



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Combined fifth and sixth periodic reports of Costa Rica due in 2016 under article 44 of the Convention<sup>\*</sup>, <sup>\*\*</sup>

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\* The present document is being issued without formal editing.

\*\* The annexes to the present document may be consulted in the secretariat files and on the webpage of the Committee on the Rights of the Child.



## Introduction

After many months of hard work, which involved first locating and then systematizing information received from a large number of institutions, we are in a position to submit the combined fifth and sixth periodic reports of Costa Rica to the Committee on the Rights of the Child.

The report covers the progress achieved by public institutions in implementing the rights of persons under the age of majority, particularly those mentioned in the recommendations made by the Committee following earlier reports by Costa Rica. Its coverage is presented in an extremely abbreviated form given the restrictions imposed by the guidelines on preparing a report.

The Costa Rican State and, in particular, the two most recent Administrations, whose work is outlined in this report, have been making a determined effort both to improve the country's regulatory and legislative framework and to implement initiatives and programmes focusing on the most vulnerable sectors of the population, as described in the following pages.

A number of challenges continue to deserve particular attention, given the specific conditions obtaining in Costa Rica owing to its topography. It is, for example, difficult for some population groups to gain access to services. There are also social and cultural factors, such as migration, that pose new challenges for the country. Despite these factors, it is considered that, over the past few years, Costa Rica has succeeded in making steady progress in following a clear road map that has been plotted out for all the country's institutions. This road map is the National Agenda for Children and Adolescents 2015–2020, which, with more than 180 targets covering all areas, serves as the compass to guide us along the path that we should all follow.

We are also working hard, with support from the United Nations Children's Fund (UNICEF), to reconfigure the national system for the comprehensive protection of children's and adolescent's rights. A large number of proposals have been made to that end, for which fresh resources are currently being negotiated. This is particularly important at the local level, where initiatives and challenges need to be addressed in an integrated and intersectoral manner.

The Government has also launched new programmes, such as the Bridge to Development, and has strengthened others, such as the Care Network, with the support and active participation of the Presidential Social Council and the National Council for Children and Adolescents. Meanwhile, the National Child Welfare Agency, which is the lead agency in this field, focuses on achieving alignment with the comprehensive protection model and focuses its activities on promotion, education and prevention in order to prevent violations of rights that have such a strong impact on both children and their families.

As Ms. Eleanor Roosevelt said, many decades ago, children's human rights "begin in small places, close to home – so close and so small that they cannot be seen on any maps of the world ... Unless these rights have meaning there, they have little meaning anywhere."

Ana Teresa **León Sáenz**  
Executive President  
National Child Welfare Agency

## Clarification

1. This is a descriptive report, setting out the activities that the various Costa Rican authorities and institutions have completed or are carrying out pursuant to the observations and recommendations made by the Committee on the Rights of the Child with regard to previous periodic reports submitted by Costa Rica on its compliance with the Convention and its Optional Protocols. The report was drawn up during the course of 2016 and therefore contains information relating to the period 2011–2015.

## I. General measures of implementation

### Section 1 (18)

2. The Costa Rican State has made no reservations, or any specific declarations. Costa Rica abolished its army on 1 December 1948, so there are no armed forces or any kind of recruitment in the country (see annex 1 (18) (1)).

### Section 1 (19) (a) (i)

#### Observations and recommendations 7–14, 17–21 and 87 and 88

3. Costa Rica has adopted a wide range of legislation that reflects the principles laid down in the Convention and in other international instruments relating to children's human rights (see annex 1 (19) (1)). The current legislative framework has been constructed in such a way as to establish basic regulatory, legal, financial and organizational tools that will make it possible to ensure the effective implementation in Costa Rica of the principles set out in the Convention. As a result, the country's efforts in this area are focused not only on supplying legislation that is lacking but also on addressing shortcomings in terms of raising public awareness of current legislation and the difficulties involved in its real, efficient and effective operational implementation.

4. The government body responsible for coordinating the implementation of the Convention and its Optional Protocols in Costa Rica is the National Council for Children and Adolescents, which is the coordinating body and inter-agency and intersectoral advocate as regards the National Policy for Children and Adolescents within the framework of the national system for the comprehensive protection of children's and adolescents' rights. The National Child Welfare Agency, meanwhile, is the lead technical body in this area. The Council has powers at the highest level, since its governmental representation is composed of heads of institutions, whereas the Agency has broader administrative powers, enabling it to act at the judicial level in order to ensure that the rights of young people are realized within the family, social and institutional environment. One success achieved in the country's national coordination strategy in that regard is that the judiciary enjoys permanent representation on the National Council for Children and Adolescents.

5. On the strategy that Costa Rica pursues in its implementation of the Convention and the Optional Protocols, we can provide the following information.

6. At regular meeting No. 07-011 of the National Council for Children and Adolescents, held on 18 August 2011, the Council welcomed the Rapporteur of the Committee on the Rights of the Child, Ms. Marta Mauras. The meeting participants discussed the importance of approaching the Committee's observations as a genuine inter-agency and intersectoral responsibility rather than merely a formal requirement to act on a recommendation. It was decided that it would be the responsibility of the Council's technical advisory committee to act upon these recommendations. The National Policy for Children and Adolescents (2009–2021) had been adopted less than two years earlier, and work on the plan of action for its implementation was under way. The timing was therefore perfect for ensuring that the Committee's main requirements were incorporated into the Plan, thereby obligating the

various government institutions to include the recommendations relating to their areas of responsibility in their operational plans.

7. In that connection, the members of the National Council for Children and Adolescents reached agreement on the following topics.

8. “Agreement of 2 August 2011: The members of the National Council for Children and Adolescents agree that the technical advisory committee of the Council, under the leadership of the Technical Secretariat of the Council, will work to incorporate the recommendations of the Committee on the Rights of the Child into the Plan of Action for the National Policy for Children and Adolescents.”

9. “Agreement of 3 July 2012: The members of the Council have agreed that they will assume the country’s responsibility with respect to what is known as the Geneva Report and that, when the time comes for the Report to be submitted, all the institutions making up the Council will play an active role.”

10. As regards the dissemination of the report containing the Committee’s recommendations concerning the fourth periodic report of Costa Rica, UNICEF and the Ombudsman’s Office published the recommendations and took action to disseminate them in the country’s various institutions. Links to the information are also available on the website of the Ministry of Foreign and Religious Affairs.

11. The National University of Costa Rica compiled the recommendations made by the Committee in its concluding observations concerning the four periodic reports and the reports on the Optional Protocols submitted by Costa Rica, with particular reference to the recommendations that had been repeated over the years, without taking account of the work done pursuant thereto, in order to ensure that the relevant action was taken. Under an agreement of 2 January 2013, therefore, the National Council for Children and Adolescents requested its technical advisory committee to prepare a survey report on the priority topics to be addressed.

12. In 2014, the non-governmental organization (NGO) Defence for Children International, UNICEF, the Ombudsman’s Office and the National Child Welfare Agency joined forces to organize participatory workshops to raise awareness among officials from various institutions of the Committee’s general comments, with particular reference to pending recommendations made pursuant to the fourth periodic report.

13. As a result of joint efforts by UNICEF, the Costa Rican Federation of Non-Governmental Organizations for the Defence of Children’s Rights (COSECODENI), the Special Representative of the Secretary-General of the United Nations on violence against children, Marta Santos País, and the National Council for Children and Adolescents success was achieved in bringing about the approval and ratification by the Legislative Assembly of the third Optional Protocol on a Communications Procedure.

14. As for the development and implementation of plans of action that make it possible to carry out the National Policy for Children and Adolescents and other targeted policies, such as the recent Early Childhood Policy (see annex 1 (19) (2)), it may be pointed out that, at regular meeting No. 09-13 of the National Council for Children and Adolescents, held on 17 October 2013, agreement No. 06-09-13 was adopted, under which the Plan of Action of the National Policy was approved. Under National Council agreement No. 04-07-14 of 22 October 2014, however, it was agreed that a new document should be drawn up, to be known as the National Agenda for Children and Adolescents, which would bring the Plan of Action of the National Policy into line with the country’s new requirements and the Committee’s recommendations (see annex 1(19) (3)).

15. The National Policy 2015–2021 was officially adopted on 9 September 2015. The document imposes the obligation to include its implementation as a target of the National Development Plan and to ensure that its ambitions are incorporated as goals in the operating plans of the relevant responsible organizations. Its inclusion in the National Development Plan is monitored by the Presidential Social Council, the National Council for Children and Adolescents and the Observatory of the National Child Welfare Agency. These obligations were ratified by the Council pursuant to agreement 08-17-15 of 23 September 2015.

16. From 2011 to date, the Council has engaged in serious efforts to ensure that matters relating to children and adolescents are coordinated and linked up, inter-institutionally and intersectorally, at all three levels, the national, the regional and the local. To that end, it has adopted appropriate agreements to instruct institutions on the need to ensure that the goals set out in their operating plans are in line with government advice, as defined collaboratively in the National Agenda for Children and Adolescents.

17. As regards operationalization of the Council's guidelines at each level, the Council decided, late in 2014, in accordance with its agreement No. 02-05-14, that careful consideration should be given to the functioning of the national system for the comprehensive protection of children's and adolescent's rights. To that end, it set up a working group with representatives from various governmental and non-governmental bodies.

18. In December 2014, the Council adopted agreement No. 05-08-14 whereby it approved the working group's proposed workplan. The final proposal on the implementation of the national system was submitted at regular Council meeting No. 30-16, held on 24 October 2016, and the Council concluded its agreement No. 07-30-16, under which the members of this collegiate body endorsed the "Proposal to strengthen the national system for the comprehensive protection of children's and adolescent's rights 2016–2017".

19. As far as the evaluation and follow-up of the National Policy for Children and Adolescents and the National Agenda for Children and Adolescents are concerned, it is worth noting that, beginning in 2012, the National Child Welfare Agency took the decision to change the approach of the Child and Adolescent Protection Boards so that, rather than simply carrying out specific projects, they are to function as advocates in their own right and undertake projects of their own. They are thus to become a basic strategic element within local protection subsystems at the cantonal level, recognizing and strengthening the functions and powers assigned to them by the Children and Adolescents Code and the law under which the National Child Welfare Agency was founded. The Agency has been promoting the establishment of Child and Adolescent Protection Boards (JPNA) and has committed itself to ensuring that, by 2018, there will be one such committee in every canton in the country. There are currently 68 active committees. Thus, from 2012 to date, these committees have been joining with various institutions, local governments, civil society organizations and the Participatory Councils of the National Policy for Children and Adolescents to collaborate in carrying out cantonal assessments of children and adolescents, mapping out cantonal resources and drawing up cantonal plans of action and occasional projects.

20. In order to help with the process of establishing the Child and Adolescent Protection Boards, the National Child Welfare Agency developed a proposal to amend the Children and Adolescents Code and the law under which the Agency was established with a view to strengthening the role of these organizations within the national system for the comprehensive protection of children's and adolescent's rights. This proposal is currently undergoing a process of validation. Meanwhile, the committee in charge of amending the regulations governing the National Children's and Adolescents Fund and the functioning of the Protection Boards has drawn up the rough draft of a handbook on procedures for the submission, adoption, execution and evaluation of projects financed by the Children's and Adolescents Fund within the framework of local protection subsystems. The aim of this document is to simplify procedures for gaining access to the Fund.

21. As for participation by young people in these procedures, in addition to the role that they play in the Child and Adolescent Protection Boards, the National Adolescent Network and the Committees to Safeguard the Rights of the Child, the National Child Welfare Agency has, since 2012, developed an initiative involving the formation of Child and Adolescent Participatory Councils, which seeks to organize young people into a communal structure that will enable them to have their voice included in the expression of opinions and decision-making at the local and national levels.

22. With regard to efforts aimed at developing and strengthening the regional and local levels, please see annex 1 (19) (4).

23. Thanks to joint efforts by the Costa Rican Institute of Development and Municipal Advisory Services (IFAM), UNICEF and the National Child Welfare Agency, with support from local protection subsystems, the country embarked on a programme entitled “Cantons: Friends of the Child”. Between 2013 and 2015, 32 municipalities were designated Child-Friendly Cities under the programme (see annex 1 (19) (4)). Building on this platform, 32 cantonal plans for children and adolescents were developed and 32 proposals for cantonal policies on children and adolescents, based on the National Policy for Children and Adolescents, were drawn up, of which 15 have already been approved at the local level.

24. During the course of 2015, the Child and Adolescent Protection Boards, Child and Adolescent Participatory Councils and the local protection subsystems focused on disseminating the National Agenda for Children and Adolescents and its contents and on the analysis of that initiative. This process was conducted at national and local meetings aimed at ensuring that the targets of the National Agenda were duly incorporated into the cantonal plans for children and adolescents. In preparation for 2016, a system of indicators was being set up for use in assessing and monitoring local protection subsystems’ implementation of the Agenda.

