank.

90. The family housing allowances paid to households with a foreign-born head, the majority of whom are Nicaraguan citizens, amounts to 5 per cent of the total amount of family housing allowances awarded since 2000. However, this figure does not reveal the total number of migrant members in each household.

91. The Ministry of Housing and Human Settlements has programmes designed to provide families with information regarding their housing rights and include visits to settlement areas in slums in efforts to raise public awareness of citizens' rights and obligations.

C. Right to health

92. Guaranteeing access to health care for the Costa Rican population is the responsibility of two bodies, the Ministry of Health as the lead agency and the Social Insurance Fund of Costa Rica as the front-line service provider.

93. In its leading role, the Ministry of Health ensures the population's health, as well as quality, access and equity in health. To that end, it defines the health-care policies, plans and guidelines that should be implemented by the other bodies of the Social Health Promotion System, in both the public and private sectors.

94. Therefore, as a centralized body, the Ministry of Health has drawn up a policy and a National Health Plan for 2010–2021, whose approaches are based on human rights, social cohesion, diversity, equality and gender equity. These instruments form the framework for health-care initiatives in both the public and private sectors and both concentrate on providing services for vulnerable populations and specific groups.

95. Furthermore, in order to ensure the health of these groups, intercultural training has been given to staff at both the Ministry and the Social Insurance Fund. Of particular importance among these training initiatives is the intercultural course attended during the last year by 140 Ministry of Health staff members working in the main health areas whose scope of action spans indigenous territories.

96. The Ministry of Health has also provided ethnoscience workshops for 60 health professionals so as to improve services for the indigenous population. (If the Committee requires more specific information about these workshops, it can be provided in the replies to the list of issues communicated to the State.)

97. Additionally, and with the aim of coordinating health-care initiatives aimed at indigenous peoples, the National Health Commission for Indigenous Peoples was created, comprising stakeholders in both the public and private sectors. The Commission is led by the Ministry of Health and its priority is to draw up the National Health-Care Plan for Indigenous Peoples and Indigenous Migrant Populations.

98. Work with the indigenous population has also been undertaken at the regional and local levels, particularly in the Burunca health region directorate, which has large nomadic and settled indigenous populations. The work has been coordinated by the Regional Indigenous Commission, which takes institutional action to improve these groups' quality of life, ranging from the physical inspection of sanitation in camps, accommodation for single workers, shelters and plantations to the identification of needs within indigenous territories, all at the inter-agency level and in close coordination with cultural advisers and indigenous leaders, thereby ensuring that the interventions are acceptable to the communities.

99. At the same time, and with a view to improving the approach to the migrant population at the national level, the Ministry of Health has participated actively in drawing up the National Policy on Migration, a process led by the Directorate-General for Migration.

This effort demonstrates the health sector's commitment to dealing with vulnerable groups beyond the functions assigned to it and always with a view to improving the population's health.

100. Accordingly, the Ministry of Health has participated in drawing up the Migrant Integration Plan, which provides for work carried out with the Migration Social Fund and improvements to migration services for groups in transit through the country.

101. Access to health-care services for the Costa Rican population is provided by the Social Insurance Fund of Costa Rica. Below, there is information on the various initiatives that the Social Insurance Fund has been developing through its executive units and regional directorates (health areas), particularly in relation to indigenous peoples.

102. The Social Insurance Fund has adopted the following measures as part of the creation of a special policy focusing on the indigenous population.

1. Services for the Indigenous and Nomadic Indigenous Populations

103. Since 2012, the Social Insurance Fund of Costa Rica has been committed to including specific initiatives aimed at indigenous populations and persons of African descent in its institutional policies. For example, on 14 November 2012, the Comprehensive Care of Persons Unit of the Directorate for the Development of Health Services was assigned to undertake a technical process to move towards differentiated health care for indigenous peoples and highly nomadic indigenous peoples within the scope of the competencies of the Social Insurance Fund. The Unit accordingly drew up a proposal for a programme, as well as the consequent institutional plan for 2013–2017, which is now being examined by the Medical Board. In this phase, the proposal is undergoing institutional analysis, meaning that once the plan's main ideas and objectives have been institutionally approved, the processes of consultation and construction with the indigenous peoples will begin. The Plan's main ideas can be found in annex II.

104. In 2007, prior to this initiative and as part of the Medical Board's action plan, analysis and identification of indigenous populations and highly nomadic indigenous peoples began with the aim of developing a health-care plan for them. The Directorate for the Development of Health Services therefore produced a document establishing services for the indigenous and indigenous migrant populations that upholds the principles of equity, solidarity, universality, ethics and social inclusion, as well as the cross-cutting issues of interculturalism, human rights, gender, social responsibility and quality. These services were already being implemented in practice, but, as mentioned in the previous paragraph, work is now being done on them as part of a more comprehensive institutional plan created in partnership with the relevant groups.

105. Furthermore, through official letter No. DJ-00751-2013 of 13 March 2013 entitled "Report on the good practices and initiatives being undertaken in the Social Insurance Fund of Costa Rica in combating racial discrimination", the institution's Legal Department (which, it should be noted, represented the Social Insurance Fund of Costa Rica at the Inter-Agency Human Rights Commission) recommended the following initiatives to the Executive Presidency in order to begin the process of raising awareness within the institution of persons of African descent, indigenous peoples and migrants:

"Promote training workshops in order to raise awareness among the institution's staff so as to eliminate all types of discrimination when dealing with users. To that end, it is necessary to attempt to create shared spaces with civil society (persons of African descent, indigenous peoples and migrants) to obtain first-hand information on how these persons suffer discrimination, so as to carry out workshops with the staff of the Social Insurance Fund aimed at avoiding such

conduct. Disseminate the information that the institution already has on the initiatives being undertaken to assist these groups.”

106. Through official letter No. 24.677-13 of 17 April 2013, the Executive Presidency instructed the Administrative and Medical Boards to draw up a joint plan of action and dissemination in line with the Legal Department’s proposals, which are also outlined in the National Policy for a Society Free from Racism, Racial Discrimination and Xenophobia.

2. Technical Seminar on preventive strategies to enhance social security coverage for vulnerable population groups

107. Partly promoted by the Medical Board and the International Social Security Association, this seminar took place from 24 to 26 August 2011.

3. Support programmes

108. Through the Directorate for the Development of Health Services, the Social Insurance Fund conducts various support programmes in conjunction with international bodies and NGOs such as the International Organization for Migration (IOM), the United Nations Children’s Fund (UNICEF), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the Pan American Health Organization (PAHO), the IntraHealth Capacity Project and the Development Bank of Latin America.

4. Regional activities

109. Regarding services for the indigenous population, in both the Burunca and Huetar Atlántica regions, which have the highest concentration of indigenous people in the country, the executive units of the Social Insurance Fund carry out preventive and awareness-raising activities in the different cantons, particularly regarding racial and ethnic discrimination.

110. In that connection, it should be mentioned that the San Vito Hospital provides free and equal health care to the Ngobe population at the expense of the State.

111. Thanks to the bilateral treaty between Costa Rica and Panama, agreements have been reached regarding mechanisms for accessing health-care services, thereby ensuring bilateral epidemiological surveillance and the transport of medicines, material, equipment, staff and patients between both countries in the border region.

112. In Ciudad Neily there are prevention programmes and talks for certain sectors of society regarding assistance for the indigenous population and foreigners, encouraging these ethnic groups to use health-care services through group and individual education in the areas of:

- Preventing sexual exploitation and abuse by fathers, handling boundaries and detecting abuse indicators;
- Preventing corporal punishment and domestic violence;
- Information on the rights and responsibilities of health-care users and the services, laws, regulations and codes that support them;
- Sexual and reproductive health;
- Sexually transmitted diseases.

113. Additionally, there are pamphlets and lectures on preventing infectious diseases and promoting healthy lifestyles.

114. It should be added that, twice a year, antenatal courses for adolescents take place. They consist of eight sessions and include the indigenous population.

115. In January 2012 an initiative was carried out with the local indigenous population of Abrojo Montezuma, the purpose of which was a cultural exchange with a member of the United States of America Peace Corps.

116. Lastly, it should be noted that there is a commission within the medical centre that is responsible for following up prevention initiatives and programmes.

117. In the Tomás Casas Casajús Hospital, health care is provided for the indigenous Boruca and Guaymi populations and promotion and prevention programmes are carried out.

118. In the health area in Golfito, educational talks are given during community visits by teams of doctors, dentists, obstetricians and social workers. Initiatives to promote health and prevent illnesses common to the area are carried out. Additionally, social bodies are informed of citizens' rights and responsibilities regarding social security. Lastly, it should be highlighted that comprehensive primary health care is provided to the indigenous population and is guaranteed by the State.

119. In the health area in Coto Brus there are commissions and projects set up in conjunction with international organizations for the benefit of the indigenous population and foreigners.

120. There are three of these commissions in the area: the Commission for Continuous Education, the Commission for Comprehensive Health Care for the Indigenous Population and the Commission for Promoting Health.

121. The objective of these commissions is to provide comprehensive health care to all indigenous groups in the country. The commissions have succeeded in reducing the number of indigenous persons being treated by the emergency services, being admitted to hospital and consulting the basic comprehensive health-care teams.

