



**International Covenant on
Civil and Political Rights**

Distr.: General
7 January 2019
English
Original: Spanish
English and Spanish only

Human Rights Committee

**Concluding observations on the sixth periodic report of Costa
Rica**

Addendum

**Information received from Costa Rica on follow-up to the
concluding observations***

[Date received: 12 October 2018]

* The present document is being issued without formal editing.



General aspects

Introduction

1. The Human Rights Committee considered the sixth periodic report of Costa Rica (CCPR/C/CRI/6) at its 3248th and 3249th meetings and subsequently issued its concluding observations (CCPR/C/CRI/CO/6). The Committee indicated that the State party should provide information on its implementation of the recommendations made in paragraphs 10, 18 and 42 of the concluding observations within one year following their adoption. However, because the State wished to provide information on progress achieved in relation to these recommendations, it was not possible to submit this report within the one-year time frame.
2. The Inter-Institutional Commission for the Monitoring and Implementation of International Human Rights Obligations of Costa Rica is currently updating the common core document and is engaged in a continuous process of drafting reports for treaty bodies.

Methodology

3. The Inter-Institutional Commission, which is a permanent advisory body of the executive branch, also drafted these replies to the Committee's recommendations.

General comment

4. At the outset, the Government wishes to state that its institutions are working to go beyond the recommendations discussed in this follow-up report.

Specific recommendations made by the Committee

Paragraph 10.

The State party should step up its efforts to dispel stereotypes of and eliminate discrimination against indigenous peoples, persons of African descent, migrants, asylum seekers and refugees, and persons with disabilities by carrying out awareness-raising campaigns to promote tolerance and respect for diversity, among other actions. It should expedite the adoption of an act on the prevention and punishment of all forms of discrimination and should ensure that it contains a general prohibition of discrimination on all the grounds enumerated in the Covenant and includes provisions allowing for reparation through effective and appropriate legal remedies in cases of discrimination, racism or xenophobia.

5. Article 1 of the Constitution in effect since 24 August 2015 states that Costa Rica is a democratic, free, independent, multi-ethnic and multicultural Republic. This reflects the constitutional amendment set forth in Act No. 9305, which recognizes the multi-ethnic and multicultural character of Costa Rica and was necessary to adapt to the reality of an increasingly diverse country in which respect for the rights of all persons and the greater visibility of their cultural, linguistic, ethnic and racial characteristics are of growing importance.
6. This reform prompted a similar update of other laws and provisions that did not recognize recent changes in Costa Rican society. Thus, through Act No. 9456 of 6 June 2017, the Legislative Assembly adopted amendments to several articles of the National Planning Act and the Education Act. As a result, the former now states that the Ministry of National Planning and Economic Policy is responsible for “ensuring that public investment programmes, including those of decentralized institutions and other bodies governed by public law (...), respect the differences and specific needs of a multi-ethnic and multicultural society” (article 9).
7. The reform also entailed the addition of a subparagraph (d) to article 1 of the National Planning Act (Act No. 5525), according to which one of the aims of the National Planning System is to recognize the multi-ethnic and multicultural character of Costa Rica, “with its own needs and pursuing non-discrimination”, and of a subparagraph (f) and a subparagraph

(g) to article 2, stipulating that the System's functions shall include "the development of policy proposals and plans of a multi-ethnic and multicultural nature (...) in order to promote ethnic equality, and the systematic evaluation of their application" and "participation in the development of programmes to preserve and strengthen minority languages in Costa Rica".

8. Changes to the Education Act (Act No. 2160 of 25 September 1957), meanwhile, included an amendment of article 1 to stipulate that, in accordance with the right to education of all inhabitants of the Republic and the State's obligation to provide an education in the broadest and most appropriate manner possible, "an appreciation of the exercise of human rights and of the linguistic, multi-ethnic and multicultural diversity of our country should be fostered and encouraged among students".

9. Article 9 (b) of the same Act, relating to the content of syllabuses and educational programmes, was amended to take into consideration "the psychobiological and social needs and interests of students in a multi-ethnic and multicultural society, with a view to building relationships based on interculturality".