25. The resources for the implementation of the National Policy for Children and Adolescents by local protection subsystems come primarily from the National Children and Adolescents Fund. In 2015, allocations amounted to around 510 million colones (some US\$ 892,997.85), in addition to the resources supplied by each institution for this purpose.

26. Local protection subsystems are the cantonal platforms for the coordination of efforts to implement the National Agenda; they provide a forum in which the various local sectors – the community, different institutions, the municipalities and young people themselves – can join forces in carrying out assessments, developing plans and promoting accountability.

27. The inclusion of the relevant National Agenda targets in the institutional operating plans and annual operations plans of each institution calls for the allocation of the necessary resources for the achievement of those targets and for the associated evaluation of those plans’ execution. One of the country’s current challenges is to establish mechanisms and create the necessary capacities for determining what proportion of the resources invested in basic services in such areas as health care are aimed specifically at young people. Moreover, the institutions involved in attaining the National Agenda targets must be provided with the necessary funds to fulfil their commitments. The purpose of incorporating these targets into institutional plans is to ensure that the balance of National Agenda investments and results can be monitored so that decisions can be taken in the future on the basis of those results.

28. The Costa Rican State has maintained its firm determination to shield the resources earmarked for children and adolescents from any external threat or macroeconomic necessity. Indeed, as may be seen from an examination of the detailed information on the specific investments made by some of its institutions and programmes, the resources allocated to and invested in children and adolescents have been on the rise in spite of the fact that the country is experiencing financial difficulties.

29. One example of this is the sustained increase in the budget of the National Child Welfare Agency which has been maintained in the interests of strengthening an institution that is called upon to play a leadership role in developing the strategic targets established in connection with children’s and adolescents’ rights (see annex 1 (19) (6)).

30. The financial commitment and political will demonstrated by the Costa Rican Government over the past few years in working for the benefit of children and adolescents have made it possible, in spite of the country’s difficult financial situation, to make some improvement in aligning the National Child Welfare Agency’s budget with its needs in relation to its various strategic targets and to increase its human resources by 20 per cent over the past two years. This, in turn, has enabled it to transform its action strategy so that it can help to avert the duplication of efforts in relation to promotion, education and prevention plans, programmes and projects aimed at making a significant contribution to a social transformation of Costa Ricans’ capacities and state of awareness with regard to safeguards for the protection of young people’s rights and the promotion of their

comprehensive development. It will also change the image of the Agency in the public's mind, bringing it more into line with reality and the activities that the Agency undertakes.

31. The Agency has set up the Childhood and Adolescence Observatory, which seeks to take the necessary action to identify, compile, systematize and analyse the relevant information and data provided by the various existing sources at the national level concerning the current situation of children and adolescents. The purpose is to improve public understanding, so that decisions can be taken on the introduction of policies, plans, programmes and projects aimed at contributing to the comprehensive development of all children and adolescents and the effective exercise of their rights.

32. The Agency has not only been able to strengthen local processes but also to allocate resources for the opening of new local offices in communities where the incidence of violations of the rights of children and adolescents is particularly high.

33. The Agency has embarked on a strategic shift with a view to strengthening the promotion of children's rights, education about their rights and the prevention of violations. This has resulted in the development of new programmes, such as the launch of mobile units which carry out awareness-raising, education and training projects on children's and adolescents' rights with a view to encouraging positive attitudes among parents and providing a degree of protection in areas where it is difficult for the people to reach local offices. Another new programme is running early intervention centres which work along the same lines on an ongoing, systematic basis with schoolchildren in high-risk areas (see annex 1 (19) (7)). Social education workshops are also being rolled out for young mothers to promote their right to continue their studies as a basic feature of their life plans.

34. For its 2015 institutional operating plan, the Agency's budget was broken down into programmes that would advance progress towards its strategic goals. This made it possible to distribute resources more equitably and to keep accounts on investments and expenditures for each strategic line of action.

35. For the first time in the 20 years since the passage of the law under which the Agency was established, an Administration undertook to provide the Agency with a budget that was quite close to what was specified in that law. In the Budget Act of 2017, the current Administration allocated the specified level of resources to the Agency in a determined effort to modernize it and give it the tools it needs to carry out its work more efficiently and effectively, thereby addressing a shortcoming that had existed ever since the law had come into force. At 11.30 a.m. on 15 March 2013, the Constitutional Division of the Supreme Court issued decision No. 2013-003691, wherein it stated that the repeated failure to comply with the founding legislation's provision concerning budgetary allocations for the Agency – which requires the allocation of an amount equivalent to 7 per cent of the income tax collected in the previous fiscal year – constituted a violation of children's and adolescents' fundamental rights.

36. When the draft Budget Act of 2017 came up for consideration before the Treasury Committee of the Legislative Assembly, the Committee reached a majority decision to cut the new allocation by 48 billion colones (US\$ 84,063,047.28) and to redirect those funds to budget lines aimed at strengthening various aspects of security, police investigations and the prison service. This decision has adversely affected the implementation of the comprehensive plan drawn up by the Agency for the continuation of the implementation of new projects and the servicing of debts that date back to the promulgation of the law authorizing its establishment (see annex 1 (19) (9)). This interfered with the Agency's ability to achieve all its objectives for 2017, since it was relying on those resources in order to be able to do so.

37. With regard to the Committee's comments on the need for an independent institution specializing in the promotion and protection of the rights of the child and the need for the State to provide such an institution with the human, technical and financial resources required to carry out its work, in accordance with general comment No. 2, it may be noted that Costa Rica has achieved some success in that regard. The Children and Adolescents Division of the Ombudsman's Office is mandated to investigate violations of children's and adolescents' rights arising out of actions and/or omissions of public sector agencies. The Division has people on its staff who specialize in the methodological, theoretical and

practical aspects of child protection. Moreover, there is currently a bill before the Legislative Assembly that would give the Division the status of Deputy Ombudsman's Office (file No. 20,006).

38. The Agency also specializes in promotion, education, prevention, care, protection, defence and guarantees for the rights of children and adolescents. It is not a part of the central government but rather a decentralized institution having technical autonomy as specified in the Constitution. Its *raison d'être* is not to serve the Government's political requirements; it exists – and has the requisite power and authority – to attend to the needs of children and adolescents in relation to their families, society, educational institutions and State institutions in general. The Agency enjoys technical autonomy and has the power to initiate special protection procedures and carry out social rights audits of State institutions; it is also authorized to make technical recommendations, introduce administrative protection measures and initiate court proceedings in all areas. Although the Agency is subject to political guidelines, this guidance is the result of inter-agency coordination efforts undertaken within the framework of the national system for the comprehensive protection of children's and adolescent's rights and, although it is financially dependent on the State, by law it has its own budget. Moreover, in any government action relating to the Agency, its technical autonomy is upheld by article 55 of the Constitution. In addition, bill No. 17,772, which is currently in the legislative pipeline, would introduce amendments to various laws in order to eliminate legal obstacles hindering the National Child Welfare Agency from investing all its resources in the protection of Costa Rican children. This bill, which could benefit from further improvements, is intended to ensure that the Agency, which, as stated earlier, is an autonomous body, is not subjected to administrative or financial obstacles or controls that run counter to its constitutional, legal and technical purposes (see annex 1 (19) (10)).

39. Another important factor is the role of the Constitutional Division of the Supreme Court, which allows any citizen or organization to file an application for *amparo* directly with the Court, if it is felt that fundamental rights have been violated, or to launch proceedings on the grounds of unconstitutionality in the case of legislation that violates these rights and therefore impinges upon common interests. For this reason, there are options for seeking recourse that are open to all the human rights NGOs operating in the country and to the public at large. For example, in 2015 and 2016, 110 applications for *amparo* were lodged against the Agency; 82 per cent of those petitions were dismissed and 18 per cent were admitted, in full or in part.

40. As regards the strategies adopted by Costa Rica to disseminate the Convention and its Optional Protocols, the Agency has made significant efforts to educate and raise awareness among young people about their rights and duties. Using technological media has proved to be a successful strategy for gaining direct access to this sector of the population. The Agency's Orientation and Information Centre works to channel the Agency's incoming consultations and its responses through the main technological devices that are available. Its free 1147 telephone line, which is a dedicated line for children and adolescents only, is used to help raise their awareness of their rights and duties and to provide them with information and guidance in this regard. This telephone line is also used to provide advice, support and professional counselling and to coordinate responses to complaints received. By using this telephone line, children and adolescents are able to find someone who will listen to them and provide professional support. The Centre also takes on the task of providing professional services to people using the 9-1-1 service in connection with situations being experienced by young people.

41. The Centre runs the Facebook page for children and adolescents set up by the Agency with a view to promoting young people's rights and to educating them about their rights and duties. It uses what young people refer to as "memes" in the form of messages, forums, banners, surveys and videos. This strategy signals a change in the way that the Agency interacts with adolescents, and its page has the top ranking among all the State institutions' Facebook pages (see annex 1 (19) (11)).

42. The Centre also has a dedicated telephone line for providing adolescents who are pregnant or who are already mothers with support, guidance and information. This line is used to provide services as part of the Agency's Adolescent Mothers Programme, which



seeks to keep young mothers in the educational system. To that end, it has successfully set up a system of grants and social and informational workshops. The Centre also uses an eight-digit telephone line and a webpage to respond to queries concerning the rights of children and adolescents from the general public, other institutions, NGOs and private companies.

43. In 2011–2016 the Agency maintained a high level of investment in educational and training campaigns with a view to making a real contribution to the development of a culture of respect for the rights of children and adolescents (see annex 1 (19) (12)).

44. As part of its work with vulnerable people and minorities at the local level, the Agency has been conducting awareness-raising and educational events concerning the human rights of children and adolescents within the framework of the world views of indigenous peoples (see annex 1 (19) (13)).

45. With respect to training and awareness-raising initiatives regarding young people's rights, over the past six years both the executive branch and the judiciary have been working to teach their staff how the implications and realization of children's rights are bound up with the way that the staff conduct their professional and technical activities. The executive branch and the judiciary have also sought to raise awareness and provide instruction in such areas as affirmative action, positive discrimination and, in the case of minorities, different world views (see annex 1 (19) (14)).

46. With regard to the collection, analysis and evaluation of data to inform the country's decision-making on questions involving children and adolescents, the National Statistics and Census Institute (INEC) has made a great effort to obtain data that will enable a proper analysis to be carried out of the current situation of children and adolescents in Costa Rica. For many years now, the Institute has been able to draw on censuses, surveys and vital statistics records in order to compile information on children and adolescents by age group (under 5 years, 6 to 9 years, 10 to 14 years and 15 to 17 years). It also has information on the geographic distribution of young people by province, canton and district. In addition, for each geographic area, information is available on young people's ethnic or racial group, literacy levels, the numbers with any form of disability, those in the working population and those who are economically inactive, children born in another country, children living in housing with running water, those in housing with sewerage service and those living in households below the poverty line (see annex 1 (19) (15)). In the past few years, the Institute has strengthened its mechanisms for ensuring the participation of different target groups in defining the variables to be included in its various statistical tools.

47. Costa Rica has also engaged in other information-gathering activities. In 2014, the judiciary produced a compendium of legal indicators relating to juvenile criminal justice which covers the sociodemographic variables used in collecting data on juvenile offenders (see annex 1 (19) (16)). Another initiative was to expand the coverage of report No. 43-OPO/UAOIP-2015 to include sociological information on criminal groups in Costa Rica from a juvenile criminal justice perspective. In addition, in cooperation with UNICEF, an analysis of the criminal juvenile justice system in Costa Rica was conducted in 2012 with a view to identifying the relevant population groups and their needs. All of these inputs were taken into account in the preparation of the country's public policy on restorative juvenile justice.

48. December 2015 saw the establishment of the Costa Rican Disability Information System, an official platform for facilitating the management and distribution of knowledge about the rights of persons with disabilities across the country. In 2014, with support from UNICEF, the National Council of Persons with Disabilities produced a report on the situation of children and adolescents with disabilities in Costa Rica which describes the living conditions of children with disabilities in the country and provides a baseline for the development of policies, activities, plans and projects designed to benefit this segment of the population (see annex 1 (19) (17)).

49. Meanwhile, the National Child Welfare Agency has been making every effort to improve its information system by working to ensure that the system covers all the services that it provides.

50. Since 2011, the executive branch has been making a focused effort to roll out policies, plans, programmes, protocols and guidelines that will ensure efficient and effective policy implementation and the State's compliance with the precepts laid down in the Convention. As stated above, Costa Rica has a strategic framework made up of the National Policy for Children and Adolescents and focused national and cantonal policies; a management framework made up of the National Development Plan, the National Agenda for Children and Adolescents 2015–2020, plans of action for the implementation of targeted policies, specific national plans and plans of action for the implementation of cantonal policies; and an operational framework composed of institutions' operating plans and annual operations plans, along with other specific plans, programmes and projects. Some examples of this functional coordination framework may be found in annex 1 (19) (18).