122. The following are projects carried out in this area:

- Breaking down linguistic barriers, with the aim of training health professionals in the Ngobe language. To date, 60 persons have been trained in this language;
- The "Healthy Plantations" project;
- Services for the highly nomadic indigenous population in Río Sereno provided by the basic comprehensive health-care teams in the border region;
- The "Clean Floors" project;
- A project relating to the sterilization of drinking water;
- An ethno-tourism project;
- A sexual and reproductive health project at the La Casona school, which is in indigenous territory;
- A project providing services for adolescent mothers in La Casona (indigenous territory);
- A project on intercultural exchanges in health care, which organizes meetings with traditional doctors and midwives and provides training on care during births. The purpose of this project is to provide comprehensive health care to all indigenous persons in the canton. It has succeeded in reducing the number of indigenous persons being treated by the emergency services, being admitted to hospital and consulting the basic comprehensive health-care team;
- School vegetable garden projects that aim to revive the consumption of traditional vegetables;

- A project on intercultural exchanges in sport;
 - A project establishing a new basic comprehensive health-care team in La Casona with an intercultural focus;
 - Promoting the identification of the undocumented indigenous population;
 - A school nutrition project in the La Casona school;
 - Training for cultural advisers on specific health areas, such as hand-washing, personal hygiene, diarrhoea, malaria, tuberculosis, HIV/AIDS, drugs, human rights and the rights of indigenous peoples;
 - A reforestation project using fruit trees native to the area;
 - A project to identify timber-yielding trees;
 - A project for a census of medicinal plants in indigenous territories;
 - A project on HIV/AIDS among the indigenous population;
 - A project addressing oral hygiene among the indigenous population, with an intercultural component;
 - A neuro-development project;
 - Empowerment of the La Casona school board.
123. Prevention programmes are also carried out, including:
- Deworming in indigenous territories;
 - Home visits and talks in schools in indigenous territories on effective hand-washing;
 - Distribution of soap in indigenous territories;
 - Translation of the vaccination record book into the Ngobe language.
124. The Corredores health area has an Inter-Agency Human Rights Commission that carries out initiatives benefiting indigenous groups and refugees. Its policy is to treat all users of its various services equally, without distinction as to, for example, creed, social class, gender or origin.
125. The Talamanca health area, which deals with a large number of indigenous persons and persons of African descent, takes the following action:
- Promotion of an intercultural perspective among officials;
 - Talks on users' rights;
 - Employment in the organization of persons belonging to minority ethnic groups;
 - Meetings with persons living in the border region in order to strengthen services for the indigenous Guaymi populations near the border between Costa Rica and Panama, the majority of whom are undocumented and are affected by serious socioeconomic problems;
 - Awareness-raising among staff;
 - Workshops with the Guaymi health committees;
 - Establishment of the Indigenous Health Board;
 - Work with the health committees.
126. In the Valle de la Estrella health area, services are provided to an indigenous population of approximately 3,000 persons, including:

- A full basic comprehensive health-care team dedicated solely to this group and implementing measures aimed directly at health promotion and prevention and respect for its rights;
- Preferential services for indigenous children, pregnant women and older adults, taking into account the distance they need to travel;
- Three indigenous primary health-care technicians in order to ensure respect for indigenous culture and language;
- An excellent relationship with the Cabecar TaynÍ Indigenous Development Association, with which monthly meetings are held. Additionally, all actions relating to the health of this community are coordinated jointly with the Association's leaders.

127. The Matina health area has a basic comprehensive health-care team dedicated to indigenous populations and has made significant efforts to use donations to improve indigenous health-care facilities, without using the resources of the Social Insurance Fund. It also has strategic plans guiding the actions of the services in the region.

128. The Turrialba-Jiménez health area, which spans the Cabecar indigenous territory, provides comprehensive health care to that group despite existing geographical and cultural barriers. Three basic comprehensive health-care teams have been set up and visit the communities throughout the year, implementing the following:

- Health-care, primary care and vaccination programmes;
- Promotion and prevention programmes;
- Visits by the clinical laboratory;
- Visits by the dental care service.

129. The William Allen Taylor Hospital provides services to the indigenous populations of Talamanca and Turrialba, prompting the health-care services to adopt non-discriminatory measures, including:

- Personalized services, with priority depending on geographical constraints. For example, laboratory and X-ray services are provided at any time, including during external consultations, and patients are not recorded as originating from a different area, or being documented or undocumented;
- The adaptation of services according to linguistic constraints: medicines for indigenous persons are labelled with pictograms;
- Measures to overcome cultural constraints;
- Training by staff in the indigenous language (Bribri-Cabecar), in conjunction with the University of Costa Rica.

130. In the Los Santos health area there is a large migrant population (mainly Ngobe and Bugle, with increasing numbers of Nicaraguans) during the coffee harvest, so strategic partnerships have been established with the National University, the Technological Institute of Costa Rica and the National Council of Directorates and Cooperatives so as to create more favourable conditions for this group.

131. The strategies include:

- Strategies concerning basic rural sanitation in hostels housing coffee plantation workers;

- A 2008 programme relating to medical and paramedical care on plantations, emphasizing personal, family and environmental hygiene. The team comprises a doctor, two primary health-care technicians and a medical records technician;
- Support for the casualty department during the coffee harvest.

132. The Puriscal-Turrubares health area comprises the Zapatón indigenous territory. It has a basic comprehensive health-care team providing services for the 408 inhabitants of the indigenous territory and a local commission for the Puriscal indigenous population which draws up an annual workplan and has implemented the following initiatives in cooperation with the indigenous population:

- Fortnightly comprehensive appointments with the basic comprehensive health-care team, which visits the community periodically;
- Monthly dentist appointments;
- Home visits by a primary care technician;
- Designation of a government representative on the local commission for indigenous affairs;
- Complete restructuring of the Zapatón basic comprehensive health-care team in 2011;
- Active participation in all initiatives undertaken by the local commission for the Puriscal indigenous population.

133. Lastly, the departments of the North Central Regional Directorate for Health-Care Services are faced with seasonal migrant, refugee and indigenous populations owing to activities such as the coffee and sugar-cane harvests. The primary health-care technicians visit these groups in their temporary housing and assist them according to their health-care needs. Because there are no permanent indigenous, refugee or migrant settlements, care is provided to these groups on a seasonal basis.

134. The Committee's seventh recommendation indicates that the State should take bold action to combat infant mortality in indigenous communities. It should be noted that there is a gap here; although the Social Insurance Fund of Costa Rica endeavours to provide comprehensive health care to indigenous populations so that their right to access health care is guaranteed without damage to their culture and without having to leave their ancestral territories, there are no data reflecting an initiative or project specifically aimed at combating infant mortality in these communities. However, in the Coto Brus health area, as part of the project regarding intercultural exchanges in health care, meetings are held with traditional doctors and midwives and training in delivery is provided.

D. Access to water

135. Since 2006, the Costa Rican Water Supply and Sewerage Institute has focused on improving the quality of life of the inhabitants of the 24 indigenous territories, where the basic and necessary requirements for constructing new water supply systems in line with indigenous law, customs and traditions have been identified. A map of Costa Rica indicating the location of indigenous reservations can be found in annex I.

136. Since then, the Costa Rican Water Supply and Sewerage Institute has implemented a strategy for involving communities in the development of water supply projects in indigenous territories, comprising three phases: awareness-raising, social feasibility and training.

137. During the awareness-raising phase, the strategy aims to engage with the community effectively, without violating their life style, so as to improve their quality of life. Through the active involvement of the community and its general integration, the objective is to guarantee active, voluntary and considered participation in the development of the project.

138. The social feasibility phase is intended to create social criteria, such as:

- The participation of society in the different phases of the process in order to guarantee the continuation of the subsequent phases;
- Analysis of the community's interests regarding the project;
- Expectations of the beneficiaries;
- Local socioeconomic situation of the population;
- Legal aspects;
- Water supply will be managed
- Consent to active and voluntary participation in training and construction work.

139. The training phase aims to educate participants by applying methods taking the characteristics of the persons receiving the training into account, including age, customs, gender and geographical location.

140. In turn, the Institute has worked with its partners to obtain funding for infrastructure projects and projects to strengthen the managerial capacities of the communities, as described below.

141. In 2007, the United Nations Development Programme (UNDP) provided technical cooperation and non-reimbursable funding amounting to \$50,000, and the Costa Rican Water Supply and Sewerage Institute contributed approximately \$36,047.20 to establish a project developing men's and women's capacities in the management, operation, maintenance and sustainability of drinking water and sanitation systems through a pilot scheme in the indigenous territories of Alto Chirripó in Talamanca and Ujarrás in Buenos Aires, Puntarenas, Costa Rica.

142. The project developed a technique to involve and train indigenous communities so that they can effectively and efficiently manage water resources at the local level with a focus on awareness, social feasibility and instruction in the administration, operation and maintenance and sustainability of drinking water and sanitation systems. This was initially implemented by means of a pilot scheme in the indigenous territories of Ñari Ñak, Tsiniclori or Roca Quemada, Paso Marcos, Alto Ñari, Villa Damaris and Ujarrás; territories where the Costa Rican Water Supply and Sewerage Institute is already carrying out work, taking the economic, social, environmental and cultural context into consideration.

143. In 2010, Engineers Without Borders USA carried out a project to improve the living conditions of the Tonjibe community in the Maleku indigenous territory, constructing seven catchment water sources and thereby contributing to improving water quality by preventing microbiological contamination.

144. Through its Communal Systems Management Department, the Costa Rican Water Supply and Sewerage Institute was the technical counterpart during this project, providing material and supervision and guaranteeing the quality of the work by providing an engineer. At the social level, assistance was provided by social workers in the interests of community involvement.