10. Lastly, a subparagraph (f) was added to article 2 of the Act, on the aims of the Costa Rican education system, so that these aims now include "teaching citizens to love their multi-ethnic and multicultural homeland, to be aware of their fundamental duties, rights and freedoms, and to have a deep sense of responsibility and respect for human dignity without discrimination of any kind".

11. Act No. 9456 of 6 June 2017 also provides that the "Ministry of Culture and Youth shall ensure that its programmes and activities focus on protecting, promoting and managing cultural rights through an approach that respects and promotes interculturality, thus recognizing the multi-ethnic and multicultural character of our country".

12. With the adoption of Act No. 9358 of 5 August 2016, Costa Rica became the first country in the Americas to ratify the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance, its aim being to guarantee the enjoyment and exercise of the fundamental rights and freedoms of persons or groups subject to racism, racial discrimination and related forms of intolerance, and to promote equitable conditions for equality of opportunity, inclusion and progress for these persons and groups.

13. Costa Rica has also adopted and ratified the Inter-American Convention on Protecting the Human Rights of Older Persons, through Act No. 9394 of 8 September 2016 and article 1 of Executive Decree No. 39973 of 12 October 2016, respectively.

14. The aim of this Convention, and of its adoption as part of the international human rights obligations of Costa Rica, is to develop differentiated approaches in national policies, plans and laws relating to ageing and old age to provide for older persons in vulnerable situations and older persons who are victims of multiple discrimination, including persons of African descent, persons belonging to indigenous or traditional peoples and persons belonging to ethnic, racial, national, linguistic, religious and rural groups.

15. At present, the Government is reviewing the first action plan and designing the second action plan associated with the National Policy for a Society Free from Racism, Racial Discrimination and Xenophobia 2014–2025. The general aim under this policy is to adopt effective measures to instil social, intergenerational and inclusive practices that are respectful of diversity while serving to ensure that indigenous peoples, persons of African descent, migrants and refugees in Costa Rica can exercise their human rights fully and effectively and to eradicate all forms of discrimination, racism and xenophobia.

Migration and asylum

16. The National Comprehensive Migration Policy 2013–2023, drawn up by the National Migration Council and officially adopted by Executive Decree No. 38099-G of 30 October 2013, constitutes the guiding framework for goals and activities in the sphere of migration.

17. Targets established under this policy include expanding the coverage of migrant and refugee integration programmes, improving the public perception of these groups and improving the perception of the Costa Rican people among migrants and refugees.

18. The strategies proposed as a means to achieve these targets include organizing awareness-raising campaigns to combat xenophobia and discrimination against migrants and refugees. The campaigns will run for a year, every four years, making use of outdoor advertising boards, social networks, radio spots, videos and public transport advertising, including on buses.

19. Costa Rica has a long tradition of respecting human rights and welcoming refugees. Migrants and refugees have contributed to the economic growth, peaceful coexistence and cultural diversity of our countries throughout their history, and Costa Rica believes that refugees are a shared responsibility of all States Members of the United Nations.

20. Costa Rica maintains an open border policy under which 100 per cent of applicants are admitted to national territory and have effective access to refugee status determination procedures and the corresponding documentation, in accordance with international protection standards.

21. Costa Rica is currently the only country in Central America that is accepting applications for asylum from all the various situations – in Venezuela, northern Central America, Colombia and, more recently, Nicaragua – that are creating large numbers of refugees in the region.

22. The Government and society as a whole reaffirmed Costa Rica's commitment to protecting and integrating refugees with the adoption of the country chapter of the comprehensive refugee response framework, known locally as MINARE, which unites national policies on refugees, identifying gaps and proposing solutions for a more effective comprehensive response.

23. Since 2018, the Government has been implementing the National Integration Plan, the focuses of which include "recognizing diversity", in order to encourage the recognition of cultural diversity for social harmony and cohesion within the framework of the National Policy for a Society Free from Racism, Racial Discrimination and Xenophobia.