51. In line with the precepts of the Convention, the Civil Registry and the Supreme Electoral Court have granted Costa Rican nationality to foreign children who have been declared to have been abandoned for the purposes of adoption in Costa Rica pursuant to a final judgment by a national court (see annex 1 (19) (19)).

## **Sections 1 (20) and (21)**

### **Observations and recommendations 22–25**

52. Costa Rica is a social State governed by the rule of law, where the preservation of the environment, health protection and the comprehensive development of its citizens are priorities. For that reason, it has extensive legislation and functional structures devoted to the protection and sustainability of the environment and the preservation of its population's health which apply to mining, industrial, agro-industrial, business and pharmaceutical activities that are conducted in the country or that sell their products in Costa Rica. There are special laws on these subjects and State institutions that have the power to monitor, inspect, oversee and penalize such activities. There are specialized courts, tribunals and chambers whose job is to enforce these laws and uphold the fundamental rights of citizens, especially children and adolescents.

53. It is the task of the Ministry of the Environment and Energy to seek to ensure that productive development activities do not impinge upon the natural environment or the effort to establish stronger legal safeguards for citizens' rights. The Ministry is the lead agency in matters pertaining to the environment and energy; it coordinates participation by other public and private bodies in the formulation and implementation of policies, strategies and activities aimed at meeting national and international objectives, and it encourages participation by the different sectors of civil society. The country's aim is to develop an operational environmental management system that will enable it both to establish an internationally competitive position on the political, environmental and commercial fronts and to ensure the sustainable use, management and conservation of its environmental and natural resources (see annex 1 (20) and (21) (1)).

54. The National Environmental Technical Secretariat was established pursuant to Environment Act No. 7554. Its basic remit is to reconciling environmental concerns with production processes. The Secretariat is responsible for assessing the environmental impacts of investment projects and ensuring that they do not harm the environment or the health of the people of Costa Rica (see annex 1 (20) and (21) (2)).

55. The Administrative Environmental Court, which was established under the Environment Act, is operationally independent and has exclusive jurisdiction in environmental matters. Its decisions are binding, enforceable and final (see annex 1 (20) and (21) (3)).

56. The Ministry of Agriculture is responsible for ensuring that farm production systems are competitive, equitable and socially, economically and environmentally sustainable.

57. The Ministry of Economic Affairs, Industry and Trade is the lead authority in the formulation and supervision of the implementation of the State's business policies.

58. The Ministry of Health is responsible for protecting the public from detrimental health effects associated with mining or pharmaceutical, agro-industrial or business activities. In order for it to carry out this task, it is legal empowered to inspect, monitor and oversee the production of food products, biomedical equipment and materials, personal hygiene products, chemicals and pesticides, cosmetics, natural products, medicines and radiopharmaceuticals (see annex 1 (20) and (21) (4)).

59. With regard to the role of independent national institutions, the National Child Welfare Agency has the administrative authority to uphold the rights of children and adolescents when those rights are threatened by business interests of any sort. Judicial bodies are in place that are empowered to hear, investigate and rule on such matters. In addition, the Ombudsman's Office oversees the activities of the above-mentioned ministries, while civil society, acting through human rights NGOs, plays an oversight role as well.

60. The Child and Adolescent Protection Boards and the Committees to Safeguard the Rights of the Child are also independent organizations that, with the participation and support of the State, monitor and play an active part in cantonal policies and plans of action (see annex 1 (20) and (21) (5)).

61. At a workshop conducted with the National Adolescent Network, all the participants were in agreement as to the importance of the promotion of children's and adolescents' rights. In a study of 670 adolescents across the country, 55 per cent said that the best way to solve their problems was by communicating with their parents and their teachers and drawing on their support.

## II. Definition of the child

### Section 2 (22)

#### Observations and recommendations 26 and 27

62. Article 2 of the Children and Adolescents Code defines a child and an adolescent in conformity with article 2 of the General Young Persons Act and article 27 of the Civil Code.

*“Article 2 – definition. For the purposes of this Code, a person shall be considered to be a child from the time of conception until the age of 12 years and a person shall be considered to be an adolescent from the age of 12 years up to the age of 18 years. In the event of any doubt in this matter, the person shall be treated as an adolescent rather than as an adult and as a child rather than as an adolescent”.*

63. On the question of the age of sexual consent, bill No. 19,337 – now Act No. 9406 – maintains the age of consent at 13 years but introduces explicit limitations which restrict its application to non-abusive relations between peers. Such relations are punishable by law if they are abusive or if one of the parties is five or more years older than the other. Sexual consent is also limited in the case of persons older than 15 years and younger than 18 years if the relationship is an improper one by virtue of the fact that one of the parties is seven or more years older than the other. This new legislation sets the minimum age of marriage at 18 years (see annex 2 (22) (1)).

64. An issue on which abusive relationships, the age of consent and sex education all have a bearing is teenage pregnancy. In that regard, the inter-agency Council on Care for Adolescent Mothers (CIAMA), which is attached to the Ministry of Health and participates in the Salud Mesoamérica 2015 Initiative, is currently developing an intersectoral model for the prevention of teenage pregnancy and the care of teenage mothers with a view to improving access to local services in two of the country's health regions (see annex 2 (22) (2)).

65. Annex 2 (22) (3) describes some of the success stories of the National Directorate of Education and Nutrition Centres and Child Nutrition and Integrated Services Centres, which works to raise awareness among pregnant teenagers and adolescent mothers and provide them with training and care. Annex 2 (22) (4) furnishes data on births to mothers aged less than 20 years over the past few years.

66. A survey of 670 adolescents across the country, which took account of domestic legislation, the right to sexuality, the current situation and the principle of progressive autonomy, showed that a very high proportion of the respondents felt that, before persons reached the age of majority, they were not or well enough informed to engage in full and responsible sexual relationships.

### III. General Principles

#### Section 3 (23) and (24): Non-discrimination

##### Observations and recommendations 28–30

67. Costa Rica is of the view that, while the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is the outcome of a great deal of effort, it reflects only the interests of the countries that are the source of significant migratory flows while failing to reflect those of countries like Costa Rica that are primarily receiving countries and that are therefore obliged to cope with the needs of these people. It should be pointed out that Costa Rica has laws and jurisprudence that uphold the same principles as those enshrined in the Convention and that guarantee full rights to migrant workers and members of their families.

68. The country has established an inter-agency committee that is responsible for the implementation and follow-up of its human rights obligations. This committee has drawn up a national policy for a society free from racism, racial discrimination and xenophobia for the period 2014–2025, together with an action plan. These steps have been taken pursuant to the commitment made by Costa Rica at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in 2001, and the recommendations made on numerous occasions by treaty bodies.

69. The overall objective of this national policy is to secure the adoption of effective measures to encourage the development of intergenerational, inclusive social practices that are respectful of diversity. The aim is to ensure that indigenous peoples, people of African descent, migrants and refugees are able to exercise their rights fully and effectively and to eradicate discrimination, racism and xenophobia (see annex 3 (23) and (24) (1)).

- The Ombudsman’s Office put forward a proposal aimed at harmonizing legislative dossiers Nos. 19,062, 18,740 and 19,288, under which racial discrimination would be a punishable criminal offence. The proposal is currently under consideration by the members of the Costa Rican legislature’s Human Rights Committee
- Thanks to the national policy, its action plan and existing laws relating to minorities and vulnerable groups, the State has been introducing significant changes in its approach to discrimination, racism and xenophobia and to disability, gender and diversity issues
- Article 1 of the Constitution was amended in August 2015 to establish the multi-ethnic and multicultural nature of the Costa Rican State
- “Article 1: Costa Rica is a democratic, free, independent, multi-ethnic and multicultural Republic”
- The National Forum of Women of African Descent and the National Forum of Indigenous Women have been set up as independent forums for political organization and advocacy
- Efforts have been made to provide indigenous peoples in the most remote areas of the country with basic services (see annex 3 (23) and (24) (2))
- Indigenous languages and culture courses continue to be taught both in and outside the indigenous territories, and 95 per cent coverage for indigenous students is guaranteed

- Advisory services concerning human and linguistic rights are provided to teaching staff working in indigenous areas
- The Ministry of Public Education worked on a reform of the indigenous education system that culminated in 2013 in the issuance of a decree whereby Cabécar, Bribri, Ngöbe Buglé, Maleku, Teribe and Boruca are recognized as the mother tongues of the indigenous peoples of Costa Rica
- The National Plan for People of African Descent 2015–2018 was drawn up (see annex 3 (23) and (24) (3))
- The Ministry of Public Education adopted a workplan that provides for the formulation of a decree on the creation of schools that are free of ethnic and racial discrimination, and an activity entitled “Schools free of discrimination: building social peace” has been carried out
- The Labour Procedural Reform Act of 2015 (Act No. 9343), contains a number of articles that expressly prohibit discrimination. Article 404 prohibits any form of discrimination in the workplace by reason of age, ethnicity, sex, religion, race, sexual orientation, civil status, political opinion, national origin, social origin, parentage, disability, trade union membership or economic status
- The Ministry of Health is working on national plans and regional guidelines with a view to tackling disparities in infant mortality rates (see annex 3 (23) and (24) (4))
- The Ministry of Health is coordinating the formulation of a national health plan for indigenous peoples and a national health plan for persons of African descent
- The Office of the President has issued Directive No. 057, which deals with services for persons in transit or in an irregular situation, victims of migrant smuggling or trafficking in persons, and persons forming part of mixed migratory flows in the national territory (see annex 3 (23) and (24) (5))
- The Costa Rican Social Security Fund provides its services to the whole of the country’s population and has special protection measures in place for pregnant women and for children and adolescents. The cost of these services is borne by the State. The country recently signed the New York Declaration for Refugees and Migrants, which includes a political statement concerning the signatories’ response to the health needs of persons who are part of large population movements (see annex 3 (23) and (24) (6))
- The Ministry of Public Education runs programmes in educational centres that promote our country’s indigenous culture. The Ministry has a department responsible for inter-agency coordination with development organizations and associations and local indigenous education committees
- In its efforts to guarantee an education that is inclusive and free of discrimination, the Ministry of Public Education provides its officials with training, advisory services and technical guidelines and holds meetings, panels and forums based on a human rights approach and the social model of disability (see annex 3 (23) and (24) (7))
- The Ministry of Public Education’s inclusive education programmes are free of discrimination and employ instructional strategies, such as the Universal Design for Learning, that can accommodate diversity in the classroom
- The Ministry of Public Education provides access to free education to the whole of the migrant and refugee population
- It is prohibited by law, in educational centres, to penalize pregnant women because of their condition. Breastfeeding mothers are provided with suitable physical facilities to allow them to feed their child, and educational materials concerning emotionality and sexuality are distributed to the general public

- The Ministry of Public Education runs a sexual diversity programme and has produced guidelines on the non-discriminatory acceptance of students with different sexual preferences and transgender students
- The Ministry of Public Education works with the indigenous population to promote the development of life plans and actively involves teachers, indigenous leaders and wise elders in this effort and in the development of proposals for ways of strengthening the aspects of the basic national curriculum dealing with political, cultural, spiritual and economic factors of significance for indigenous peoples (see annex 3 (23) and (24) (8))
- A coordination strategy has been developed by the Governments of Nicaragua and Costa Rica for the issuance of school completion certificates to migrant children and adolescents
- In 2015, the Ministry of Culture and Youth updated its independent service regulations to extend its non-discriminatory approach to include the sexually diverse population
- The National Childcare and Child Development Network (REDCUDI) has used the Social Fact Sheet in such a way that all children or adolescents, whatever their family's migratory status, receive childcare and development services, so long as the Fact Sheet shows that they fall within the poverty parameters established by the Municipal Health Care Institute (IMAS) (see annex 3 (23) and (24) (9))
- The Institutional Strategic Plan 2015–2019 of the Migration and Aliens Affairs Office (DGME) covers measures designed to help regularize the situation of the vulnerable migrant population. A tripartite commission comprising DGME, the National Child Welfare Agency and the Ministry of Foreign Affairs and Worship has drawn up action protocols for addressing the various situations in which migrant children or adolescents find themselves
- DGME regulations include provisions on the regularization of members of the indigenous population that set accord them special treatment in terms of regularization requirements and costs
- A binational programme launched by Costa Rica and Panama focuses on ensuring the personal safety of temporary migrants who are members of the Ngöbe Buglé people. The programme involves inter-agency coordination for the establishment of what are known as “houses of joy”, which are akin to childcare centres for the protection of children and adolescents of this indigenous group while their parents are working (see annex 3 (23) and (24) (10))
- The Presidential Social Council has coordinated a food security plan for the benefit of one of the most remote indigenous peoples, who live in Alto Telire. The plan includes a needs analysis focusing on the children and adolescents in this group and provides for activities designed to raise awareness of their rights within the context of indigenous customs
- The judiciary has issued a policy on access to juvenile criminal justice which sets out procedures for facilitating access to the justice system for indigenous peoples, persons of African descent, persons with disabilities and migrants. An indigenous peoples' subcommittee has been set up in line with this policy (see annex 3 (23) and (24) (11))
- The judiciary has also produced a protocol on the provision of effective access to the justice system for persons with a psychosocial disability (see annex 3 (23) and (24) (12))
- Act No. 9063 of September 2012, which deals with psychological care for aggressive persons involved in any form of violence, states that one of its objectives is to offer psychotherapeutic treatment to aggressive persons involved in violent situations as a means of providing specialized psychological care that will help such persons to learn to identify, control and avoid any form of physical, emotional,

sexual or property-related violence, whether caused intentionally or as a result of negligence