145. In October 2012, the construction and expansion of the aqueduct in the Terraba indigenous community was completed, work that had been carried out with the support of the Costa Rican Water Supply and Sewerage Institute regarding design and technical

supervision. The financial resources were donated by the Agencia Andaluza de Cooperación Internacional para el Desarrollo (Andalusian International Cooperation Agency for Development) (AACID-España), and approximately 80,000,000 colones were provided by the Federation of Municipalities in the south of Puntarenas Province.

146. Between 2006 and 2012, the Costa Rican Water Supply and Sewerage Institute designed, planned and ran 13 projects to construct new aqueducts in indigenous territories, benefiting 2,046 inhabitants and representing an investment of ₡588,161,334 over the last six years.

147. Below are details of the completed projects and the populations benefiting from them.

Table 4

Projects undertaken by the Costa Rican Water Supply and Sewerage Institute

<i>Territory</i>	<i>Population</i>	<i>Cost</i>
Paso Marcos in Turrialba	165	44 300 000.00
Alto Ñari in Turrialba	42	23 250 000.00
Ñari Ñak in Turrialba	132	38 500 000.00
Roca Quemada (Tsiniclori) in Turrialba	110	9 020 000.00
Jameikari in Siquirres	30	20 012 067.00
Cerere in Talamanca	360	59 361 326.00
Ujarrás in Buenos Aires	920	295 500 000.00
Booqueri No. 1 in Siquirres	15	16 169 285.00
Booqueri No. 2 in Siquirres	40	15 066 771.00
Karku No. 1 in Siquirres	36	13 462 114.00
Karku No. 2 in Siquirres	36	14 822 856.00
Tolot-Satku in Matina	30	13 020 912.00
Bajo Bley in Talamanca	130	25 676 000.00
Total	2 046	588 161 334.00

148. It is important to highlight that the Costa Rican Water Supply and Sewerage Institute considers community participation in these projects to have been fully effective, in several cases, thanks to the cooperation of the Associations for Integrated Indigenous Development. Support was also received from the Casual Labour Programme of the Ministry of Labour and Social Security in contracting the indigenous workforce. Additionally, communities have participated by donating territory for the construction of water-supply systems and easement for pipelines. They have also given their time, participating in activities such as meetings, talks and training. Lastly, help has been received from the municipalities of Turrialba and Talamanca, the offices of the Social Insurance Fund of Costa Rica in Turrialba and Talamanca, the Indigenous Health Network, the Quircot Indigenous Foundation, UNDP and the National Commission on Indigenous Affairs.

149. It should be noted that experience showed that constructing infrastructure without developing the capacities of the persons responsible for managing community water-supply systems affects their sustainability. Therefore, in 2011 and 2012, the Strategic Business Unit for Project Administration of the Systems Management Department of the Costa Rican Water Supply and Sewerage Institute established a social and educational project entitled “Introductory Course: Basic aspects of managing new associations”, which is beginning to

be implemented in the communities, including indigenous communities where conditions are suitable.

150. This project consists of an introductory course taught over a period of 24 hours, and its objective is to provide guidance on basic concepts to members of the new management boards of the projects under construction, giving them content, concepts and tools that will allow them to begin their management with greater confidence, a professional approach and tools contributing to the sustainability of their systems, while working in harmony with the environment. The main thematic areas concentrate on organizational, legal, administrative, operational, financial, commercial and socio-environmental management.

151. At the same time, other actions contributing to the development of indigenous communities have been carried out. For example, the Costa Rican Water Supply and Sewerage Institute is using its supply systems to provide drinking water to the indigenous territory of Matambú, located in Hojancha, Guanacaste.

E. Right to education

152. The Constitution guarantees access to free, compulsory education, a provision that is strengthened by national legislation and international standards. It is incumbent on the Ministry of Education to guarantee access to education to all persons without distinction, which is why all the strictly administrative acts performed by the Ministry benefit indigenous persons, persons of African descent, migrants, refugees and/or asylum seekers who are enrolled in the education system. At the same time, there are certain reforms, programmes and projects to promote a human rights culture and create the conditions for inclusion, thereby eliminating discriminatory situations and fostering development and comprehensive education.

153. The Ministry of Education is also responsible for promoting the teaching of all cultural and ethnic modules, in keeping with the multicultural and multi-ethnic nature of Costa Rican society.

154. Executive Decree No. 35513 of 25 September 2009 established the Sulá Regional Education Directorate, which aims to encourage the decentralization of all educational communities in indigenous territories, fostering the implementation of pertinent, contextually appropriate educational initiatives. Regional education directorates are required to harmonize the national curriculum with regional and local specificities, respecting cultural diversity and the environment.

155. By virtue of the Decree that created it, the Sulá Regional Education Directorate can, with the prior authorization of the Ministry of Education, organize itself internally in the manner it considers appropriate to the educational and curricular needs of indigenous educational communities.

156. National curriculum study programmes adopt a human rights-based approach. The introductory section of each subject area contains general information on the obligation for each of the topics in the work produced in the classroom to be cross-cutting, which means that a process must be reflected in the work of the national education system from curricular planning to the work done by teachers to prepare classroom activities, and in the institutional planning in all schools.

157. The following cross-cutting topics have been established in Costa Rica: environmental culture for sustainable development, comprehensive sex education, education for health and experiencing human rights for peace and democracy. The purpose of these topics is to make the exercise of citizenship attractive, interesting and civic-minded, bringing with it responsibilities and rights.

158. The curricular module on ethics, aesthetics and citizenship is designed to cultivate students' skills and capabilities, enabling them to develop their thinking, imagination, social skills and creative ability. The aim is for students to acquire skills and abilities that allow them to live together in a society subject to the rule of law, showing respect for rights in the fullest sense of the term.

159. Also instilled in students are a series of values that are fundamental to ethics and citizenship education, such as justice and equality; autonomy (understood as the antithesis of authoritarianism or mere guardianship); tolerance and respect for and appreciation of diversity; the expansion of freedom in its broad sense of capacity; solidarity and friendliness.

160. Executive Decree No. 36451 created the Department of Intercultural Education, through which various initiatives are promoted:

Table 5

Initiatives of the Department of Intercultural Education

<p>Strengthening the teaching and technology model in rural secondary schools (including indigenous secondary schools):</p> <ul style="list-style-type: none"> • Investment in: teaching improvements, infrastructure and equipment; • Staff selection and creation of a professional handbook for indigenous territories, which is being drafted in accordance with International Labour Organization (ILO) Convention No. 169 and will be presented for consultation in indigenous territories. 	<p>Educational practices that are contextually appropriate and pertinent:</p> <ul style="list-style-type: none"> • Covering all educational facilities in the country; • Objective: to eliminate stereotypes and prejudices about persons of African descent, migrants and indigenous persons; • Three modules: <ul style="list-style-type: none"> • Persons of African descent in Costa Rica; • The world view and cosmogony of indigenous peoples; • Migration, education and cultural interaction.
<p>Promotion of a contextually appropriate curriculum and cultural affiliation:</p> <ul style="list-style-type: none"> • Covering all educational regions of the country; • Objective: to advise all regional education directorates on the development of cultural projects, the recovery of regional historical memory, and marginalized aspects of history. 	<p>Coordination with the Department for Research:</p> <ul style="list-style-type: none"> • Objective: to recover elements of regional historical memory through qualitative research carried out by regional advisers.
<p>Coordination with UNICEF and UNESCO:</p> <ul style="list-style-type: none"> • Legal advice, budget allocation, logistical support in carrying out academic activities, and support for the work of teaching staff in schools. 	<p>Coordination with the Migration and Aliens Office:</p> <ul style="list-style-type: none"> • Translation of the Office's documents into indigenous languages.

161. Executive Decree No. 37801-MEP of July 2013 reforms the indigenous education subsystem, stipulating that indigenous education must be "... specialized education, focused on fulfilling the rights of indigenous peoples and preserving their linguistic identity and natural ties with their world view and cultural, economic and social expressions (...)", and stating that the previous indigenous education subsystem "lacks structure, procedures and clear participation mechanisms to promote the full exercise of rights".

162. The Executive Decree also indicates that "a free, prior and informed consultation process took place pursuant to article 6 of International Labour Organization (ILO) Convention No. 169". Article 1 of the Executive Decree sets as its objective: "to capture the specificities of indigenous education in terms of aims, languages, focus, administrative and territorial organization and human resources. Equally, to define the consultation procedures and participation mechanisms of indigenous peoples in the educational decision-making processes for which they are responsible". A copy of the Executive Decree is attached (annex 10) for further reference and consideration by the Committee.

F. Cultural rights

163. The Committee encourages the protection of the cultural expressions of indigenous peoples, persons of African descent and migrants. In the specific case of Costa Rica, the Committee issued its thirteenth recommendation inviting the State party to take the necessary measures to preserve the indigenous peoples' cultural heritage, including their languages.

164. The Government of Costa Rica has an obligation to guarantee and promote the right to culture, supported by national legislation and the international legal instruments ratified by the country.

Regarding culture, there are three levels of action:

- Activities carried out by agencies of the Ministry of Culture and Youth, targeting indigenous people, person of African descent and the migrant population;
- Activities geared towards empowering the community to take control of its culture and take over its management with the support of the Ministry;
- Activities in which the art or culture of those people is seen as part of the country's cultural diversity, and is valued and disseminated among the rest of national society.

165. In relation to level 1, and bearing in mind the conclusions of an analysis conducted, the Ministry, together with the indigenous population and persons of African descent, has begun to develop working protocols that are respectful of, and tailored to, the legislation in force and the specificities of these groups. The Ministry's various internal agencies have also initiated a coordination process in accordance with the new guidelines. It is important to emphasize that these protocols are designed to ensure that all of the Ministry's activities and investments affecting these population groups are determined through dialogue with participation of the groups and their representative bodies.