Persons of African descent

24. In accordance with United Nations General Assembly resolution 68/237 (A/RES/68/237), on 24 March 2015 the Office of the President held an event to officially launch the International Decade for People of African Descent, the theme of which is "Recognition, Justice and Development", in Costa Rica. The launch video can be viewed at <https://youtu.be/Uvjltj4kgLQ>.

25. With the support of the United Nations Development Programme, on 26 October 2015 the Government officially launched the National Plan for Persons of African Descent 2015–2018: Recognition, Justice and Development.

26. The Plan is structured according to the themes of the International Decade and was prepared on the basis of consultations with civil society organizations of persons of African descent and Afro-Costa Rican leaders of both sexes.

27. Under each of its themes of recognition, justice and development, the Plan sets out the actions to be carried out, together with their legal basis, responsible institutions, indicators and deadlines.

28. The actions set forth in the Plan include:

- Creating spaces for the effective political representation of the ethnic minorities that make up the Costa Rican nation State.
- Taking effective measures, especially in the areas of teaching, education, culture and information, to combat the prejudices that lead to racial discrimination against persons of African descent.
- Strengthening social recognition and appreciation of the ethnic, linguistic and cultural diversity of the Afrodescendent population.

- Promoting the development of systems that include a variable for ethnic self-identification in the administrative records of public bodies, thereby facilitating the compilation of disaggregated data to inform the design of targeted policies.
 - Promoting measures to improve access to employment, foster entrepreneurship and optimize employability in areas with large Afrodescendent populations.
 - Supporting the establishment of a conversational English programme in Limón Province.
 - Developing a comprehensive and inclusive health model with a gender and generational perspective that recognizes ethnic and cultural diversity and meets the needs of persons of African descent.
 - Pursuing the adoption of laws that punish racial discrimination, as recommended by the Committee on the Elimination of Racial Discrimination.
29. Achievements resulting from implementation of the Plan include the following:
- 170 young persons of African descent were enrolled in the “Find yourself a job” (Empléate) programme of the Ministry of Labour and Social Security, which commenced in December 2015 and covers training, technical education and job placements.
 - The conversational English programme commenced during the second half of 2016 with a total of 200 native English speakers from Limón Province taking part.
 - A technical commission has been appointed to work on a protocol for the treatment of sickle cell anaemia (a disease that is more common in the Afro-Costa Rican community) and a protocol for the culturally relevant care of persons of African descent.
 - Other activities, projects and actions undertaken by, for and among the Afrodescendent population are described below:
 - Costa Rica celebrates Black and Afro-Costa Rican Culture Day on 31 August each year.
 - The Ministry of Health has established an internal working commission to develop a new health plan for persons of African descent and protocols for the treatment of diseases that are more prevalent in this community.
 - To uphold the constitutional provision establishing that Costa Rica is a multi-ethnic and multicultural Republic, the Ministry of Planning and Economic Policy has worked with the Spanish Agency for International Development Cooperation on a project “to implement article 1 of the Constitution through the recognition, greater visibility and development of the Afrodescendent population”.
 - The aim of the above project, which is to ensure that article 1 of the Constitution is given effect in public policies for equality and non-discrimination, will be achieved through a communication strategy overseen by the Presidential Commissioner for Afrodescendent Affairs and through affirmative action benefitting persons of African descent in the areas of health, justice and employment.
 - The Ministry of Education and the Costa Rican Commission for Cooperation with the United Nations Educational, Scientific and Cultural Organization have launched a plan to develop protocols for addressing situations of ethnic or racial discrimination in schools and colleges in an appropriate manner, and with a human rights approach, that help to eradicate all forms of discrimination in educational settings.
 - The National Commission for Afro-Costa Rican Studies of the Ministry of Education has drawn up a plan of work to promote awareness, appropriation and use of the interculturality perspective among administrative staff, teachers

and students, which may lead to a shift in understanding of the importance of cultural diversity in Costa Rican society.