- A subcommittee within the judicial branch which deals with access to the justice system for persons of African descent has, with the support of the United Nations Educational, Scientific and Cultural Organization (UNESCO), developed an institutional policy on access to the justice system for persons of African descent and an accompanying action plan (see annex 3 (23) and (24) (13))
- The judiciary has drawn up an institutional equal opportunity plan for vulnerable population groups; the plan was approved in June 2013 (see annex 3 (23) and (24) (14))
- The Ministry of Public Works and Transport has continued to abide by the requirement established in Act No. 7600 whereby the Ministry is obligated to ensure that public transport is accessible to all and meets the needs of all members the population (see annex 3 (23) and (24) (15))
- A protocol was signed in 2014 on coordination between the Ministry of Labour and Social Security, the Ministry of Public Education and the National Training Institute in meeting the basic training and labour integration needs of persons with disabilities, including children and adolescents with disabilities

### **Section 3 (23) and (25): Best interests of the child**

#### **Observation and recommendation 31**

70. The National Child Welfare Agency provides training in children's and adolescents' rights and the application of the principle of the best interests of the child (see annex 3 (23) and (25) (1)). This is a major concern of the Agency, since its work, procedures and decisions are predicated on the principle of the best interests of children and adolescents. Efforts have also been made to promote an understanding of this principle and to provide training in its application throughout the institutional structure as a whole. Most of the officials involved in administrative justice understand this guiding principle and the absolute necessity of applying it in decisions concerning children and adolescents. Efforts to improve training in the analysis, application and implications of this principle should, nonetheless, be intensified.

71. One major challenge is to provide legislators and the legal technical services of the legislature with expert advisory assistance regarding the human rights of children and adolescents and the principles governing them, particularly with respect to the analysis and application of the principle of the best interests of children and adolescents.

72. The Judicial Training College provides instruction in the application of the restorative justice approach based on the principle of the best interests of the child. The juvenile justice system has a specialized court of cassation whose jurisprudence reflects the paramount importance accorded to this principle. Moreover, by decision of the Supreme Court sitting in plenary, seven additional special courts have been created, and a compendium of specialized jurisprudence relating to juvenile criminal justice has been prepared (see annex 3 (23) and (25) (2)).

### **Section 3 (23) and (26): Right to life, survival and development**

73. In Costa Rica, respect for the right to life is paramount: there is no death penalty for any offence or for any group of people. Article 21 of the Constitution enunciates the principle that human life is inviolable. As stated in previous reports, there has been no possibility whatsoever of applying the death penalty since 1882, and this continues to be the case under the current Constitution of 1949. This principle is embedded in the Costa Rican character and culture.

74. Article 12 of the Children and Adolescents Code provides that a person under the age of majority has the right to life from the moment of conception. The State shall

guarantee and protect that right by applying economic and social policies that ensure the existence of decent conditions for pregnancy, birth and overall development. Public institutions have great respect for the right to life, and this is also reflected in Decree No. 39009-S of March 2015, which sets forth regulations on the national system for the evaluation and analysis of maternal, perinatal and infant mortality. These regulations guarantee children's and pregnant women's right to receive care (see annex 3 (23) and (26) (1)).

75. Articles 42 and 50 of the Code establish the right to social security and specify the preferential care to be given to pregnant teenagers. They cover the provision of maternity and infant care information services, the medical monitoring of the mother and unborn child, the medical care that should be given during childbirth and, where necessary, the provision of food to fill out the diet of the young mother and her child while she is breastfeeding. They also prohibit discrimination of any kind.

76. The Costa Rican State recognizes its obligation to ensure the survival under decent living conditions and the integral development of its citizens. It is aware of the need to provide preventive education as a means of helping to create the necessary conditions for the maintenance of comprehensive protection and the realization of the rights mentioned above. It therefore works with families and has launched a wide array of preventive initiatives aimed at safeguarding the rights of children and adolescents.

77. Since there is no death penalty, it follows that extrajudicial, summary or arbitrary executions of any kind are not permitted and are punishable by law. For that reason, the maintenance of a register of deaths or extrajudicial executions of children or adolescents would be pointless. The Ministry of Health keeps a register of violent deaths, but the causes of those deaths are such events as traffic accidents, murders and suicides (see annex 3 (23) and (26) (2)).

78. Suicide is regarded as a public health problem. Since 2005, it has been the third most common cause of death among adolescents (see annex 3 (23) and (26) (3)). With a view to protecting the right to life, the Technical Secretariat for Mental Health, which is attached to the Ministry of Health, was established pursuant to Act No. 9213 (see annex 3 (23) and (26) (4)) in order to develop an integrated approach to mental health issues. The National Mental Health Council and the Inter-Agency Mental Health Commission have also been established. In addition, national mental health policy has been put in place, along with a national plan for the period 2012–2021 (see annex 3 (23) and (26) (5)).

79. In 2015, a biopsychosocial model of care was developed for use at the communal level by the Costa Rican Social Security Fund. Under this initiative, interdisciplinary mental health teams working at the local level treat young people with mental disorders, victims of domestic violence and users of psychoactive drugs. There are high expectations for this initiative, but it is still in its initial stages and its current capacity for providing care is limited.

80. Thanks to the establishment of the Suicide Observatory, Costa Rica now has up-to-date data on this and other topics, including statistics on suicide attempts made by persons of all age groups, including children.

81. The country's national health system already has a strategy for the period 2016–2021 – soon to be put on a formal footing – based on a comprehensive, intersectoral approach to suicidal behaviour. There is also a national strategy for the period 2017–2021 that places priority on children and adolescents and calls for the use of a public health approach for addressing and reducing the consumption of psychoactive substances. A social violence observatory was to be established by 2017 in order to gather data on violence within the family, addiction, the use of psychoactive substances and mental disorders.

82. Although the health services network consists of first, second and third levels of care, third-level hospitals, which specialize in psychiatry and psychology, are the providers that are called upon to deal with the most delicate mental health situations. The challenge is to develop accessible, comprehensive mental health services for the entire population. Care for children and adolescents suffering from a mental or emotional condition or from the use of psychoactive substances is currently provided by the health system only in response to



an acute attack. Once the young people in question overcome their health crisis, they receive no more than occasional follow-up treatment. One of the challenges to be met is to develop mechanisms for providing closer and more regular monitoring of the treatment and health status of such young people. Treatment is much less likely to be successful for children who lack a family support network and, even if they have one, the follow-up and monitoring of a chronic condition of this type remains a challenge. In the case of children lacking family support, State institutions face the challenge of providing comprehensive care; in such cases, each institution assumes responsibility for its area of expertise as it relates to the necessary follow-up, coaching, support and monitoring.

83. It is essential for the country to continue looking into the possibility of developing alternative forms of protection that will safeguard the rights of children and adolescents. Each of the relevant institutions should, on a mandatory basis, bring its particular capabilities and expertise to bear in the provision of integrated care in specific kinds of cases (mental or emotional problems, addiction or cases in which young people are in conflict with the juvenile criminal justice system).

84. The Ministry of Health has a system for the analysis of the conditions surrounding the deaths of infants under one year of age and women whose deaths are related to childbirth. The system supplies information for use in the formulation of policies for improving maternal and infant health, reducing morbidity, improving the quality of care provided during pregnancy, ensuring that pregnant women have access to services and helping to reduce the number of infant and maternal deaths.

85. The infant mortality rate in 2015 was 7.74 per 1,000 births. This was a 4.5 per cent reduction from the previous year, when the rate had been 8.11 per 1,000 births. The infant mortality rate is calculated as the total number of deaths of children under one year of age out of the total number of births in a given calendar year. In the present case, therefore, this indicator means that, in 2015, out of every 1,000 births that took place in Costa Rica, approximately eight children under one year of age died.

86. The Ministry of Health has run a number of campaigns over the past few years on the right to health. These campaigns are seen as a means of helping to preserve life (see annex 3 (23) and (26) (6)).

87. Psychotropic medications are provided under the universal health care system of the Costa Rican Social Security Fund. They are available to people who are deemed to require them by a medical professional. Special prescriptions are required, as is the patient's fully informed consent.

88. Data on mental conditions and illnesses is compiled by the Ministry of Health, which is the lead agency for such matters. Health centres are required to notify the Ministry of cases involving children and adolescents, and this information is then stored in a centralized register.

89. Annex 3 (23) and (26) (7) lists activities carried out by the Ministry of Health, in coordination with other institutions, with a view to preventing and treating mental health and addictions.

90. In the area of human development, the country is developing a governmental poverty reduction strategy at the household level known as the Bridge to Development. This initiative employs a multisectoral and inter-agency approach. Poor households are guaranteed access to the social protection system, to capacity-building support, to linkages with work and entrepreneurship opportunities, to the benefits of technology, to decent housing and to land development assistance. This approach is designed to reduce inequality while maintaining a strategic focus on human development and social inclusion (see annex 3 (23) and (26) (8)).

91. The National Household Survey 2016 revealed that the percentage of households living in poverty had diminished significantly, dropping from 21.7 per cent in 2015 to 20.5 per cent in 2016. Extreme poverty experienced the biggest drop, falling from 7.2 per cent to 6.3 per cent, while non-extreme poverty was down from 14.6 per cent to 14.2 per cent. This reduction coincided with the launch of the Bridge to Development strategy. The

multidimensional poverty index fell from 21.8 per cent of households in 2015 to 20.5 per cent in 2016.

### **Section 3 (23) and (27): Respect for the views of the child**

#### **Observations and recommendations 32 and 33**

92. This topic is covered by articles 105, 107, 111 and 114 of the Children's and Adolescents Code (see annex 3 (23) and (27) (1)).

93. The Code governs all administrative and judicial procedures involving the interests of children and adolescents, and its provisions are mandatory. It establishes guarantees for children's right to be heard, for their right to have their views taken into account in deliberations on the merits of a case and considered in the light of the principle of progressive autonomy, for their right to be informed about the pertinent procedures and their consequences, for their right to receive support and the relevant technical and legal advice and for their right to be provided with a translator or an interpreter, if needed. The Code also outlines the role of the National Child Welfare Agency in its capacity as the representative of children and adolescents when there is any conflict of interests with their parents or as an intervenor when there is not. It seeks to ensure that, in any procedure where the interests of children or adolescents are under discussion, the Agency is represented, since it is mandated to ensure that procedural safeguards for children and adolescents are observed.

94. Unfortunately, this is a role that, practically speaking, the National Child Welfare Agency does not have the capacity to perform in its entirety. It is impossible for it to send representatives to all the judicial and administrative proceedings where children's and adolescents' interests are involved. The Agency has therefore prioritized its presence in cases in which the child's interests are opposed to those of the parents, where it endeavours to ensure that the proceedings are conducted in accordance with all the pertinent procedures and laws (see annex 3 (23) and (27) (2)). In that context, the judiciary has taken the appropriate measures to ensure compliance with the guarantees stipulated in all such proceedings, including children's and adolescents' rights to be heard, to express their views freely and to have their views considered in deliberations on the merits of the case. The judge is the essential guarantor of the enforcement of those measures pursuant to both the Children and Adolescents Code and the policy on access to justice (see annex 3 (23) and (27) (3)).

95. The aim of the Restorative Juvenile Justice Programme adopted in 2012 is to apply a comprehensive approach to dispute settlement which involves arranging a meeting at which the children or adolescents concerned can express their views, their feelings and their emotions so that the matter in question can be resolved and agreement reached on how to redress the harm done.

96. In 2016, the judiciary introduced a system of complaints boxes to enable children and adolescents in conflict with the juvenile criminal justice system to submit complaints.

97. Children and adolescents have the right to pursue reconciliation proceedings in criminal cases, under certain circumstances, if both the victim and aggressor are underage. In such instances, the principle of the balance of power between the two parties is an important factor (see annex 3 (23) and (27) (4)).