166. With regard to level 2, there was found to be a need to create forums for dialogue and the joint drafting of workplans, in such a way as to allow for the coordination of activities carried out not only by the Ministry but also with other institutions, as part of a strategic and political action plan with a participatory approach adopted in view of the needs, interests and expectations of indigenous peoples, and in accordance with their rights and various world views.

167. During this process, it must be the indigenous peoples themselves who bring their demands to the Government's attention. The Ministry therefore works actively to

consolidate mechanisms to protect and foster the indigenous peoples' enjoyment of their cultural rights. To that end, in 2011 and 2012, an indigenous professional was hired to develop a workplan within the various indigenous communities. In 2013, an indigenous sociologist was employed to develop workshops in three indigenous communities in the canton of Buenos Aires, with the aim of creating a joint working strategy among community representatives and government institutions (the Ministry of Culture and Youth, the National Training Institute and the Inter-Agency Institute for Social Assistance) to propose cultural projects that respond to the current situation and demands of each of these communities.

168. Regarding persons of African descent, a specific Caribbean Cultural Corridor programme has been developed. It is designed to boost their legacy in Caribbean regions of Central America, in terms of their culture and recognition of the features specific to their culture, which has been supranational from the outset.

169. The Cultural Caribbean Corridor programme was presented by the Ministry of Culture and Youth in November 2010 at the Meeting of Ministers of Central American Educational and Cultural Coordination, which was held in El Salvador and with UNESCO support.

170. The programme aims to promote ventures, communication, cooperation, research, training and cultural dialogue; strengthen the historical heritage and multicultural legacy; and contribute to the integration and socioeconomic and cultural development of the peoples of Central America and the Dominican Republic.

171. In order to develop the programme, all the countries that signed the Declaration set up national commissions with the participation of the Ministry of Culture or its counterpart, and strategic allies such as the Organization of Ibero-American States for Education, Science and Culture, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Spanish Agency for International Development Cooperation (AECID). The countries guide their efforts towards strengthening the programme in the cities that they themselves define as emblematic of Caribbean culture.

172. In Costa Rica, the communities defined as emblematic are Tortuguero, Limón Centro and Cahuita, covering the northern, central and southern areas of the Caribbean region of Limón province.

General Culture Act and National Culture Policy

173. The Ministry of Culture and Youth is currently developing a process to draft the General Culture Act and the National Culture Policy as strategies to promote the creation of tools for the development of activities to protect and promote the diversity of cultural expressions in Costa Rica.

174. Following the diagnostic phase conducted by the Minister's Office, the Culture Directorate and the Planning and Legal Counselling Secretariat, it was decided that, although various agencies carry out activities aimed at indigenous peoples, persons of African descent and migrants, these activities have limited scope and are not consistent with clear, specific guidelines and, in the case of indigenous peoples, there is no legislation that addresses their specificities.

175. Moreover, it should be emphasized that, until now, the Ministry of Culture and Youth had not maintained direct, fluent communication with the indigenous communities, which is why, during the process of drafting the General Culture Act and the National Culture Policy, it has been in constant dialogue with the target communities.

176. At the start of the process of drafting the General Culture Act and National Culture Policy, it was not possible to implement appropriate mechanisms to guarantee indigenous

participation, in accordance with ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples. The Ministry of Culture and Youth is, however, aware of the importance of working together to develop culturally pertinent mechanisms, and thus a transparent, honest dialogue was initiated between the State and indigenous representatives, making it possible to outline the consultation process for the participatory drafting of the General Culture Act and National Culture Policy.

177. In recognition of the importance of indigenous participation, the first step was to determine, together with indigenous populations, how to conduct consultations on the General Culture Act and National Culture Policy, through the holding of:

- National briefings on the General Culture Act and National Culture Policy in indigenous communities between June and December 2012, with the aim of developing a strategy to inform indigenous peoples about the process for the drafting of the General Culture Act and National Culture Policy. Several meetings were held with indigenous leaders in various territories, grouped in blocks that they established (RIBCA (Bribri-Cabécar Indigenous Network) block, Ngäbe Union, Huetar block, Maleku territories and indigenous territories of Buenos Aires);
- Consultations with indigenous representatives from the territories to agree on a proposed methodology for the consultation process. During this second phase, which took place in February and March 2013, five meetings were held with leaders of the following indigenous organizations and organizational blocks: the National Indigenous Committee, the Bribri-Cabécar Indigenous Network, the indigenous territories of Buenos Aires, the Ngäbe Regional Union and the territories of the North Central block. The consultation team and the Ministry of Culture and Youth were in attendance.

178. These meetings were viewed as joint drafting sessions among the consultation team, the Ministry and indigenous leaders, and served as forums for honest, respectful dialogue. Their outcome meetings can be summarized in the following points:

- Consent to begin the joint process of drafting a proposed methodology for the consultation;
- Invitation to other stakeholders to join the process;
- Creation of a coordinating committee for the consultation process;
- Holding of the consultation in three stages;
 - Initial briefing stage;
 - Pre-consultation stage;
 - Consultation stage (including the National Consultation Forum).

179. These stages are subject to continual review and may be modified by consensus of the parties, as long as this does not contravene the rights of indigenous peoples. These stages are part of an effort by the Ministry to develop an inclusive and participatory process that addresses the sociocultural specificities of indigenous peoples without prejudice to their rights as recognized in national and international legislation.

G. Right to an adequate standard of living

1. Access to technology

180. There are some very positive ad hoc initiatives for indigenous peoples in one region of the country. Notwithstanding, strategies still have to be developed in order for those

efforts to translate into a broader, more comprehensive policy, or more systematic measures to provide access to all indigenous peoples and territories in the country, as well as persons of African descent, migrants and refugees. To that end, the National Policy for a Society Free from Racism, Racial Discrimination and Xenophobia and its first Action Plan will serve as the main tool in ensuring that public institutions are able to develop strategies and systematic measures for the three target populations.

181. The Ministry of Science, Technology and Telecommunications runs a community learning centre in Talamanca. The centre develops training programmes on the use of information and communications technology.

182. The centre in Amubrë, in the Iriia Alakölpa ú Training Centre, is managed by the Costa Rican Institute of Technology and the Alakölpa Kanewak Association. This centre permanently offers basic courses given by Bribri teachers.

183. The State Distance Learning University and the Institute of Technology are promoting an initiative entitled “Stimulating development in the territories of Telire and Bratsi” and are currently working on two areas:

- Bridging the digital divide by providing basic courses on both the Windows platform and free software;
- Providing technical support. Two members of the Bribri indigenous group are at the School of Electronics within the Institute of Technology, receiving training in this field, which is fundamental in hardware maintenance and software development.

184. The Institute of Technology, with the support of the State Distance Learning University, will launch a specialization plan with three groups: one comprising young members of the Cabécar indigenous people, organized by the Cabécar Territory Development Association; a course for teaching staff to improve their teaching skills; and a third group with young members of the Bribri people in the Amubrí community learning centre. All the courses will be given by teachers from the School of Computing.

185. The National Training Institute offers a series of computer courses. The problem lies in the commute for indigenous persons from very distant regions. The location of the two community learning centres is therefore crucial, as they serve the most remote populations.

186. Regarding the courses, thanks to the work of the Institute of Technology, there are over 452 qualifications in basic courses on Word, Excel and PowerPoint; 30 indigenous persons are qualified experts in business administration; and 22 are being trained as indigenous tourist guides. Moreover, there are currently 12 students who have graduated from the Institute of Technology as computer technicians, and 12 who have a qualification in basic computer skills.

187. The benefits that these projects have brought to the indigenous population include:

- Improving their learning methods. Through the provision of computers, teaching staff can enhance hardware and software management, while students can complete assignments and training;
- Establishing contacts in order to develop further projects. Indigenous tourist hostels and certain shops are using technology in dissemination and supply processes;
- Developing the production projects that they are carrying out.

188. The indigenous population has also developed its own projects, including tourist hostels, of which there are two in Yorkin that are advertised on travel websites. There is the Ditsöwö hostel in Bambú and the Koswak hostel in Amubre.

189. Several companies, such as the Esperanza Corporation and the Coopesiöla Cooperative, as well as other producers in cooperatives and associations, use the technology available to develop their commercial activities.

2. Access to electricity and telecommunications

190. As in the previous section, there are some very positive ad hoc initiatives for indigenous peoples in one region of the country. Nevertheless, strategies still have to be developed in order for those efforts to translate into a broader, more comprehensive policy, or more systematic measures to provide access to all indigenous peoples and territories in the country, as well as persons of African descent, migrants and refugees. To that end, the National Policy for a Society Free from Racism, Racial Discrimination and Xenophobia and its first Action Plan will serve as the main tool in ensuring that public institutions are able to develop strategies and systematic measures for the three target populations.

191. The Costa Rican Electrical Institute focuses its management on two areas, energy and telecommunications, with the aim of guaranteeing all national citizens access to these services.

192. Although there are no domestic policies that explicitly regulate the measures to be developed in favour of the communities in which the Institute carries out its projects, the Institute has implemented a strategy for participation with indigenous and non-indigenous communities that has made it possible to reach agreements in which benefits for both parties are negotiated.

193. With regard to electricity, the Institute has implemented a series of programmes involving the installation of solar panels on houses belonging to specific communities (indigenous, Afro-Caribbean, fishing, farming) that are not connected to the electricity grid, in order to help improve living conditions, teaching/learning methods and health services in each of those communities. Between 2007 and 2012, a total of 191 solar panels were installed in indigenous communities (see annex 3).