30. The Ministry of Foreign Affairs has actively participated in the following activities:
 - Visit to the Permanent Council of the Organization of American States, from 20 to 24 April, to draw attention to the sources of exclusion experienced by persons of African descent in the Americas and ways of eradicating them.
 - Thematic hearing held on 25 October at the Inter-American Commission on Human Rights, to examine the human rights situation of people of African descent in Costa Rica.
 - Forum on the International Decade for People of African Descent held in Puerto Rico from 7 to 11 November 2015.
31. File No. 19288, entitled “Prevention, elimination and punishment of racism and all forms of discrimination”, and File No. 19299, entitled “Investigation of the human rights situation of persons of African descent”, are currently before the legislature.
32. File No. 19288 is a bill intended to establish “the legal framework for achieving racial equality, with a view to preventing, eliminating and punishing racism and discrimination as an effective means to ensure equal opportunities for Afro-Costa Rican and indigenous communities, to safeguard their individual, collective and diffuse ethnic rights and to combat other forms of intolerance”.
33. The judicial branch has formulated a policy on access to justice for persons of African descent that was unanimously adopted by the Supreme Court on 21 September 2015 and is now being implemented.
34. On 16 November 2015, the judicial branch held its first ever workshop on racial profiling, the aim being to inform and educate judicial personnel about the causes, manifestations and consequences of racial profiling, ways of identifying and preventing the practice, and methods for proving racial discrimination.
35. Costa Rica sees itself as a migrant-receiving country and for this reason has engaged in various endeavours to ensure that the rights and obligations of both nationals and foreign nationals resident in the country are fulfilled.
36. To promote the integration of migrants and refugees, and to mitigate the effects of xenophobia, racism and discrimination, since 2012 the General Directorate for Migration has been running various campaigns to raise public awareness of the contribution that migrants and refugees make to society.
37. “Living Integration” (Vivir la Integración) is a project that came into being in 2014 as an initiative focused on improving methods for integrating refugees into society. In 2017 the project was reviewed, and then repositioned as a programme for fostering social responsibility among the various sectors of Costa Rican society.
38. Other awareness-raising and information campaigns on the rights and duties of refugees and asylum seekers include the “Being a refugee is like being a Costa Rican” (Ser refugiado es como ser tico) campaign launched in 2015. Its aims were to inform the public about the situation of refugees; to emphasize the things – specifically, the hopes, dreams and opportunities – that unite citizens and refugees; to empower refugees to exercise their rights and fulfil their obligations; and to facilitate their integration in the country.
39. In 2018, a campaign was conducted to raise social awareness of the rights and obligations of migrants and refugees and their contributions to Costa Rica, to mitigate the effects of xenophobia, racism and discrimination against these groups, and to promote their integration and equal treatment, free from racism, xenophobia and discrimination.
40. Since its establishment pursuant to Act No. 9303 of 7 May 2015, the National Council for Persons with Disabilities, which is the Government’s lead agency for disability, has run regular campaigns to raise social awareness of the need to advance and respect the rights of persons with disabilities. A new campaign under the slogan “You and I building a fairer Costa Rica” (Vos y yo construyendo una Costa Rica más equitativa) will make use of radio,

television and digital and social media, giving strategic importance to local media. A sample of the graphics and communication materials used is attached.

41. On 10 December 2015, the Ombudsman's Office, the judicial branch and the National Institute for Women, with the support of the European Union and the United Nations Development Programme, launched a campaign for a society free from racial discrimination, xenophobia and related forms of intolerance, with the aim of dismantling the prejudices that exist in Costa Rican society and building a more inclusive and supportive Costa Rica.

Indigenous peoples

42. The following steps have been taken **“to dispel stereotypes of and eliminate discrimination against indigenous peoples, persons of African descent, migrants, asylum seekers and refugees, and persons with disabilities by carrying out awareness-raising campaigns to promote tolerance and respect for diversity”**.

43. Stereotyping and discrimination are tackled through specific actions – a consultation mechanism and a land recovery policy, for example, have been developed – and through the efforts of the Office of the President, both currently and under the previous administration.

44. The National Policy for a Society Free from Racism, Racial Discrimination and Xenophobia 2014–2025 also tackles these issues. With regard to the recommendation that the State party should **“expedite the adoption of the draft legislation on the autonomous development of indigenous peoples”**, the bill in question has not been updated since 2011. Motions have been approved for a four-year extension of the deadline for passage of the bill, which will expire in 2019.