98. In order to uphold this principle and avoid any possibility of revictimization, the judiciary uses Gesell chambers (see annex 3 (23) and (27) (5)).

99. The prison system has a protocol governing access by child and adolescent visitors to centres which are part of the Institutional Programme for Emergency Responses to Situations of Risk. There is also a general directive to guide officials in deciding whether or not children and adolescents should be allowed into such centres; this directive provides for consideration to be given to the views of the children themselves.

100. As a means of promoting free and effective citizen participation, the National Child Welfare Agency has supported the mobilization of young people at the regional and local

levels. It has prepared a methodological handbook on how to set up participatory cantonal councils as a forum for making the views of children and adolescents known and allowing them to have an impact on national affairs.

101. By 2016, 63 such councils had been established. They represent a major step forward, as young people move away from a symbolic form of participation manipulated by adults and towards what today has become an exercise in effective leadership by young people who have carved out a place for themselves based on their own merits (see annex 3 (23) and (27) (6)).

102. The National Child Welfare Agency has, moreover, strengthened the National Adolescent Network, in which adolescents from the Child and Adolescent Protection Boards are represented. The aim is to create opportunities for participation in the institutional framework of the Costa Rican State. Furthermore, pursuant to Act No. 9001 of 31 October 2011, article 172 of the Children's and Adolescents Code was amended to give an adolescent representative of the National Assembly of the National Young People's Advisory Network a seat on the National Council for Children and Adolescents.

103. The Ministry of Public Education has set up the Students Rights Office to receive students' complaints regarding any infringements of their rights. It also promotes students' free and effective participation via such initiatives as the organization of student governments.

104. In a survey of 531 schoolchildren across the country, 43 per cent said that the main problem facing children under 12 years of age in Costa Rica was bullying at school, while 34 per cent thought that the main problem was family conflicts.

## **IV. Rights and civil liberties**

### **Section 4 (28) and (29)**

#### **Observations and recommendations 15, 16 and 34–41**

105. The registration of births in the Civil Registry guarantees children the right to an identity (see annex 4 (28) and (29) (1)).

106. The Responsible Paternity Act is intended to ensure that all children born outside marriage in Costa Rica are able to know who their father is (see annex 4 (28) and (29) (2)).

107. Minors' Identity Cards are issued to minors over the age of 12.

108. With regard to the registration of migrants, the Civil Registry provides its services, at no cost, to foreigners who wish to opt for Costa Rican nationality (see annex 4 (28) and (29) (3)).

109. The Migra-Mobile Programme of the Migration and Aliens Affairs Office (DGME) provides the most vulnerable sectors of the migrant population living in remote areas with personalized advisory services.

110. In order to register the births of indigenous children, representatives of the Civil Registry visit indigenous reservations across the country and maintains regional offices in strategic indigenous areas throughout the national territory (see annex 4 (28) and (29) (4)).

111. The Civil Registries of Costa Rica and Panama have signed an agreement for meeting the needs of the Ngöbe Buglé indigenous people.

112. Affirmative action initiatives aimed at ensuring the registration of the indigenous and migrant population include joint operating procedures agreed upon by DGME, the National Training Institute, the National Child Welfare Agency and the Ministry of Foreign Affairs and Worship and an agreement between the Office of the United Nations High Commissioner for Refugees (UNHCR), the Association of International Consultants and Advisers (ACAI) and DGME under which refugee, stateless and asylum-seeking children and adolescents receive specialized services.

113. DGME is working on a protocol on the regularization of the situation of all migrant children and adolescents, including those who are members of indigenous peoples, who are registered as students with the Ministry of Public Education.

114. The National Child Welfare Agency provides free legal advice and services to help to ensure that children are able to exercise their right to know their identity and the identities of their parents. It also provides support in connection with the corresponding legal proceedings when necessary.

115. With regard to the issue of the preservation of identity as it relates to young people, Act No. 9307 was adopted in order to enable the authorities to swiftly mount a response in the event of a child's or adolescent's disappearance. Pursuant to this law, the National Warning System Coordinating Committee (CONASA) was established and tasked with coordinating and facilitating efforts to prevent the abduction and disappearance of children or adolescents. To that end, it has formulated a national warning system protocol and coordination and immediate response procedure for public and private institutions in the event of the abduction or disappearance of a child or adolescent (see annex 4 (28) and (29) (5)).

116. Pursuant to article 13 of the Convention, in the period from 2011 to 2016 the National Child Welfare Agency invested in educational media campaigns on an ongoing basis, as noted earlier. Since 2012, two Facebook pages have been set up to facilitate direct communication via social networks with adolescents, parents and guardians. The @PANICR Facebook page currently has 139,566 followers, while the @PatronatoNacionaldeInfancia Facebook page has 169,993.

117. This medium provides an alternative source of information for the promotion of the development and physical, psychological and moral well-being of young people. It also provides an avenue for the advocacy of children's and adolescents' rights. These pages, which employ memes and the kind of language customarily used by young people, have a positive impact on a large proportion of their target population. See annex 4 (28) and (29) (6) for more information on this and other initiatives launched via the Agency's Orientation and Information Centre platform that focus on disseminating information and raising young people's awareness of their rights and obligations.

118. In support of the right to access to information, the judiciary worked with UNICEF to launch the "Empoderate" (Empower yourselves) application in 2015 with a view to publicizing and raising awareness of children's and adolescents' rights (see annex 4 (28) and (29) (7)). The Ministry of Science, Technology and Telecommunications has invested in technology projects that foster the development of children's and adolescents' scientific skills and can guide their training in these subjects (see annex 4 (28) and (29) (8)). The National Council for Scientific and Technological Research, in cooperation with the Paniamor Foundation, has been teaching children about digital citizenship (see annex 4 (28) and (29) (9)).

119. Costa Rica has a public library system that provides children and adolescents with full and free access to the country's 56 public libraries and its one mobile library (see annex 4 (28) and (29) (10)).

120. Pursuant to the General Act on Public Performances, Audiovisual Materials and Printed Works, the Public Performances Oversight and Classification Committee, which is attached to the Ministry of Justice, protects children and adolescents by regulating access to violent content in public performances and audiovisual materials and to pornographic printed material.

121. With respect to the subject of freedom of thought, conscience and religion, while the Constitution states that the country's official religion is Roman Catholicism, it also guarantees freedom of religion. Since 1940, religion has been a compulsory subject in the country's educational system. In line with articles 14 and 30 of the Convention, however, parents can request that their children be excused from attending religious education classes. In any case, these classes emphasize the spiritual dimension of a person's own faith, avoiding proselytism and discrimination while paying due attention to diversity and the strengthening of faith within the context of each person's religious inclination.

122. Under the Constitution, all children and adolescents are free to express their ideas and to participate in demonstrations on any issue so long as they do not break the law.

123. The end objective of the National Policy for Children and Adolescents is to enable young people to fully exercise all their rights, one of which is freedom of association. To that end, the country has created opportunities for children and adolescents to participate in representative organizations, and they are making their voices heard with greater and greater clarity within those forums (see annex 4 (28) and (29) (11)).

124. The Committee has drawn attention to article 18 of the Children's and Adolescents Code, which it regards as limiting children's and adolescents' freedom of association in connection with political matters. However, it is important to consider the spirit of the law and interpret the provision from a holistic point of view. At the level of both the Constitution and international law, the country has recognized freedom of association as a fundamental human right. Any legislation that restricts it in any way has to be interpreted narrowly. An analysis of the reasons that legislators might have to draft such a law points up two: first, there is the question of a person's legal capacity in a situation where he or she may associate with others for political or electoral purposes and, secondly, in line with the principle of progressive autonomy, there is a risk of indoctrination that may restrict a child's or adolescent's other rights and freedoms. In this legal context, the unavoidable conclusion is that the spirit of the law is a protective one and that its scope does not extend beyond those bounds. In practice, in the everyday life of the country, children and adolescents engage in political affairs, not only in organizations of their peers but also in national elections and local government, where they participate like any other citizen, voice support for a particular ideology and play an active role in electoral and political processes under the supervision of their parents as part of their civic education and their exercise of progressively greater degrees of self-determination.

125. As far as the right to privacy and to the protection of one's image is concerned, activities have been carried out to raise awareness in the media of their educational and formative role in providing comprehensive protection for children and adolescents and the obligation that they have to protect young people from any harmful information or material and to respect the right to privacy and one's image (see annex 4 (28) and (29) (12)).

126. The Ministry of Science, Technology and Telecommunications seeks to promote the secure and productive use of information technologies and to raise public awareness of the risks involved and how to minimize them. The National Online Security Commission was set up in 2010 to develop the necessary policies on the proper use of the Internet and digital technologies (see annex 4 (28) and (29) (13)).

127. In order to ensure that the media respect children's and adolescents' rights, as provided for in the Convention, articles 21 and 22 of the Children's and Adolescents Code set out their obligations in that respect, while articles 137 to 143 establish the procedures for the enforcement of those rules (see annex 4 (28) and (29) (14)).

128. Despite these efforts, the role of the press in the comprehensive protection of children and adolescents continues to raise a number of complicated issues. The media should produce and circulate objective, balanced, instructive information based on an ethical agreement among the press as to how to handle matters of interest to young people. In this is done, the media can approach the issues objectively, treating everything that they write or broadcast as an informative exercise that is in line with the aims of protecting and guaranteeing young people's rights.

129. Lastly, the policy on access to the juvenile criminal justice system emphasizes the private nature of juvenile criminal proceedings (see annex 4 (28) and (29) (15)).

## V. Violence against children

### Section 5 (30) (a)–(f) and (31)

#### Observations and recommendations 42–44, 52, 53, 74, 75 and 84

130. With regard to the issue of marriage, reference has already been made to the legislative amendments adopted by the country.

131. Costa Rica has legislation that prohibits any form of violence against children or adolescents and any harmful or degrading practices involving them. No decision has been reached as to whether corporal punishment or certain forms of domestic violence that do not constitute a legal offence should incur criminal or other penalties. The topic is under discussion, but, so far, no draft legislation has been considered and approved by the corresponding legislative committee.

132. Both the judiciary and the executive branch have allocated resources for use in training their staff how to handle situations child or adolescent victims of violence (see annex 5 (30) and (31) (1)).

133. Costa Rica appreciates the importance of devoting special attention to promoting young people's rights, educating them about those rights and preventing rights violations as the best way to tackle the issue of violence against children and adolescents. Since 2014, the National Child Welfare Agency has therefore been working to generate what it calls a "ripple effect" in the promotion of children's rights, education about those rights and the prevention of infringements (see annex 5 (30) and (31) (2)).

134. The executive branch, working in close cooperation with NGOs, has conducted promotional, preventive and educational programmes and projects focusing on the effective realization of children's and adolescents' rights, particularly among vulnerable populations. This effort has involved working with parents, families and young people themselves and has led to the launch of a wide array of initiatives designed to provide information, orientation, education, care and support and to facilitate the lodging of complaints regarding the infringement of young people's rights (see annex 5 (30) and (31) (3)).

135. The National Child Welfare Agency has been devoting attention to the issue of the "deparentalization" of children and adolescents experiencing situations of violence and family conflict. Awareness-raising and training sessions have been conducted for Agency staff, and this issue has been incorporated into service protocols. The Agency's aim is to uphold children's and adolescents' right to benefit from the presence of both parents in a healthy environment, even in cases where they have separated on bad terms.

136. In the period from 2011 to 2015, the Ministry of Public Education undertook to train and educate its staff about ways to perform their role as educators in a respectful, democratic environment. An ongoing effort has been made to conduct programmes and training courses, devise protocols and set up special panels to address the need to prevent, cope with and resolve the situations that arise in connection with the carrying and use of guns in schools, the drug trafficking and use, physical, psychological or sexual violence among students or between teachers and students, vandalism, bullying and cyberbullying. The main awareness-raising efforts, training activities, and protocols and procedures for dealing with these problems are listed in annex 5 (30) and (31) (4).

137. In spite of the numerous efforts made and measures taken to develop a culture of peace and respect for the rights of children and adolescents, no decrease has been seen in the number of domestic violence cases involving children in Costa Rica (see annex 5 (30) and (31) (5)). This raises the question as to whether we have developed a culture in which people feel free to speak out, thus revealing the fact that this problem is much greater in scope than the authorities had previously suspected, or whether the steps that have been taken have not yet had the desired effect. It is clear that a cultural transformation is taking place that calls for systematic, comprehensive and continuous action over the long term on the part of the authorities, but the country also needs to improve its capacity to evaluate the

situation on the ground. It is to be hoped that the Childhood and Adolescence Observatory of the National Child Welfare Agency will make an important contribution in this respect.