194. In the electricity sector, the Institute bears the greatest responsibility for developing electricity generation projects with the aim of meeting the national demand, serving to enhance the well-being of the Costa Rican population and ensuring that no discrimination occurs. The electricity sector focuses not only on objectives such as the development of new projects and the efficient use of natural resources, but also on the very important matter of engaging communities that live near these large-scale projects, thereby ensuring that they are positively involved in the development of the projects.

195. The telecommunications sector, meanwhile, seeks to provide access and universal service to the national population. In that connection, the Universal Access Process is a branch of the Costa Rican Electrical Institute that responds specifically to infrastructure and service needs in this domain. Its mission is to manage voice services and data that contribute to the comprehensive development of the most disadvantaged population groups, which include indigenous communities, persons of African descent, migrants and refugees.

196. In this area, there are several projects in favour of specific groups. For example, the agreement between the Costa Rican Electrical Institute and the Ministry of Education, leading to the installation of 635 basic Internet points in educational establishments in socially disadvantaged areas. This target was reached in 2008. Over 500 multimedia units have also been installed in schools, including those in areas with low or very low social development.

197. Some 500 VSAT systems have been installed in rural areas with universal access. These systems allow for the provision of services to an average of 75 families (with an

average of 5 members per family). The table in annex 4 shows which places are being served by this equipment.

198. Thanks to the implementation and support of the agreement between the Costa Rican Electrical Institute and the Ministry of Education, 4,549 services have been installed, while 4,534 additional services are being considered. The table in annex 5 shows the number of services installed for each technology, as well as the services being considered in each region.

199. Some of the educational establishments in places with indigenous communities that have benefited from this agreement are:

- Huetar region: Bribri School, Batsi School, Suretka School;
- Brunca region: Mādäribotdä School, Quiabdo School, Huetas Tsipiri School;
- Cartago province: Grano de Oro Vocational Technical College and Distance-Learning Secondary School, Sinoli School, Ñariñak School, Tksariñak School, China Kicha School, Tsipiriñak School, Yoldi Kicha School.

200. As of April 2012, the Costa Rican Electrical Institute provides Internet coverage to 89 per cent of the country's schools, and it is hoped that, in future, that figure will reach 92 per cent, as it includes indigenous communities, which receive a connection through two forms of technology: VSAT and data card, as indicated in the table in annex 6.

201. It should also be borne in mind that the communities supplied with VSAT technology receive a public telephone service through the corresponding terminal equipment.

202. As to schools supplied with 3G technology, it should be noted that it is a stopgap measure, adopted until they can be equipped with technology that provides a comprehensive solution, both within the community and in schools.

203. The table in annex 7 displays information on the Internet services installed in schools in the canton of Talamanca under the agreement between the Costa Rican Electrical Institute and the Ministry of Education, while the table in annex 8 relates to the infrastructure expansion work carried out in the canton. It should be emphasized that not all the schools included in the table are located in indigenous territories.

204. The density of public telephone services has remained relatively steady in recent years, owing mainly to a reduction in demand as a result of the growth of mobile telephone services.

205. Through the implementation of a project entitled "Multipago Public Payphones", modern public telephones have been installed throughout the country, allowing for a better delivery of this important service, which could be used by the tourism sector, immigrants and low-income members of the population. In 2011, the density of public telephones was 4.49 per cent.

Chart 2
Public telephones

National Telecommunications System Landlines Total number of public telephones 2006-2010				
Year	Public payphones, operators and production centres (1)	Colibri 197 and chip	Paid multimedia (2)	Total
2006	4,035	16,786	0	20,821
2007	1,604	14,952	3,882	20,438
2008	390	13,683	8,514	22,587
2009	390	13,241	8,327	21,958
2010	346	12,428	8,187	20,961

3. Comprehensive progress adopting an inter-institutional approach

206. In 2012, 56 comprehensive inter-institutional projects were carried out in Talamanca, Bribri, Moravia, Chirripó, Alto Quetzal and Grano de Oro, leading to the construction of schools, Basic Comprehensive Health Care Teams (EBAIS), aqueducts and bridges. Roads were maintained and a contribution was made to the development of family farming.

H. Rights of migrants and refugees

207. The Committee's issued ninth and thirteenth recommendations concerned the human rights of migrants and refugees.

208. About migrants in particular, the Committee recommended that the State "step up its efforts to improve the situation of migrants in Costa Rica, and particularly that of women migrants. The State party should ensure that Act No. 8487 amending the Migration and Aliens Act fully guarantees migrants' rights. [...] and invites it to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families."

1. Current migration situation in Costa Rica

209. The Migration and Aliens Act No. 8764 entered into force on 1 March 2010 and provided the basis for the country's migration policy, giving voice to the principles of

equality, equity, non-discrimination and interculturalism, with the purpose of promoting social integration among the national population, migrants and refugees. One of the two thrusts of the Migration Act now in force is the promotion and protection of the human rights of migrants and refugees. This law has made it possible to expand institutional efforts with a view to better integrating the country's migrants and refugees, and to making such efforts more articulate and more congruent.

210. The Migration and Aliens Office, the institute that guides policy for the migrant population as a whole, carries out its institutional activities and programmes without distinction as to ethnicity or gender. Even so, its policies take into consideration the specific characteristics of such diverse groups as indigenous peoples, minors, and victims of human trafficking and of the illegal trade in migrants and refugees.

211. Different sets of rules have therefore been set out for the implementation of Act. No. 8764, with reference, in particular, to aliens, refugees and minors, addressing their condition of vulnerability and their treatment from a comprehensive perspective.

212. As mentioned, the promotion and protection of human rights is a fundamental part of the new legal structure, and of the country's understanding of the problem of migration and the treatment of migrants and refugees. This principle goes hand in hand with the concept of integration for migrants and refugees. The first national integration reports were published in Costa Rica in 2011. Moreover, since 2010 the Migration and Aliens Office has had a Department of Integration and Human Development, which is in charge of the development, implementation and promotion of integration policy. This department has issued the first set of guidelines on addressing migration from a comprehensive human rights perspective.

213. The national integration report is an essential tool, not only because its central premise is to construct a scientific analysis of the reality of migration on the basis of organized data, but also because it reveals with greater clarity the scope and impact of national policies and programmes for migrants and refugees.

214. Several considerations pointed out in the 2012 national integration report clarify the situation of the promotion and protection of human rights for migrants and refugees; they therefore correspond to this report and are described below.

2. Demographic structure of immigration

215. The 2011 census revealed that nearly 9 per cent of the country's residents were born abroad; the greater part of these are Nicaraguans, representing 75.57 per cent of all foreigners residing in Costa Rica.

216. This census also indicates that the immigration rate dropped from 7.5 per cent in the period from 1984 to 2000 to 2.4 per cent in the current intercensal period from 2000 to 2011.

217. The general fertility rate of Nicaraguans is double that of Costa Ricans. For every 1,000 Costa Rican women at the age of fertility (from 15 to 44 years old) 55 births are registered, whereas for Nicaraguan women, that rate is 100 births per 1,000.

3. Current migratory flows

218. The 2011 census indicates that over 40 per cent of the foreign population entered Costa Rica after the year 2000.

219. Since 2009, the issuance of passports and residence permits for foreigners (Migration and Aliens Office) has remained at 95,000 to 125,000 per year.

4. Granting of Costa Rican nationality

220. At the close of 2011, there were 42,699 naturalized foreigners in the country, with Nicaraguans in the majority, at 52 per cent, followed by Colombians and Salvadorans, at 8 per cent each.

5. Migration and work

221. The 2011 census demonstrated that foreigners accounted for over 12 per cent of the employed population of the country, a percentage exceeding their demographic presence by more than 3 per cent.

222. Persons born abroad are mainly concentrated in the areas of agriculture, livestock, forestry and fishing, constituting 18 per cent, followed by the commercial sector, at 16.5 per cent. At the same time, persons born in Costa Rica work mainly in commerce, at 19 per cent, followed by agriculture, at 13 and 12 per cent.

6. Migration and health

223. In 2011, the Costa Rican Social Security Fund reported that a total of 1,498,328 workers were insured, 88.63 per cent of them Costa Ricans and 11.37 per cent born abroad.

224. Of the total of 330,706 persons discharged from Social Security Fund hospitals and clinics in 2011, 90.6 per cent were born in Costa Rica, 7 per cent were Nicaraguans, and the remaining 2 per cent were other nationalities.

7. Migration and education

225. The 2011 census shows that immigrants have a lower level of participation than Costa Rican nationals in formal primary and secondary education, and in parauniversity and university education. In addition, data provided by the State universities shows that a mere 2.3 per cent of the total university population are foreigners.

226. The foreign population has a lower percentage of persons who exclusively engage in studies (9 per cent), as against those born in Costa Rica (18 per cent).

227. Foreign nationalities account for 0.2 per cent of the total number of all scholarships provided by the National Scholarship Fund in 2011, while the Avancemos ("Let's get ahead") scholarship programme gave 3 per cent of its total grant money that year to students born abroad.

8. Migration and housing

228. The 2011 census reveals a considerable gap between the housing conditions of the Costa Rican population and those of foreigners: while 0.57 per cent of persons born in Costa Rica live in shacks and 1.13 per cent in slum areas, those figures are 2.24 and 1.43 per cent for foreigners.

229. The census indicates that 14 per cent of persons born in other countries live in poor housing conditions as against 8 per cent of those born in Costa Rica.