Disability

45. The National Council for Persons with Disabilities is organizing a mass media campaign to raise awareness of the strategic importance and social value of respecting the rights of persons with disabilities. A radio spot and television advertisement that will be broadcast in the national media are currently in the production process, and regional media will also have a strategic role. These materials will be complemented by a presence on digital media and social networks. The slogan for this campaign will be “You and I building a fairer Costa Rica”.

46. The previous slogan will be used in all 2019 communication materials. A sample of the graphics that are currently in use is attached.

A. Paragraph 18

The State party should:

(a) Amend its legislation to introduce additional grounds for voluntary termination of pregnancy, such as when the pregnancy is the result of rape or incest or in cases of fatal fetal impairment, in order to ensure that legal obstacles do not lead women to resort to clandestine abortion, which endangers their lives and health;

(b) Adopt without delay a protocol that ensures access to abortion when there is a risk to the mother's life or health;

(c) Ensure that sexual and reproductive health services are accessible to all women and adolescent girls;

(d) Continue its efforts in favour of educational programmes at the formal level (in schools) and at the informal level (through the press and other communication media) on the importance of using contraceptives and on sexual and reproductive health rights and ensure their implementation;

(e) Ensure that cases of violence against women in health facilities are thoroughly investigated and that perpetrators are brought to justice and punished appropriately.

47. For almost three years, the Costa Rican Government, through the Office of the President and the Ministry of Foreign Affairs, was engaged in friendly settlement

proceedings with the petitioning party in respect of two petitions submitted to the Inter-American Commission on Human Rights. These petitions (specifically, 1159-08 A.N. and 1377-13 Aurora) both related to the application of article 121 of the Criminal Code. This article reads as follows: “Abortion practised with the consent of the woman by a doctor or an authorized obstetrician, if a doctor is unavailable, is not punishable when performed with the goal of preventing danger to the life or health of the mother and this danger could not have been otherwise prevented.”

48. This provision recognizes that women may terminate a pregnancy if their life or health is in danger and this danger cannot be prevented by other means.

49. The Government has been developing a technical standard to regulate the scope of article 121 of the Criminal Code and to establish objective medical parameters for therapeutic termination of pregnancy. The friendly settlement proceedings were conducted under the auspices of the Inter-American Commission on Human Rights.

50. Under the guidance of the Ministry of Health, public and private medical facilities will be required to issue care protocols based on the technical standard, once it has been published. The Costa Rican Social Insurance Fund will be responsible for issuing the care protocol for public health service facilities.

51. Concerning the expansion of the grounds for voluntary therapeutic termination of pregnancy, specifically in cases of rape, incest or fatal fetal impairment, it should be noted that any amendment to article 121 of the Criminal Code must be made by the legislature, in accordance with the relevant reform procedure.

B. Paragraph 42

The State party should:

(a) Expedite the adoption of the draft legislation on the autonomous development of indigenous peoples;

(b) Ensure that indigenous peoples are effectively consulted in order to secure prior, informed and free consent before any measure is adopted or implemented that could have a substantial impact on their way of life and culture, in particular in relation to projects that could have an impact on their lands, territories or other resources, such as projects to explore for or exploit natural resources.

52. To bring its legislation into line with the provisions of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the particular requirements of indigenous peoples, the Government has developed the General Mechanism for Consultation with Indigenous Peoples.

53. In formalizing the right to consultation, the State has strengthened the structures in place to support the indigenous rights and goals set out in ILO Convention No. 169.

54. The Mechanism has been constructed by means of a participatory and democratic process in which 24 indigenous territories throughout the country were actively engaged, and which involved participatory and informative workshops that exceeded minimum standards for consultation.

55. All procedures established in international standards relating to intercultural dialogue appropriate for the circumstances of indigenous peoples have been followed. The ILO has monitored compliance with Convention No. 169, while the United Nations system and the Office of the United Nations High Commissioner for Human Rights, acting as technical advisers, have identified areas for ongoing improvement of the process, which have been duly addressed.