138. In February 2016, the Ombudsman's Office set up a high-level committee to work on the specific question of violence against children and adolescents. The aim is for every institution, within its terms of reference, to take urgent and timely action as a matter of priority to improve the situation in this regard. The National Child Welfare Agency acts as the coordinator of this high-level committee and has established an anti-violence unit which has drawn up a national plan of action for the development of strategies to prevent and eliminate violence against children and adolescents.

139. As regards the report of the independent expert for the United Nations study on violence against children (A/61/299), an account of the action taken to comply with recommendations made in that report is given below.

140. The Ministry of Justice and Peace has drawn up a national plan for the prevention of violence and the promotion of social peace for 2015–2018 (*Articulando el diálogo de la Costa Rica Bicentennial*) (The National System for the Promotion of Peace and Peaceful Coexistence and the Social Violence Observatory are components of this plan, which may be found in annex 5 (30) and (31) (6).

141. The country has strengthened its international commitments by ensuring that all the principal international agreements, conventions, statutes and instruments relating to the defence and guarantee of human rights have been authorized (see annex 5 (30) and (31) (7)).

142. As part of the national network involving meetings, analyses, the dissemination of data and research on violence against children, the country has special committees that focus on the study and comprehensive care of abused children and adolescents. These committees work to prevent and detect cases involving aggression against children and child abuse in all their forms and to ensure that the proper care and follow-up are provided. These committees are present in all public and private centres where children and adolescents receive health care. The Ministry of Health, meanwhile, is currently working on a national standard for the preventive action to be taken by health services and the treatment that they are to dispense when dealing with the results of violence.

143. The country emphasizes the principles of restorative justice in its juvenile criminal justice system and resorts to the deprivation of children's and adolescents' liberty only in exceptional circumstances. It has also developed standard operating procedures for handling complaints and dealing with situations involving violence against children and adolescents in institutional detention centres.

144. As for protection against child labour, a strategic national plan covering the period from 2010 to 2020 has been developed that plots out a road map for making Costa Rica a country free of child labour, particularly its worst forms (see annex 5 (30) and (31) (8)).

145. The juvenile criminal justice system has addressed the problem of offences committed by children and adolescents that are detrimental to the psychosexual development of other children or adolescents and the sexual self-determination of adult victims from two points of view, that of the victim and that of the aggressor. There are two programmes for victims, one run by the judiciary's Social Work and Psychology Department and the other by the Public Prosecution Service's Office for Crime Victims. A programme for aggressors has also been launched which focuses on providing treatment to young people who display abusive sexual behaviour (see annex 5 (30) and (31) (9)). Only a very small percentage of the cases in which a child or adolescent is accused of this type of offence ever go to trial, as the great majority are resolved through the use of alternative social and learning-based therapeutic measures (see annex 5 (30) and (31) (10)).

146. Working alongside the National Council for Children and Adolescents, the National Committee against Commercial Sexual Exploitation (CONACOES) comprises the institutions making up the national system for the comprehensive protection of children's and adolescent's rights. The National Council and CONACOES have joined forces to engage in an inter-agency and intersectoral effort to carry out preventive work and provide care in cases of commercial sexual exploitation.

147. CONACOES has devised a protocol for networked interventions using a system-based approach. It is currently targeting one of the regions in the country where this problem is the most severe, which takes in the cantons of Parrita, Garabito and Aguirre. In addition, it is developing a new national plan for combating commercial sexual exploitation which will set out specific goals and will update the established procedures for the delivery of comprehensive, coordinated and system-wide care and assistance in such cases.

148. Measures for addressing this problem are also included in the road map. A handbook on inter-agency assistance for children and adolescents exposed to sexual exploitation, trafficking, child labour and dangerous work on the part of adolescents is also used in this connection (see annex 5 (30) and (31) (11)).

149. Since 1996, and especially since 2005, when the Juvenile Criminal Penalties Act was adopted, the Office of the Deputy Prosecutor for Criminal Offences has been making visits to the various juvenile detention centres (see annex 5 (30) and (31) (12)). This has enabled it to detect instances in which the physical safety of young people deprived of their liberty is at risk and their rights are being infringed. Following recent complaints lodged by the Prosecutor's Office with the Ombudsman's Office, the National Mechanism for the Prevention of Torture, established pursuant to Act No. 9204 of February 2014, determined that these were not cases of torture or cruel, inhuman or degrading treatment or punishment associated with structural or institutional violence, but rather instances of inter-prisoner violence. These visits and the work of the National Mechanism have been instrumental in dealing with various situations related to factors impeding the exercise of certain rights, infrastructural shortcomings and overcrowding and have thus contributed to the protection of human rights.

150. The Ministry of Public Health initiated 90 administrative proceedings against police officers between 2011 and 2015 for alleged ill-treatment of children and adolescents, but the number of police officers accused of such conduct has been decreasing (see annex 5 (30) and (31) (13)). During these years, a number of different activities were undertaken with a view to raising awareness among police personnel of children's and adolescents' rights (see annex 5 (30) and (31) (14)).

151. Annex 4 (28) and (29) (15) provide statistics on the programmes that make use of the dedicated hotline for children and adolescents implemented by the Orientation and Information Centre of the National Child Welfare Agency.

152. In a survey of 531 schoolchildren across the country, 42 per cent reported that they had been subjected to corporal punishment: "They beat us and pulled our hair."

## **VI. Family environment and alternative care**

### **Section 6 (32) (a)–(j) and (33)**

#### **Observations and recommendations 44–47 and 49–51**

153. The State seeks to provide parents and families with support in bringing their children up and educating them. It has developed programmes such as the establishment of parenting academies run by the National Child Welfare Agency to give parents the tools to provide for the holistic development of their children without resorting to corporal punishment (see annex 6 (32) and (33) (1)). In addition, programmes of the Orientation and Information Centre mentioned above, Early Intervention Centres, mobile units and projects of the Child and Adolescent Protection Boards and local protection subsystems, implemented in cooperation with NGOs, are run together with media campaigns to promote a culture of peace, rights and education with love.

154. Other programmes of this nature are run by the National Childcare and Child Development Network, the Community Households, the Daily Care and Comprehensive Treatment Centres, the National Directorate of Education and Nutrition and the Child Nutrition and Integrated Care Centre. Altogether, there are 1,055 establishments offering alternative forms of care, whose services in 2015 catered for 45,384 children (see annex 6



(32) and (33) (2)). The Bridge to Development strategy has also had a positive impact on the family environment by reinforcing parents' ability to play their role properly.

155. With regard to at-risk populations that are in the most vulnerable category, the National Child Welfare Agency has endeavoured to undertake welfare-related interventions using a consensus-based approach to dealing with the family, rather than pursuing legal proceedings. There are also guidelines that state that institutionalization should be used as a last resort and only for short periods and should be avoided as much as possible in the case of small children and infants. The Agency can draw on intervention protocols and care and protection models to ensure technical and scientific safeguards for conducting its interventions with full respect for children's and adolescents' rights. All children and adolescents who are separated from their families for their own protection must be listened to fully, informed of their rights and given details of the procedure that is being followed.

156. The Agency has produced guidelines on monitoring and follow-up of the time spent by children and adolescents in different protection regimes (see annex 6 (32) and (33) (3)). It has continued to develop its own information system (INFOPANI), to monitor the status of the different care procedures that it manages. This has resulted in a decrease in the average number of persons in the population living in institutions.

157. Since 2008, the Agency has been running its Supportive Homes Programme, which establishes guidelines on programmes for families that are willing to take on the care of children and adolescents on a temporary basis for humanitarian and altruistic reasons. Such arrangements are ideal as they involve both nuclear and extended families (see annex 6 (32) and (33) (4)).

158. The country respects children's and adolescents' fundamental right to grow up with their biological and loving family as well as the rights derived from parental authority. For that reason, the State intervenes directly in family relations only in cases of omissions, negligence or abuse in the exercise of parental authority. All interventions must be directed towards working with the family, reversing situations in which children and adolescents are at risk and helping to create conditions that will protect them.

159. When deciding whether a child or adolescent should be given protection by being put up for adoption, the National Child Welfare Agency is required, after carrying out a special protection procedure, to conduct a psychological, social and legal assessment to determine whether parental authority rights should be permanently revoked and whether, in order to ensure the child's right to integral development, it would not be in the child's best interests to resort to the option of adoption, taking into account the child's suitability for adoption, from the psychological point of view, and the child's own opinion. To this end, the Agency must declare that the child is suitable for adoption from an administrative point of view and start the procedure in the courts of issuing a legal declaration of abandonment for the purposes of adoption. In this procedure the courts have the power to issue temporary authorization for the placement of a child or adolescent with a potential adoptive family that has been duly assessed until such time as the declaratory process is resolved.

160. From a regulatory perspective, the Agency has a centralized structure (see annex 6 (32) and (33) (5)) with a remit to conduct psychological, social and legal assessments, based on international standards, of families across the country interested in hosting children and adolescents with a view to adoption. In this model, families in the Supportive Homes Programme are not planning to adopt but are motivated by an altruistic and humanitarian desire to provide temporary care and protection to children during a period of State intervention when they are neither technically nor legally in a position to be adopted. Part of the task of families is to help prepare children for the next stage: either a return to their biological families or placement with a family that wishes to adopt and has been duly assessed, prepared and selected in accordance with a child's specific requirements and needs and the best interests of that child.

161. In 2011, the jurisprudence of the San José Family Court as regards direct intercountry adoption was declared unconstitutional by Decision No. 2011-005269 of the Constitutional Division, which ruled that the Court had disregarded the safeguards for children's fundamental rights set out in the Hague Convention on Protection of Children

and Cooperation in Respect of Intercountry Adoption and, in particular, the application of the principle of subsidiarity.

162. Pursuant to that decision, certain articles of the Family Code were amended under Act No. 9064 of 2012 and a determination was made to the effect that, with regard to intercountry adoption, both the judicial and the administrative authorities would be governed by procedures that had been previously established in international agreements signed by Costa Rica. Direct intercountry adoption was definitively declared to be unlawful (see annex 6 (32) and (33) (6)).

163. Moreover, even though direct in-country adoption continues to be lawful, since the 2012 amendment was introduced, judges presiding over such cases have been required to ask the National Child Welfare Agency to assess the reasons why a child has been placed elsewhere and declared suitable for adoption (see annex 6 (32) and (33) (7)).

164. The Agency manages international family reunification cases in coordination with the institutional counterparts and consular authorities of the countries concerned and with international organizations. In cases of the unlawful removal or withholding of children or adolescents, the Agency continues to act as the central authority, in implementation of the Hague Convention on the Civil Aspects of International Child Abduction, providing technical and legal support entirely free of charge.

165. Costa Rica has the legislation required to enforce maintenance payment obligations. In the case of children or adolescents under special State protection, the National Child Welfare Agency is responsible for dealing with maintenance payment proceedings. With regard to the Committee's comment 47, it should be noted that legislation relating to the 1996 Convention is in the pipeline.

166. Lastly, the national prison system has developed regulations on the protection of children or adolescents whose parents are in prison and children who are with their mothers in prison (see annex 6 (32) and (33) (8)).

167. A survey of 531 schoolchildren across the country asked the question "What do you consider the most important right of every child?" and 48 per cent replied "the right to have a family".

## **VII. Disability, basic health and well-being**

### **Section 7 (34)**

#### **Observations and recommendations 54 and 55**

168. The National Council of Persons with Disabilities developed the National Disability Policy 2011–2021, which was published in June 2011. Under the policy, a technical body was set up with representatives from related sectors and institutions. The Council's work is coordinated by the National Council of Rehabilitation and Special Education, which has a remit to support the follow-up and coordination of the Plan of Action of the National Disability Policy 2011–2021 (see annex 7 (34) (1)).

169. The objectives of Act No. 7600 on equality of opportunity for persons with disabilities remain valid to this day (see annex 7 (34) (2)).

170. In view of the inequalities associated with disabilities (see annex 7 (34) (3)), the fact that "additional costs" are necessarily incurred by persons with disabilities for them to be able to achieve a decent standard of living and the fact that disabilities often respond to medical treatment, technical aids and personal assistance, inter alia, a number of programmes now take account of these additional resources and include them in in poverty measurement indicators and targeted programmes.

171. The institutional response to the state of poverty in which many children and adolescents with disabilities live and to existing inequalities is reflected in targeted programmes for economically disadvantaged or vulnerable groups or persons living in situations of exclusion or discrimination (see annex 7 (34) (4)). There has been no study of

the impact of these programmes on children and adolescents with disabilities and their families. However, according to the National Council of Persons with Disabilities, it may be fairly stated that, with the exception of those programmes that provide direct, comprehensive care, most have not managed to move away from the welfare model.

172. The Costa Rican Social Security Fund is the institution responsible for public health services. Its remit is to “provide the individual, the family and the community with comprehensive health services and ensure that the Costa Rican public enjoys economic, social and pension protection, in accordance with existing law.” Annex 7 (34) (5) shows the services that the Fund is required to provide for persons with disabilities under Act No. 7600.