9. Children, youth (with disabilities) and indigenous groups

230. Some 54 per cent of persons born abroad have no available educational or care centre, in comparison with 38 per cent among nationals.

231. The percentage of foreign schoolchildren that have fallen behind, at 15.3 per cent between the ages of 8 and 12, is double that of nationals.

232. While 80.5 per cent of Costa Rican youth declare that they have medical insurance, only 52 per cent of foreign youth have coverage.
233. Of the foreign indigenous population, Panamanian Ngäbe-Buglé constitute 23.4 per cent, followed by 52.5 per cent for indigenous groups from other countries. (Migration and Integration in Costa Rica: 2012 National Report, pp. 90–92.)
234. Find attached the Second National Report on Migration and Integration, which gives the information mentioned above in more detail and in context.
235. One of the aims of the national reports on migration and integration is to establish a clearer basis for the design and implementation of public policies, in particular, with regard to the development and integration of migrants and refugees.
236. The Integration and Human Development Department of the Migration and Aliens Office has been working on a national integration plan to establish policies, programmes and tools for the intercultural integration of nationals, international migrants and refugees.
237. In August 2013, the National Migration Council unanimously adopted the comprehensive migration policy of Costa Rica. The Executive branch must formally adopt this policy by issuing a decree, since the Council is an advisory body whose explicit purpose is to formulate migration policy. Once this policy has been formally adopted, it will stand alongside the National Policy for a Society Free from Racism, Racial Discrimination and Xenophobia as an important national milestone.
238. The comprehensive migration policy has the following specific purposes:
- (1) Improving the provision of migration services by simplifying procedures, coordinating institutional efforts, and offering accessible services to all sectors of the target population (including persons with disabilities);
 - (2) Improving standards for the regularization of migrants;
 - (3) Improving access to information on migration procedure and the quality of that information;
 - (...)
 - (7) Promoting better working conditions and respect for the labour rights of migrants and refugees;
 - (8) Improving conditions for access to health care for migrants and refugees;
 - (9) Improving and streamlining conditions for access to all levels and categories of the Costa Rican education system, including public education, technical training and higher education, for migrants and refugees;
 - (10) Promoting the integration of migrants and refugees, and respect for their human rights, within Costa Rican society, without detriment to their own cultural heritage;
 - (...)
 - (13) Ensuring protection, assistance and care to victims of human smuggling and trafficking;
 - (14) Ensuring protection, assistance and care to vulnerable population groups;
 - (15) Ensuring that the Government of Costa Rica provides protection to all persons with well-founded fears of persecution, or who are at risk of torture or other cruel, inhuman or degrading treatment or cannot return to their countries of origin or another country, as established in national and international law.

239. It is also worth noting that General Migration Act No. 8764 offers a framework for the development of a special regime for the regularization of migrants, in four categories, which are detailed further below in this section. The special regime was set out in provisional articles of the Regulation on Aliens of the General Migration Act, expanded via executive decrees, and twice extended. With an end date of 17 September, it offered thousands of undocumented migrants a longer-term stay in Costa Rica.

10. Practical aspects of ensuring the rights of migrants in Costa Rica and institutional actions

240. The Integration and Human Development Department of the Migration and Aliens Office has carried out 10 programmes in the areas of promotion and dissemination of the concepts and elements of integration, in which a total of 407 persons and 11 embassies participated. The National Integration Observatory met 8 times and a total of 112 persons participated.

241. The Intercultural Community Development Management carried out a number of training activities:

- Entre Vecinos (“Among Neighbors”) Community Training: 4 workshops were held, in which 157 persons participated;
- Rutas de Integración (“Paths to Integration”) Training: 8 workshops and 2 related events were carried out, in which 319 persons participated;
- Municipal Training Programme: Equity in Migration Services and Social Integration: 4 working sessions took place, in which 124 persons participated.

242. Integration Management carried out, among other activities, the Migration Programme: 4 workshops were held in which 84 persons participated.

243. The chart in annex 9 contains a detailed description of these activities.

244. With the entry into force of the Regulation on Aliens, as mentioned in foregoing paragraphs, the Migration Office has implemented four provisional articles since 2012, whose purposes include:

- Working to update the legal residence certificate in Costa Rica;
- Regularizing, under the principle of the best interests of the child, enshrined in article 3 of the Convention on the Rights of the Child and article 5 of the Children and Adolescents Code, any foreigner who is the father or mother of a Costa Rican minor child or disabled adult child or an adult child who is a recognized resident;
- Regularizing, on the basis of human rights treaties ratified by Costa Rica and of special national legislation, and in view of the vulnerability of certain foreign population groups, older adult foreigners, minor children, disabled adult children, or persons who entered the country when they were minors, or who, at the time that the Regulations came into force were 24 years of age or under;
- The fourth provisional article posits that the owner, whether a natural or legal person, may regularize foreigners that have been providing him or her with remunerated domestic services or agricultural work for at least six months prior to the entry into force of the Regulations. Subsequently, and in accordance with studies carried out by the Ministry of Labour, construction workers, carpenters and masons were included. This provisional article was twice extended: first until 24 April 2013 and then until 17 September 2013.

245. Results achieved from the implementation of these provisional articles and the number of persons who benefited from the grace period will be given to the Committee at

the list of issues stage, in order to offer the most recent available information. It should be remembered that the time limit was extended for a second time, expiring on 17 September. Cases are therefore still in progress, and the number of beneficiaries has not yet been fully calculated.

246. In another regard, the Costa Rican Social Security Fund and the General Migration and Aliens Office participate in an Inter-institutional Liaison Committee, which coordinates and adjusts procedures carried out under Act No. 8764.

247. Among other coordinated efforts, the Costa Rican Social Security Fund formulated a temporary measure called “Guidelines for the Formalization of Insurance plans such as Voluntary Insurance, Independent Worker Insurance, State Health Insurance, and Family Benefits”, so that, within a period of six months, migrants with expired residence certificates granted under the Act in force prior to 1 March 2010 could obtain insurance and thereby comply with the requirement for renewal of the certificate. It was hoped that this measure would help 100,000 migrants with expired papers.

248. There is a Commission for Special Care of Undocumented Migrants in the Huetar Atlantic region (on the Caribbean side of the country) — associated with the Matina Health Care Area, the Ministry of Health, the Ministry of Labour, and the General Migration and Aliens Office — enabling most members of the migrant population of this region to regularize their migratory status and obtain health care under the Costa Rican Social Security Fund. Among other activities, the Commission holds working sessions for owners in the canton of Matina, which provides them with information about the general scope and characteristics of the Migration and Aliens Act. Officials from the Nicaraguan Consulate participate, owing to the large number of Nicaraguan migrants in Costa Rica.

249. A conceptual programme was launched in the Curridabat Health Care Area (east of the capital), for the purpose of opening up a dialogue in the communities. Called “De Tertulias Saludarte, La Voz de los Migrantes ... un vínculo con el otro y el nosotros” (“From the Health/Art Clubs, Migrants Speak Out ... a bond between us and the others”), its purpose is to socialize the Migration Act and engage the community in dialogue. Three events have been held: on 30 May, 27 June and 29 August 2012. A forum called “Cocina de Migrantes” (Migrants’ Cuisine) was also held during the Festival of Health and Art organized by the Basic Comprehensive Health Care Team (EBAIS) of Granadilla I and II.

250. Worthy of mention is the “Administrative Instruction on Services Provided Regardless of Sexual Orientation or Gender Identity”, formulated under an institutional directive — among other efforts carried out to improve the situation of migrant women — which fosters non-discrimination on the basis of sexual orientation or gender identity in the provision of services in health centres, and supports and promotes programmes to eliminate homophobia.

251. The Costa Rican Social Security Fund also sponsors the Gender Equity Programme, which carries out training sessions with a view to eliminating stereotypes of all kinds, and against racial discrimination in particular. Activities under this programme generally conform to the terms of the human rights conventions. It offers two types of training, on-site and online. From 2009 to date, approximately 1,400 persons have been trained in on-site sessions. Online training began in 2012 with the course “Gender Equity: a path to social development”, and 300 persons were trained in a period of 7 months.