56. Over an 18-month period, 130 workshops of various kinds were held with the representatives and authorities of each indigenous territory. Meetings for indigenous youth were held in San José, given that 50 per cent of the indigenous population live outside their territories, mainly studying or working in the Greater Metropolitan Area.

57. The process of building the Mechanism has been a joint undertaking involving at least 10 distinct stages, which reflect the need to adjust to the specificities of an intercultural

dialogue of unprecedented dimension for the public administration. The stages completed so far are described below.

1. **Informative stage.** Workshops were held to analyse the main international standards on consultation and to present the proposal for subsequent stages of the process;

2. **First territorial meeting.** Objective: to commence the joint construction of the Mechanism using guided methodologies in focus groups;

3. **Second territorial meeting.** Three main objectives: to review the feedback documents and make relevant amendments; to study the Government's proposal for the consultation process; and to elect territorial representatives to attend a national indigenous consultation meeting;

4. **National meeting.** Objectives: to ascertain the views of the 24 territories; to make adjustments to the Mechanism constructed at the territorial meetings; to resolve outstanding issues from the territorial meetings; and to forge a consensus in respect of the draft decree;

5. **Preparation of the final draft with the drafting committee.** This committee was responsible for working with the Office of the Deputy Minister for Political Affairs and Civic Dialogue under the Office of the President to prepare a final consensus draft of an executive decree, integrating recommendations from the drafting committee itself and from indigenous representatives, as well as legal and policy recommendations;

6. **Feedback on the final draft.** Objective: to receive comments or proposals from indigenous peoples. Territorial representatives were again elected to participate in the subsequent national meeting, with a view to reaching agreement on the final decree;

7. **Second national meeting.** Held in February 2018, the meeting provided an opportunity to discuss final adjustments to the draft Mechanism. A final text was agreed.

8. **Signing of the decree.** With the adjustments proposed at the second national meeting, the executive branch concluded the joint construction of the General Mechanism for Consultation with Indigenous Peoples on 6 March, at an official ceremony attended by government authorities including the President and Vice-President of the Republic, indigenous leaders who participated in the process, representatives of the United Nations system, diplomatic representatives and the Ombudsman. The Decree was published in Official Gazette No. 70 of 5 April 2018.

58. The Mechanism was created in conjunction with the communities living in the indigenous territories, strictly respecting their rights and traditions and without forcing their engagement.

59. The indigenous territories differ in size and level of engagement. For this reason, discernment was required in terms of the need to speak the native language of each community, with the assistance of interpreters. Spaces were made available for the participation of interested persons and transport and food were provided on dates that had been proposed by coordinators and community leaders. Topics on the agenda included land in indigenous territories, the development of intercultural dialogue mechanisms, inter-institutional coordination of projects and the construction of the Indigenous Consultation Mechanism.

60. The process presented the Government with the challenge of finding the most appropriate form of intercultural dialogue to address subjects such as the education system in indigenous territories (with the Ministry of Education); the development of water resource management models (with the Costa Rican Institute of Aqueducts and Sewerage); the use of forest resources (with the Ministry of the Environment and Energy); the need for culturally appropriate housing projects (with the Ministry of Housing and Human Settlements and the National Housing Mortgage Bank); models for the joint management of natural resources in conservation areas of ancestral interest for indigenous peoples; and public infrastructure.

61. The General Mechanism for Consultation with Indigenous Peoples is designed to fill the vacuum identified by the Constitutional Chamber with regard to consultation with indigenous peoples at the national, regional and territorial levels. Development associations

and leaders have demonstrated their interest in the success of the process. The Mechanism is expected to serve as a general pre-consultation model that provides clarity for institutions, businesses and indigenous peoples on how consultations should be conducted.

62. Alongside the Mechanism, through the coordinated inter-institutional efforts of the Rural Development Institute and the Office of the Deputy Minister for Political Affairs and Civil Dialogue under the Office of the President, land recovery work is also under way.