173. The Fund is organized based on three levels of care (see annex 7 (34) (6)), although rehabilitation services are offered only at the second and third levels. The National Rehabilitation Centre, a hospital that specializes in rehabilitation, is a provider of third-level care (see annex 7 (34) (7)).

174. The other specialized hospital is the National Children’s Hospital, which is dedicated to the “management and care of children in the population who need highly complex medical and health services”. It treats children only, not adolescents. The hospital’s burns unit has set up a rehabilitation clinic, currently run by an interdisciplinary team. The clinic was originally established to treat children with injuries caused by burns, but its remit was later expanded to include other conditions.

175. According to the National Council of Persons with Disabilities, the National Children’s Hospital needs a paediatric rehabilitation unit and, while the National Rehabilitation Centre is highly specialized and treats children, it does not offer a comprehensive paediatric service. The National Council of Persons with Disabilities has stated that these national hospitals, both situated in San José, are seriously overcrowded and in its judgment, the first and second levels of care should be strengthened. In that connection, a number of rehabilitation services currently offered by various national and regional general hospitals and hospitals in outlying areas and health districts have been expanded. Children, however, are generally referred to the National Children’s Hospital for specialized care.

176. It has to be acknowledged that the strategies adopted to strengthen the first level of care have not been sufficient. Proposed projects on community-based rehabilitation have fallen by the wayside. The issue should be given further consideration (see annex 7 (34) (8)).

177. According to the National Council of Persons with Disabilities, there are gaps in the rehabilitation services offered to persons with sensory, psychosocial or psychiatric impairments. Some services are offered by the Ministry of Public Education, but there is a need for an interdisciplinary and inter-agency approach that takes into account not only educational and pedagogical factors but also functional considerations.

178. The Newborn Hearing Screening Act (No. 9142 of 11 June 2013) was passed recently to guarantee newborn children the right to have their hearing assessed and provide them with timely and comprehensive treatment. Under the Act, public and private health centres must carry out hearing screening tests and the Costa Rican Social Security Fund must provide financial help for the purchase of hearing aids, cochlear implants and other technical aids.

179. The National Council of Persons with Disabilities states that, although the investments in rehabilitation made by the health system are appreciated, there are still often waiting lists to obtain a vital technical aid. In that regard, the Constitutional Division has ruled that it is quite inappropriate to invoke financial, political or administrative reasons to justify failure to comply with the law on the matter (Constitutional Division judgment No. 2012-011668 of 24 August 2012).

180. The Costa Rican Social Security Fund has acknowledged that it must pay special attention to the issue of rehabilitation. It therefore established a disability and rehabilitation committee, which drafted a plan to carry out a substantial reform of the Fund. The Fund has been making efforts to define the services offered in terms of the level of care provided but

makes it clear that, in the case of particularly remote populations that are difficult to reach, the permanent establishment of services is conditional on the issue of physical access.

181. The Ministry of Health has been coordinating with the National Council of Persons with Disabilities on the implementation of the National Disability Policy 2011–2021. The aim is to ensure that the national health policy establishes inclusive policies, particularly as regards the social determinants and production of health as they relate to persons with disabilities. The guidelines for the focus on health are to promote comprehensive health, to ensure access to health and social security services and to provide education on health and sexual and reproductive health.

182. It should be noted that, in all situations, including issues with medication of any kind, the Costa Rican Social Security Fund acts in compliance with Act No. 8239 on the rights and obligations of users of public or private health services. The Fund operates on the basis of informed consent and is the first national institution to create a system of service monitoring in each of its care establishments.

183. In relation to disability, the Ministry of Public Education decided that work with families and the community should be included in all special education services. Moreover, it ensured that transport, food and support products are provided in coordination with the National Rehabilitation Centre and has worked with the Centre on the issuance of technical procurement standards for the purchase of such products.

184. An inter-agency committee made up of representatives of the Ministry of Public Education and the Costa Rican Social Security Fund operates both in the regions and at national level to carry out referrals of people who present a developmental risk or have a disability. Educational services have also been established to provide care for children from birth until the age of 6 years in school districts that do not have special education centres.

185. The Ministry of Public Education views students as the subjects of rights and takes part in the adoption of decisions regarding their educational development. Educational assistance, whether personal, material, technological, organizational or curricular, is in place to promote students' education and participation.

186. The country is also giving priority to early childhood: the National Child Welfare Agency has developed a specific policy, while the Ministry of Public Education has taken steps to secure a sustained increase of investment in its preschool plans (see annex 7 (34) (9)).

187. In 2014, in order to facilitate inter-agency contacts, a coordination protocol was signed by the Ministry of Labour and Social Security, the Ministry of Public Education and the National Training Institute to address the needs of persons with disabilities, including young people, for basic education and vocational training.

## **Section 7 (35)–(37)**

### **Observations and recommendations 6, 57–61 and 64 and 65**

188. The subjects covered in paragraphs (35), (36) (a) and (37) have been addressed in chapter 3, but some specific points may be made to supplement what has already been said.

189. In Costa Rica, children, adolescents and pregnant women are covered by the social security system. Decree No. 39009-S guarantees the right of pregnant women and children to comprehensive health care (see annex 7 (35), (36) and (37) (1)).

190. The National Directorate of Education and Nutrition and the Child Nutrition and Integrated Care Centre provide services for mothers and children who are vulnerable by reason of poverty or social risk, providing both in-house infant care and protection on a daily basis and extramural services that are delivered to the same groups, with the difference that some women live in remote areas or have security concerns, so that they cannot attend establishments of the National Directorate or the Centre every day (see annex 7 (35), (36) and (37) (2)).

191. Of the various strategies developed by the National Directorate and the Centre, particular attention should be paid to the assistance given to parents in protecting and bringing up their children (see annex 7 (35), (36) and (37) (3)).

192. In reply to the Committee's enquiry, it should be made clear that the infant mortality rate in Costa Rica is calculated as follows: the rate represents the relationship between the number of deaths of children under 1 year of age over the course of a single calendar year and the number of births over the same period, per 1,000 births (see annex 7 (35), (36) and (37) (4)).

193. The Ministry of Health has a breastfeeding education committee, which carries out a large number of related functions (see annex 7 (35), (36) and (37) (5)). There are 12 hospitals accredited as baby-friendly. The position of the committee is that a child should be exclusively breastfed until the age of 6 months and a diet with supplementary foods should be introduced thereafter. Breastfeeding should continue until a child is 2 years old or older (see annex 7 (35), (36) and (37) (6)).

194. The Ministry of Health has worked with various institutions to meet a common objective concerning adolescent care. As a result of this coordination effort, a decree was adopted establishing the national standard on prevention and comprehensive care for adolescents in respect of sexual and reproductive health (see annex 7 (35), (36) and (37) (7)). The decree also provides for adolescents of both sexes to have access to modern contraceptive methods (see annex 7 (35), (36) and (37) (8)).

195. The National Child Welfare Agency runs an adolescent mothers programme to support the personal and social development of teenage mothers so that they can remain in education or return to it. This empowers them to become aware of their capacities and realize their educational potential. At the same time, the hope is that it will contribute to a reduction in pregnancies among the target group. As of 2016, the programme had given grants to 1,800 teenage mothers (see annex 7 (35), (36) and (37) (9)).

196. In August 2015, as part of this project, the Ministry of Public Education, the National Directorate of Education and Nutrition, the Child Nutrition and Integrated Care Centre and the National Child Welfare Agency drew up and published inter-agency and intersectoral regulations on teenage pregnancy prevention and care.

197. The number of cases of maternal mortality among adolescents is given below.

**Costa Rica: maternal deaths among adolescents, by year of occurrence, 2010–2015**

<i>Year</i>	<i>Total</i>	<i>Under 15 years</i>	<i>15–17 years</i>
2010	1	1	-
2011	1	-	1
2012	2	-	2
2013	-	-	-
2014	-	-	-
2015	1	1	-

*Source:* Demographic Statistics Unit, National Statistics and Census Institute, vital statistics 2010–2015.

198. Costa Rica is currently considering a draft revision of the rules on the implementation of article 21 of the Criminal Code, which deals with the regulation of abortion procedures in public and private health services. Moreover, the Costa Rican Social Security Fund and the judiciary have prepared a protocol entitled "Inter-agency protocol on comprehensive care for victims of rape in the first 72 hours after the event."

199. The prevention and control of immunopreventable diseases is a public health priority in Costa Rica. The national vaccination standard was issued in 2011 (see annex 7 (35), (36) and (37) (10)).

200. The Ministry of Public Education set up the Health and Environment Department to provide guidance to students on matters related to health and sexuality. The Department has produced programmes for teenagers on health and sexual and reproductive rights (see annex 7 (35), (36) and (37) (11)).
201. The Costa Rican Social Security Fund runs a programme on comprehensive care for adolescents to provide for overall health at the adolescent stage. The objective is to promote human development and health on the basis of clinical research and prevention strategies.
202. The National Development Plan 2015–2018 states that one of its objectives is to improve the mechanisms for identification, care and follow-up of persons with mental or behavioural disorders or users of psychoactive substances.
203. This objective fits in with the National Plan on Drugs 2013–2017. The strategic policy on drug use prevention and treatment stipulates that the national treatment system should be strengthened through appropriate, comprehensive, therapeutic interventions in which account is taken of the gender, age, vulnerability and cultural circumstances of different sectors of the population.
204. A national survey on drug use among secondary-school-age children, which compared the years 2009 and 2012, showed that children were starting to use drugs – principally alcohol – at a later age. This suggests that the strategies used are having an impact.
205. With regard to tobacco use, the implementation of Act No. 9028 from 2012 onwards seems to have been instrumental in persuading children to put off smoking, both because of regulation and because of a rise in the price of cigarettes.
206. According to data from the Alcoholism and Drug Dependency Institute covering the years 2011 to 2015, the Institute registered a sustained increase in the resources allocated for children and adolescents (see annex 7 (35), (36) and (37) (12) and chapter 3 (23) (c) and (27)).
207. As regards the question of the protection of children and adolescents and their standard of living, as stated above, the State has been investing in comprehensive protection by strengthening its efforts in the areas of promotion, education and prevention in order to guarantee the rights of this group. The Early Childhood Policy and the programmes of the National Child Welfare Agency described above are highly relevant to such efforts, as are the National Childcare and Child Development Network in Costa Rica and the other social programmes mentioned above (see annex 7 (35), (36) and (37) (13)).
208. It is worth repeating that the Government is implementing a new strategy to tackle poverty, extreme poverty and vulnerability. This strategy involves measures to improve operational coordination between institutions and organized civil society and immediate and direct follow-up of activities undertaken with families to improve their living conditions. This is the strategy known as the Bridge to Development (see annex 7 (35), (36) and (37) (14)).
209. The National Information System and Central Register of State Beneficiaries was established pursuant to Act No. 9137. The aim is to maintain a central database on national coverage that contains information on all the families and individuals who receive services, assistance and financial subsidies from the State (see annex 7 (35), (36) and (37) (15)).
210. The Office of the Public Prosecutor has established a procedure for conducting legal assessments of police statements and reports and for destroying unauthorized drugs seized in situations without any connection to criminal activity. This procedure ensures that children and adolescents found using drugs are not treated as criminals but are dealt with using a holistic therapeutic approach and a social education framework (see annex 7 (35), (36) and (37) (16)).
211. A survey of 670 adolescents across the country indicated that 42 per cent of respondents considered one of the main problems of adolescents in Costa Rica to be drug and alcohol use.

## VIII. Education, recreation and cultural activities

### Section 8 (38) and (39)

#### Observations and recommendations 66–71

212. The Ministry of Public Education is responsible for ensuring the operation and consolidation of a system of educational excellence that gives the whole of the population access to a high-quality education, with the focus being on integral development and on nurturing a Costa Rican society marked by opportunity and social equity (see annex 8 (38) and (39) (1)).

213. An amendment to the Constitution was adopted in May 2011 under which the State is required to invest a minimum of 8 per cent of the gross domestic product (GDP) in education. This involved an amendment of article 78 of the Constitution, whereby investment in education was raised from a baseline of 6 per cent to one of 8 per cent (see annex 8 (38) and (39) (2)).

214. The Ministry of Public Education set up the National Council on the Assessment of the Quality of Education in 2015 with the aim of promoting the development of more effective educational centres, of a higher standard, as part of a new Costa Rican society (see annex 8 (38) and (39) (3)).

215. In its quest to achieve the desired quality of education based on an approach that focused on the human rights of children and adolescents, the Ministry has set up a range of functional units and programmes (see annex 8 (38) and (39) (4)).

216. These include the Division of Student Affairs, which runs programmes to combat discrimination and promote the acceptance of diversity and the idea of living in harmony with others.