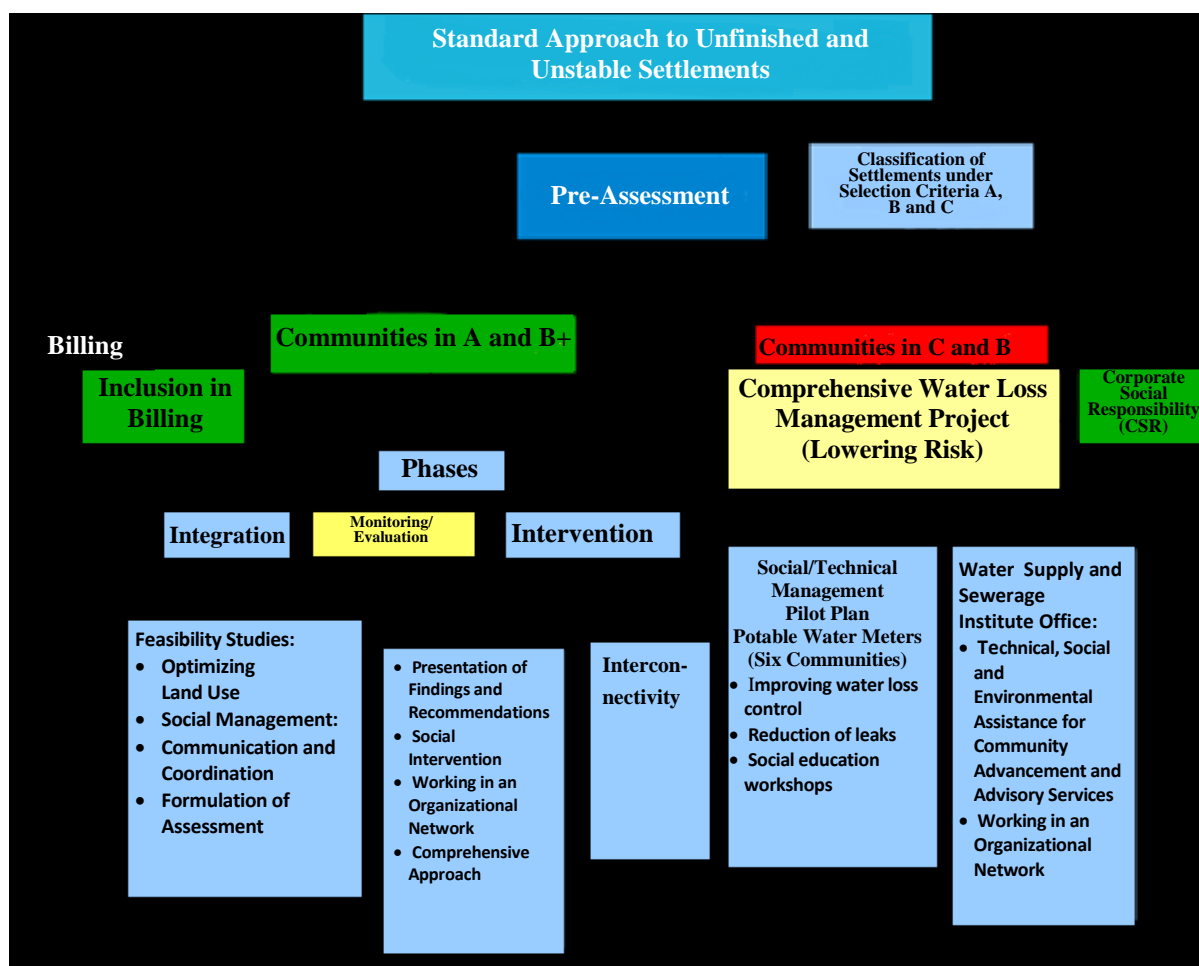
252. It should also be mentioned that the Costa Rican Social Security Fund adopted an institutional policy for gender equality and equity in 2010; one of the main thrusts of its plan of action, adopted in March 2012, is strengthening comprehensive health care tailored for groups and peoples who are vulnerable for sociocultural and socioeconomic reasons (ethnic groups and migrants, among others) in accordance with their condition and gender position, and locally as needed.

253. The Costa Rican Water Supply and Sewerage Institute Office (AyA) provides drinking water to migrant populations living in precarious situations and at social risk, using the “Standard Approach to Unfinished and Unstable Settlements”.

254. This approach was adopted by the Social Migration Fund Committee and functions as shown in this chart:

Figure 3

Standard Approach to Unfinished and Unstable Settlements



255. Also worthy of mention is the significant flow, into Costa Rica, of indigenous migrant workers, in particular from Panama, from the coffee, banana and avocado sectors.

256. With a view to monitoring the rights of foreign indigenous persons, and in accordance with articles 71 and 98 of Act. No. 8764 — which requires that the specific characteristics of indigenous peoples must be taken into consideration — Title V (“The treatment of foreign indigenous persons”) was incorporated into the Regulation on Aliens. Among its important implementation measures is the regularization of people who have settled in Costa Rica, and of workers and cross-border students.

257. This measure called for a broad strategy involving inter-institutional coordination between the Ministry of Labour, the Costa Rican Social Security Fund and the Civil Registry, as well as with their Panamanian counterparts. A rapprochement with leaders in local areas of Costa Rica where foreign indigenous persons live (Sixaola, Los Santos and

Coto Brus) was vital, both for gathering information about them and for conducting the informational workshops, which proved highly successful.

258. The Migration and Aliens Office worked together with the Panamanian authorities and the International Organization for Migration (IOM) to carry out three workshops in La Comarca, Panama.

259. On another matter, the National Council on Rehabilitation and Special Education, a lead institution in the area of disability, uses a strategy of inclusive development in three regional offices: Huetar North, Central East and Brunca, which serve migrant populations as well as other groups of interest to the Committee on the Elimination of Racial Discrimination, indigenous peoples and Afro-descendants. The Council seeks to improve disabled persons' quality of life, and, in the case of migrants, attends to their needs even if they do not have migrant status under Costa Rican law.

260. The Labour Migration Department of the National Employment Office of the Ministry of Labor and Social Security (MTSS), as part of its annual programme, formulates technical recommendations for establishing entry fees for foreign and indigenous workers (most of them Panamanian), payable to the Migration and Aliens Office. It also offers training to owners and workers about the system of organized labour migration. In 2012, such training courses numbered 299. Lastly, the National Employment Office plays an active role in the Permanent Forum for the Migrant Population, whose secretariat is part of the Office of the Ombudsman, and in coordination meetings and gatherings with other institutions involved in labour migration.

261. With regard to the rights of migrant women, the Plan of Action of the National Gender Equality and Equity Policy 2010–2014, envisages programmes for the dissemination, monitoring and implementation of the Act on Remunerated Domestic Work, which targets the migrant population, with special benefit for Nicaraguan women, emphasizing pay, length of the workday, and social security coverage.

262. The Labour Migration Department also carries out annual information campaigns, with support from such bodies as the National Institute for Women (INAMU), the International Labour Organization (ILO), the Office of the Ombudsman, and the Costa Rican Social Security Fund. Lastly, the Labour Migration Department conducts training sessions on the topic of human trafficking.

263. It is important to emphasize that Costa Rica recently ratified the ILO Domestic Workers Convention, 2011 (No. 189).

264. With regard to the rights of refugees, the Committee's recommendation No. 12 requests the State party to "take the necessary steps to ensure that refugees are protected and that safeguards are in place to shield personal data from the authorities of the country of origin".

265. Article 8 of the Refugee Regulations, published under decree No. 36831 of 1 November 2011, establishes the principle of confidentiality in the registration and handling of information from applicants for refugee status and persons granted such status. This principle is grounded in the human right to privacy.

266. The Costa Rican Government understands that failure to respect this principle may entail grave consequences for the lives of refugees, and that there are safeguards in place to ensure adherence thereto.

I. Gender equity

267. Women belonging to vulnerable groups of concern to the Committee (persons of African descent, migrants and indigenous persons) are often victims of double discrimination. For this reason, in its tenth recommendation, the Committee recommends that “the State party should take the necessary steps to combat double discrimination and invites it to adopt a national gender plan for indigenous women that will effectively coordinate policies to protect their rights. The indigenous peoples should take part in formulating that plan.”

268. Efforts by the National Institute for Women (INAMU) to combat double discrimination and to promote gender equality are conducted through three units, namely the Active Citizenship and Local Management Unit, the Regional Development Unit and the Legal Status Unit.

269. INAMU currently implements the Agenda for Women of African Descent and the Agenda for Indigenous Women, which identify and formulate women’s needs and requests vis-à-vis the State. The National Policy on Gender Equality and Equity (PIEG 2007–2017) calls for institutional measures that benefit indigenous women and women of African descent.

270. These measures include strategic objective No. 4, action No. 7, of the 2012–2017 Plan of Action, which states that “support should be given to strengthening the agendas for indigenous women, women of African descent and migrant women in terms of the management mechanisms they rely on to interact with public institutions”.

271. In relation to the indigenous population, INAMU conducts a number of activities whose aim is to empower indigenous women, build their capacity and ensure that they are aware of and can fully enjoy their human rights.

272. The Active Citizenship and Local Affairs Unit is responsible for providing advice to and coordinating with public agencies and institutions on gender and the human rights of indigenous women. In 2011, the Division conducted a variety of activities intended to promote the empowerment of indigenous women.

273. Similarly, the Indigenous Women Citizens’ Observatories project, which covers the eight indigenous peoples in the country, was implemented through consultation workshops. It was developed in the wake of two meetings with indigenous women, two meetings with public institutions and one joint meeting: the fifth National Forum of Indigenous Women. This network of Indigenous Women Citizens’ Observatories was launched in 2012 through workshops with women’s organizations, which are now responsible for the observatories in each community designated to receive one: Terraba, Talamanca, Bribri, Zapatón, La Casona and Conte Burica. In this connection, a course on information and communication technologies for political impact and participation was given to indigenous women leaders involved with citizens’ observatories.

274. In 2011, during the National Forum of Indigenous Women, two meetings were held in San José in which 24 indigenous women participated. In 2012, two sessions of the National Forum of Indigenous Women were held, and five women from the National Forum of Indigenous Women will meet to follow up on the agreements reached at those sessions. In addition, INAMU provides support to the leaders of the National Forum in their efforts to engage with the State’s public institutions.

275. The Division also conducts facilitator training programmes for indigenous women, who then spread their knowledge to others. In 2011, 29 indigenous women were trained; of these, 21 were recruited by the local company Talamanca-Caribbean Biological Corridor, resulting in the organization of 42 workshops for 420 indigenous women in different

indigenous territories throughout the country. Two training workshops on political rights were held for indigenous women facilitators: one in San José and the other in Neily. A total of 34 indigenous women from the 8 indigenous peoples were trained as facilitators.

276. Lastly, the Unit is making major strides in informing indigenous women of their human rights. In 2011, an audio script was produced for the Political Rights Guide, which was then recorded as a compact disc in Spanish. In 2012 it was translated into the Cabecar, Ngäbe and Bribri languages.