Next stage: implementation of the Mechanism

63. Objectives: to fine-tune the Mechanism and reinforce training, education and dissemination activities in conjunction with indigenous peoples.

64. The construction of the Mechanism, initiated in 2015 pursuant to Directive No. 042-MP, concluded with the issuance of Decree No. 40932 of 6 March 2018.

65. This Decree's entry into force formalized indigenous peoples' right to consultation, thereby settling part of the considerable historical debt owed to them by the Costa Rican State.

66. The Decree empowers the Ministry of Justice and Peace to carry out consultations as the State institution responsible for engaging in dialogue with a view to ensuring civic harmony.

67. Since 8 May 2018, this function of the Ministry has been the subject of an internal evaluation process to determine the steps necessary to create the new Technical Unit for Indigenous Consultation, which will be the entity responsible for processing requests for consultation.

68. This process has been led by the Office of the Minister of Justice and Peace. It is supported by the National Directorate of Alternative Conflict Resolution, to which the Technical Unit will report once established, and by the Office of the Deputy Minister for Political Affairs and Civil Dialogue as the body responsible for indigenous issues.

(c) Guarantee in practice the right of indigenous peoples to the lands and territories that they have traditionally possessed or occupied, including through such legal recognition and protection as may be necessary.

69. With regard to the progress and current status of the National Plan for the Recovery of Indigenous Territories:

70. The Plan was designed to be carried out in three stages, each lasting two years. Work is currently under way on the first stage, which involves activities in nine territories, namely, Salitre, Térraba, Cabagra, China Kichá, Guatuso, Altos de San Antonio, Zapatón, Guaymí de Osa and Kekoldi (Cocles).

71. These activities are:

- **First, information gathering.** Before a territory is visited, documents related to the indigenous territory in question are collected, including cadastral and other plans, sketches, mosaic maps, deeds, bills of sale, case files and valuations, the aim being to draw up a preliminary map that will serve as input for subsequent stages.
- **Second, boundary marking.** Survey markers are placed at strategic points on the ground to serve as benchmarks for the topographical surveys that will be made of all relevant properties. The process will also address inconsistencies in the decreed boundaries of the territory. The boundary marking process includes producing the markers, proposing their location in the territory, monumentation, measurement and calculation, all with the ultimate goal of generating coordinates for national reference.
- **Third, census study.** The aim of this stage is to obtain relevant information and documents from occupants. The study will cover all persons whose property lies within the indigenous territory and who are willing to cooperate, the priority being to identify properties that are occupied by non-indigenous persons.
- **Fourth, topographic survey.** A survey is conducted of all properties that warrant inclusion. The status and characteristics of the territory guide the decision as to whether all properties, including those occupied by indigenous persons, or only those

occupied by non-indigenous persons, should be surveyed. Further topographic work, such as the surveying of roads, is carried out to complete the definitive mosaic map of the territory.

- **Fifth, preparation of files for each property.** This phase applies to all properties in the territory that are identified as having non-indigenous occupants. Several tasks are performed in coordination with the authorities of the territory, and field visits are carried out to compile relevant information, thereby obtaining as much clarity as possible on the history of the properties concerned and ensuring that sufficient documentation is available for decision-making.
- **Sixth, valuation of properties.** Based on decisions that are issued on a case-by-case basis in respect of properties occupied by non-indigenous persons, valuations will be carried out as required. This information is crucial for determining economic cost and will allow the central Government to allocate resources from the national budget, in accordance with article 5 of the Indigenous Act.

(d) Make the necessary legal means available so that indigenous peoples may recover inalienable lands previously granted to them under national legislation and provide appropriate protection, including with effective remedies, to indigenous peoples who have been the victim of attacks.

72. With regard to the recommendation that the State party should “**expedite the adoption of the draft legislation on the autonomous development of indigenous peoples**”, the bill in question has not been updated since 2011. Motions for a four-year extension of the deadline for the bill’s passage have been approved, and the bill will expire in 2019. Certain indigenous peoples have indicated that the text needs to be reviewed again owing to the amount of time that has elapsed since it was last formally examined (2011).