217. The programmes include the following:

- “Con vos” (With you)
- “Convivir” (Living together)
- Festival Estudiantil de las Artes (Student Arts Festival)
- “Ponele a la Vida” (Connect to life), an inter-agency project
- “Érase una vez” (Once upon a time)
- Health and environment
- Sports programmes
- An introduction to sports
- Student community service
- Orientation
- Teacher training: Actualizándonos! (Bringing us up to date)
  - “Convivencia Armónica” (Living together in harmony)
  - “Cultura de Paz” (Culture of peace)
- Student government programme
- Ethics, aesthetics and citizenship programme

218. The Student Rights Office protects students’ rights, promotes non-discrimination and assists students in defending themselves against human rights violations and reporting such violations.

219. The Human Rights Office provides training to teachers regarding student rights and due process.

220. The Committee of Persons of African Descent promotes discrimination-free educational centres and puts the focus on interculturalism among teaching and administrative staff.

221. The Directorate of Curricular Development implements new study programmes for the first and second cycles.

222. The Disciplinary Department conducts investigations into alleged abuses of authority on the part of officials of the Ministry of Public Education or acts of violence committed by such officials against students.

223. Orientation and guidance are provided to students' parents and guardians.

224. The Special Education Department provides services for children and adolescents with disabilities and for members of various other population groups and seeks to promote changes in the educational system that will make it more inclusive. The Department also plays a role in implementing Act No. 8283 on the financing and development of support teams for students with disabilities enrolled in lower and upper secondary school.

225. The Special Education Department of the Ministry of Public Education provides support services for students with disabilities who attend mainstream schools. Services in the following specialized fields may be provided on an in-house basis or may be delivered by mobile or roving units of professionals:

- Mental retardation (intellectual disability)
- Learning disabilities
- Emotional and behavioural disorders
- Visual disability
- Multiple disabilities
- Hearing and language

226. Disability training for teachers is coordinated with the Institute of Professional Development attached to the National Centre for Inclusive Education Resources.

227. The Health and Environment Department develops and runs health and sexual and reproductive rights programmes for adolescents within and outside the educational system. These programmes cover sexual and reproductive rights, healthy sexuality, the prevention of unwanted pregnancies, sexually transmitted diseases, HIV/AIDS and the accessibility and use of condoms and other contraceptive devices.

228. The Department of Intercultural Education runs programmes and activities in educational centres aimed at promoting and maintaining the country's indigenous culture. It also protects the rights of indigenous children.

229. The Migrations, Coexistence and Intercultural Education Unit ensures that migrants and refugees enjoy the same degree of access to education as the rest of the population, free of charge.

230. When dealing with teenage mothers and fathers, schools use the guidelines on education concerning relationships and sexuality issued by the Ministry of Public Education.

231. The Ministry has a programme on sexual diversity which uses teaching materials concerning acceptance and non-discrimination with regard to students with diverse sexual preferences or transgender students. It has also issued directives and institutional guidelines on the promotion of respect for sexual diversity and non-discrimination.

232. Although religion courses in the schools are based on the Roman Catholic faith, the new curricula emphasize respect for freedom of belief and take a more ecumenical approach that focuses on values and spirituality rather than specific religious precepts.

233. The Ministry has also included a module on masculinity and sensitivity in the Costa Rican educational system.



234. “Schools for change” undertake activities in line with the National Policy on Equality and Gender Equity and form a direct part of Core Element 3 of the Ministry’s gender policy, entitled “Education with a gender perspective”. This initiative is coordinated under an agreement concluded between the Ministry and the National Women’s Institute (INAMU) in May 2015.

235. In 2011, a framework cooperation agreement was signed by the Ministry and the National Training Institute which provides students enrolled in vocational training courses at the Institute with the opportunity to complete their primary and/or secondary educations.

236. There has been an increase in the percentage of students passing their upper secondary school final exams in rural schools in indigenous territories. Whereas, in 2013, the percentage was 31 per cent, in 2014 it rose by 13 per cent, taking the pass rate to 44 per cent.

237. The coverage of instruction in indigenous languages provided by mobile teaching services also increased, rising to 64 per cent (see annex 8 (38) and (39) (5)).

238. The Ministry has produced bilingual materials to meet the specific needs of indigenous students in preschool and in primary and secondary schools (see annex 8 (38) and (39) (6)).

239. In a countrywide survey of 670 adolescents, they were asked which rights they considered to be the most important ones for them: 42 per cent named the right to a home, 29 per cent chose the right to education, 21 per cent selected the right to freedom of expression and 8 per cent picked the right to recreation.

## **IX. Special protection measures**

### **Section 9 (40) and (41)**

#### **Observations and recommendations 72, 73 and 76–83**

240. With regard to the measures taken to provide protection for child and adolescent refugees and for unaccompanied children who are seeking asylum, the Comprehensive Migration Policy of Costa Rica 2013–2023 is a protective instrument designed to secure the recognition of refugee status or the granting of asylum as quickly as possible. Regulations that set out the procedure for determining refugee status in Costa Rica entered into force in 2011, and these regulations have reduced the response times involved in the determination of refugee status. They also provide that, where the Government has failed to resolve the matter within the statutory time limit, the DGME shall grant an applicant for refugee status a work permit under its ancillary asylum procedure.

241. With regard to the Committee’s recommendation No. 81, it should be clarified that article 106 of the Migration Act provides that gender is one of the grounds for the determination of refugee status. Article 11 of the regulations governing the determination of refugee status also incorporates a gender perspective.

242. In the case of migrant children who are at differing stages in the migration status determination process in Costa Rica, as already stated, the tripartite commission has produced five protocols on the identification of such children and on the care and protection that they are to be given.

243. Under an agreement between UNHCR, the Association of International Consultants and Advisers, DGME and the National Child Welfare Agency, refugee, stateless and asylum-seeking children and adolescents receive special treatment (see annex 9 (40) and (41) (1)). The Restricted Visas and Refugees Committee and the Refugee Unit receive regular training from UNHCR to ensure that the 1951 Refugee Convention, its 1967 Protocol and the UNHCR guidelines on the determination of refugee status are followed properly.

244. As regards document processing fees, article 62 of the regulations on refugee status determination states that DGME may waive those fees for a child, an adolescent, an older person or a person with a disability.

245. The present report contains extensive references to indigenous issues, including the measures taken by the Civil Registry and DGME to facilitate registration and migration documentation for indigenous persons and the steps taken to ensure their health, provide them with access to justice, prevent discrimination and secure the adoption of specific laws for the benefit of this minority group.

246. As for children and adolescents who are living in the streets, the National Child Welfare Agency provides them with the appropriate services by means of specialized technical legal procedures based on a protocol concerning services for children and adolescents living on the street (see annex 9 (40) and (41) (2)).

247. As regards the special protection measures taken for the benefit of children and adolescents subjected to economic exploitation or child labour, please see sections 30 and 31 of the present report.

248. According to tabulations of the results for the child labour module of the 2011 National Household Survey, 42,571 children between the ages of 5 and 17 years were working in that year, which amounts to a rate of 4.3 per cent. Of those, 67.4 per cent were males and 32.6 per cent females. A total of 14,196 children were prohibited from working because they were below the minimum working age, while 28,375 adolescents were of an admissible age to work under special legislation. Of those surveyed, 50.58 per cent lived in urban areas and 49.42 per cent in rural areas. Of that number, only 55.1 per cent went to school regularly, while the other 44.9 per cent did not. The results of the 2016 National Household Survey showed a significant change in the statistics on this subject for all the measurement indices. This demonstrates that national policies and plans have had an impact; for example, the number of child workers between the ages of 5 and 17 years fell to 30,369. For more information on these changes, see annex 9 (40) and (41) (3).

249. Mention has already been made in the present report of the work of CONACOES, the issue of sexual exploitation in general, its frequency and the approach taken to combating it, as well as the subject of trafficking in children and adolescents, the country's anti-trafficking laws and mechanisms, and the structure and strategies set up to address the problem. One example is Act No. 9307, which established a warning system and the procedure to be followed for the coordination and immediate response of public and private institutions in the event of a disappearance or abduction of a child or adolescent (see annex 9 (40) and (41) (4)). The difference police forces have been given training in these areas (see annex 9 (40) and (41) (5)).

250. The Ministry of Public Education has embarked on two regional projects on these topics which are worthy of special mention:

1. A scheme funded by the Kingdom of the Netherlands and Finland to combat violence against women, trafficking in women and femicide/feminicide which is part of the Central American Security Strategy of the Central American Integration System (SICA);
2. The Mesoamerican programme entitled Strengthening Capacities to Protect and Assist Migrants in Situations of Vulnerability, which is funded by the Bureau of Population, Refugees, and Migration of the Department of State of the United States of America.

251. With regard to recommendation No. 80 that Costa Rica should criminalize the possession of child pornography, Act No. 8590, which provides for more intensive action to combat the sexual exploitation of children and adolescents, already introduced an amendment along those lines, which appears in article 173 bis of the Criminal Code. Provisions on child pornography have been reformulated and included in the Code pursuant to Act No. 9095 of 2012 and Act No. 9177 of 2013 (see annex 9 (40) and (41) (6)). As for observation No. 79 and recommendation No. 80, in which the Committee advocates the adoption of bill No. 14204, that bill has been set aside. Pursuant to Act No. 9095 of 2012, however, article 162 bis, which criminalizes sex tourism, has been added to the Criminal

Code. In that connection, another addition to the Criminal Code is article 189 bis, which relates to labour exploitation (see annex 9 (40) and (41) (7)).

252. On the issues of restorative criminal justice and young people in conflict with the juvenile criminal legal system, please see section 5 (30) and (31).

253. As part of its public policy on restorative juvenile justice, the country needs to improve its programmes on non-custodial measures in order to ensure that they are systematically applied and include the relevant training, educational and therapeutic components. The country must give careful consideration to the important question of developing comprehensive procedures so as to ensure that each organization assumes its proper role, especially in the case of children and adolescents who lack family support networks. The Ministry of Public Security has said that it has made every effort to ensure that detainees under the age of 18 years are not held in its detention centres but are instead immediately brought before the appropriate judicial authority.

254. Neither the death penalty nor a sentence of life imprisonment exists in Costa Rica.

255. In a survey of 531 schoolchildren across the country, in answer to the question “How could the National Child Welfare Agency best help you?” 45 per cent replied: “by telling our parents how to look after us and what we don’t like and telling them not to hit us”.

## **X. Follow-up to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**

### **Section 10 (42)**

256. Many of the activities conducted in implementation of the Optional Protocol and further to the Committee’s recommendations have already been described in the present report.

257. Costa Rica has been producing legislation and developing operational strategies and structures to address the requirements set out under the Protocol.

258. Act No. 8720 on protection for victims, witnesses and other parties to criminal trials was adopted in 2009 (see annex 10 (42) (1)).

259. Act No. 9095 on Human Trafficking and the Establishment of the National Coalition to Combat the Smuggling of Migrants and Human Trafficking entered into force on 8 February 2013 (see annex 10 (42) (2)).

260. The Act provided for the establishment of the National Coalition to Combat the Smuggling of Migrants and Human Trafficking to promote the formulation, execution, follow-up and evaluation of national, regional and local public policies on the prevention of smuggling and human trafficking, on the care and protection of victims and on the prosecution and punishment of persons guilty of such crimes. This has involved not only overhauling the country’s legislation and bringing it into line with the international commitments entered into by Costa Rica but also training various institutions’ staff and providing them with specialist knowledge. The Coalition is responsible for the evaluation of projects that may receive a budget from the National Fund against Human Trafficking and Smuggling of Migrants, which was also established under the Act (see annex 10 (42) (3)).

261. The Act also provides for the establishment of an emergency response team, a specialized inter-agency body responsible for mobilizing first line care services for victims of human trafficking and their dependants.

262. The country has provided a strong response and set up a legal and strategic operational framework that meets the requirements of the Optional Protocol (see annex 10 (42) (4)).

263. When 670 adolescents across the country were asked what were the principal problems facing those in their age group in Costa Rica, 8 per cent mentioned teenage pregnancy and 4 per cent commercial sexual exploitation.

## **XI. Follow-up to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

### **Section 11 (43)**

265. On 17 November 1983, the Government of Costa Rica proclaimed a policy of active, permanent and unarmed neutrality. Within the country, it pursues a culture of peace, non-violence and respect for human rights and nature.

266. The country has a police force that performs a preventive function – the administrative police – and one that acts as a controlling force – the criminal investigation force. Under article 59 of the General Police Act, the minimum age for enrolment in either of these forces, which are both entirely civilian in nature, is 18 years.

267. As Costa Rica has no armed forces and the region is currently stable, it is not in any need of permanent assistance or humanitarian support programmes for child or adolescent victims of war.

268. In a survey of 531 schoolchildren across the country, 49 per cent, when asked what they needed to make them happy, said that they wanted to be given hugs and kisses, to be loved and cared for.

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