277. In 2011, guides on indigenous women's rights to culture, education, land and health were reprinted. In addition, a political rights poster was designed and illustrated, and in 2012, 170 copies were reproduced and distributed as follows: 60 to Bribri and Cabecar women; 50 to Ngäbe women; 25 to Chorotega, Maleku and Huetar women; and 35 to Terraba and Boruca women.

278. Through the Legal Status Unit, INAMU has conducted a variety of training programmes for female advocates of the human rights of indigenous women.

279. A training programme for female advocates of indigenous women's human rights in the Ngäbe territories was completed in 2011. Its aim was to strengthen the leadership and empowerment of indigenous women in order to build their citizenship capacity as a function of their needs and interests. The connection to the women is maintained through the INAMU Regional Unit in the Boruca Region, which developed identical projects in the Boruca and Terraba territories.

280. In the Bribri area, the Atlantic Huetar Regional Unit of INAMU implemented a training project over the course of 2011.

281. In 2012, with the support of the Legal Status and Protection of Women's Human Rights Unit, a training programme for indigenous women in the Huetar-Zapaton area was carried out in accordance with the Employment Agenda for Indigenous Women and with assistance from the Inter-Agency Institute for Social Assistance (IMAS).

282. In 2012, indigenous women in the Atlantic Huetar Region were provided with training on such topics as political and community impact and accountability, entrepreneurship, regional agendas and knowledge multipliers. Women from the National Forum of Indigenous Women participate in these activities. The following are examples of specific measures that have been taken in this region:

- Organization of three territorial meetings with indigenous women leaders on achieving political and community impact;
- Organization of a regional meeting between indigenous women leaders and officials of institutions in the Atlantic Huetar Region;
- Participation of 15 indigenous women leaders in a seminar on impact and accountability;
- Participation of five indigenous women in the Forum to Evaluate the 2011 Entrepreneurship Fair;
- Participation of five indigenous women leaders in the Meeting to Evaluate the Agendas of Regional Networks;
- Participation of 10 indigenous women leaders in two regional training workshops for knowledge multipliers;
- Participation of 10 indigenous women leaders in an exchange of experiences among women facilitators.

283. Work was carried out in the Boruca Region in 2012, primarily in conjunction with Ngäbe women, in order to provide comprehensive attention and support for the achievement of economic independence. Coordination with the Legal Status Unit in empowering women's rights advocates was also carried out. Examples of specific actions undertaken in this region include:

- Two meetings for women rights advocates;
- Two rights fairs;
- Two general assemblies of the Meritre Association of Sribigo Women Artisans;
- Follow-up to the Board of Directors of the Meritre Association;
- The Indigenous Women's Regional Forum;
- A Shared Learning Path for indigenous women;
- Assistance and support for citizens' observatories.

284. In both regions (Atlantic Huetar and Boruca), steps are being taken to implement the "Learning Road Map: Indigenous Women's Economic and Cultural Rights", as a result of which 20 indigenous women leaders from 7 ethnic groups in the country have been trained. As part of these efforts, the experiences of four indigenous women's enterprises were analysed.

285. In order to implement strategic objective No. 4, action No. 7, of the Plan of Action of the National Gender Equality and Equity Policy (PIEG), insofar as it concerns women of African descent, INAMU has implemented a workplan with these women and their organizations that includes:

- Strengthening institutional leadership and women's political impact by providing follow-up to the "National Forum: Progress and Challenges presented by the Human Rights of Women of African Descent" (2011):
 - Organization of the Second National Forum on Women of African Descent in 2012;
 - Support for the Follow-up Committee of 20 female leaders in 2013.
- Strengthening the leadership and organization of women of African descent in the Atlantic Huetar Region with support from the Forum on Women of African Descent of Limón:
 - Support for the Political Education Academy for Women of African Descent of Limón in 2012;
 - Political participation and leadership training programmes: Women leaders for change (virtual and physical classrooms).
- The promotion of diversity in participation has been deemed a priority;
- Cooperation with women of African descent at the regional level has been strengthened through:
 - The introduction of increased cultural diversity in women's organizations;
 - The success of the "Women Going Forward" programme in establishing and maintaining three groups of women of African descent and developing training from the perspective of cultural diversity;

- Assistance and support for the local agendas for women of African descent that are aimed at making a political impact on health, education, employment and micro-entrepreneurship.
- The Local Network for Preventing and Addressing Domestic Violence in the cantons of Limón and Siquirres have been strengthened with the help of women of African descent, including representatives of the Forum on Women of African Descent.

286. It should be noted that, with the support of INAMU, a new Forum on Women of African Descent of Limón was held on 22 July 2013.

287. Lastly, the above-mentioned strategic objective No. 4 of the Plan of Action of the National Gender Equality and Equity Policy (2012–2017) includes action No. 13, which refers to “mainstreaming gender and diversity in the Commission on Access to Justice, in order to ensure that indigenous, older, migrant and refugee women and women victims of violence have access to justice and that their rights are effectively protected”. The Commission on Access to Justice, which falls under the judicial branch, continues its work in this regard.

V. Information relating to article 6 of the Convention

Indigenous land tenure

288. The Committee, in its eighth recommendation requested that the State should “redouble its efforts to guarantee the indigenous peoples’ right to land tenure. The State party should take the necessary steps to implement Constitutional Chamber decision No. 3468-02 ordering the delimitation of the lands of the Rey Curré, Terraba and Boruca communities and the recovery of indigenous lands lost through improper transfer”.

289. The issue of indigenous peoples’ rights is of utmost importance to Costa Rica. Currently, both the Government of Costa Rica and its indigenous peoples recognize that they have reached a crucial turning point with regard to the issue of indigenous peoples’ rights.

290. The Committee on the Elimination of Racial Discrimination and the United Nations Special Rapporteur on the rights of indigenous peoples have made recommendations and comments that reflect concerns and grievances that the indigenous peoples have been expressing for quite some time and coincide closely with State efforts to address the human rights situation of the indigenous peoples of Costa Rica.

291. As mentioned briefly at the beginning of the report, given the situation facing the nation regarding the development of the El Diquís Hydroelectric Project, especially in the territory of Terraba, a decision was taken to invite the Special Rapporteur to visit the country to witness first hand the situation of its indigenous peoples. The Special Rapporteur’s visit was conducted in April 2011, following which the Government accepted his recommendations concerning the project and decided to bring the consultation process into line with International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the relevant international human rights instruments.

292. The Special Rapporteur’s recommendations went beyond the issue of the El Diquís Hydroelectric Project, and the Government pledged to implement them, indicating to the Human Rights Council in September 2011 that it was willing to explore areas of dialogue with the indigenous communities with a view to addressing issues of major importance to their peoples and to the well-being of the Costa Rican population as a whole.

293. The Government agreed with the Special Rapporteur that the situation presented a valuable opportunity to deal with the question of the recovery of indigenous lands. It declared its readiness to enter into dialogue with the indigenous communities of Costa Rica so that, together, they may determine how to go about ensuring the recovery of the lands in question.

294. As mentioned earlier in this report, following the Special Rapporteur's visit, and taking into account that an early warning procedure was invoked before the Committee, efforts are under way to develop a better process for the exchange of information and knowledge between the State and the indigenous peoples. A forum for dialogue among various representatives of indigenous peoples has been set up, especially those from the south of the country, and government representatives. The forum is under the direction of the Office of the President of the Republic and is coordinated by the Minister of Social Welfare.

295. The forum is being supervised by the United Nations system and the Ombudsman's Office, in their capacity as observers and guarantors of the process. Since both are impartial actors, they inspire greater confidence in the process of dialogue and cooperation with the indigenous peoples.

296. Both the country's existing laws and the decisions of the Constitutional Chamber to which the Committee refers demonstrate that Costa Rica possesses a favourable legal framework for the tenure and recovery of indigenous lands. However, the Government recognizes that this does not adequately protect the rights of indigenous communities unless it is accompanied by public policies and measures to ensure the effective implementation and enforcement of laws. However, as shown in this report, State-run institutions are in the process of implementing a variety of measures to give effect to indigenous peoples' rights. They are working to harmonize rules and procedures, as well as to align them with indigenous peoples' customs and traditions.

297. Costa Rica is aware of the vulnerability of the indigenous population and recognizes that the illegal occupation of their lands can give rise to serious tensions, acts of discrimination and ethnic violence, as well as to potentially deplorable consequences. The State acknowledges that acts of violence and intimidation against the indigenous peoples threaten not only the lives and physical integrity of their members but also their existence as peoples.

298. In 2012, violent clashes took place between indigenous and non-indigenous persons, as a result of efforts by the former to recover lands. The State intervened through the Deputy Minister of Public Security at the time and ensured a police presence in the indigenous territory of Salitre to maintain law and order. The State knows that it must do more to ensure the security and integrity of indigenous persons in their territories.

299. With a view to the recovery of indigenous lands, the Government has been supporting the steps taken by indigenous persons by opposing the invasion of indigenous lands by non-indigenous persons and supporting requests for their eviction.

300. The Government's interest in finding the best way to ensure indigenous peoples' rights, including land tenure, is illustrated by the establishment of the aforementioned forum for dialogue, which relies on high-level government representation, including the Minister of Social Welfare, the Minister of Culture, the Deputy Minister of Security, the Deputy Minister of Planning and the Deputy Minister of Education. In addition to the forum for dialogue, the Government has set up a ministerial committee to monitor indigenous issues on a weekly basis, and through the executive branch, it has formulated courses of action, especially those designed to promote dialogue and cooperation.