



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

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the eighth periodic report of Costa Rica\*

1. The Committee considered the eighth periodic report of Costa Rica (CEDAW/C/CRI/8) at its 1960th and 1962nd meetings (see CEDAW/C/SR.1960 and CEDAW/C/SR.1962), held on 20 and 21 February 2023. The list of issues and questions raised by the pre-sessional working group is contained in CEDAW/C/CRI/Q/8, and the responses of Costa Rica are contained in CEDAW/C/CRI/RQ/8.

#### A. Introduction

2. The Committee appreciates the submission by the State party of its eighth periodic report. It also appreciates the State party's follow-up report (CEDAW/C/CRI/FCO/7) and its written replies to the list of issues raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Executive President of the National Institute for Women, Adilia Caravaca Zúñiga, and included representatives of the Ministry of Foreign Affairs and Worship, the Legislative Assembly, the judicial power, the Department of Social Security and the Department of National Planning and Economic Policy, as well as the Deputy Permanent Representative, Shara Duncan Villalobos, and other representatives of the Permanent Mission of Costa Rica to the United Nations Office and other international organizations in Geneva.

#### B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2017 of the State party's seventh periodic report (CEDAW/C/CRI/7) in undertaking legislative reforms, in particular the adoption of the following:

(a) Law No. 10263 on Comprehensive Reparation for Femicide Survivors, establishing a regime for the comprehensive reparation of family survivors of femicide, in 2022;

\* Adopted by the Committee at its eighty-fourth session (6–24 February 2023).



- (b) Law No. 10120 on Affirmative Action in favour of Afrodescendants, in 2022;
- (c) Law No. 10081 on women's rights to skilled, dignified and respectful care during pregnancy, childbirth and the postnatal period, and in relation to newborn care, in 2022;
- (d) Reforms to Law No. 7476 against Sexual Harassment or Harassment in Employment and Teaching, in 2021;
- (e) Entry into force of the Constitutional Court decision on the protection of same-sex marriage, in compliance with the provisions of advisory opinion OC-24/17 of the Inter-American Court of Human Rights, in 2020;
- (f) Law No. 9710 on protecting the right to nationality of Indigenous persons and guaranteeing the integration of Indigenous persons living in border areas, in 2019;
- (g) Decree No. 41337-MGP, recognizing the right to sexual and gender identity for foreign persons in the immigration identity document for foreigners (DIMEX), in 2018;
- (h) Decree No. 41329-MGP, recognizing rights of same-sex migrant couples, in 2018.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

- (a) National policy for addressing and preventing violence against women for 2017–2032;
- (b) National policy for effective equality of women and men in Costa Rica for 2018–2030.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified the Workers with Family Responsibilities Convention, 1981 (No. 156), of the International Labour Organization, in 2018.

### **C. Sustainable Development Goals**

7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of *de jure* (legal) and *de facto* (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of Costa Rica and to adopt relevant policies and strategies to that effect.

### **D. Parliament**

8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the Legislative Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

## E. Principal areas of concern and recommendations

### **Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations**

9. The Committee notes the 29 court decisions in which judges have referred to the Convention. It notes with concern, however, that the Convention, the Optional Protocol thereto and the Committee's general recommendations are not fully incorporated into domestic law and that women, in particular women living in poverty, women with disabilities, migrant women and rural women, are often not aware of their rights under the Convention and the remedies available to claim them.

**10. The Committee recommends that the State party widely disseminate the Convention, the Optional Protocol thereto and the Committee's general recommendations and raise awareness among women, including women living in poverty, women with disabilities, migrant women and rural women, of their rights under the Convention and the legal remedies available to them to claim violations of those rights.**

### **Definition of equality and non-discrimination**

11. The Committee notes the State party's efforts to strengthen its legal and regulatory framework to give effect to the principles of equality of women and men and of non-discrimination. However, it notes with concern the limited implementation of laws and policies in place to address intersecting forms of discrimination against women, in particular women affected by poverty, Indigenous women, women of African descent, women with disabilities, migrant women and rural women.

**12. The Committee recommends that the State party adopt and ensure the effective implementation of legislation that prohibits discrimination against women, covering direct and indirect discrimination in the public and private spheres, and intersecting forms of discrimination, in line with articles 1 and 2 of the Convention, the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, and target 5.1 of the Sustainable Development Goals on ending all forms of discrimination against all women and girls everywhere.**

### **Women's access to justice**

13. The Committee notes the adoption of Law No. 9593 (2018) on Access to Justice for Indigenous Peoples and the recruitment of seven legal professionals to the Department for Women's Affairs of the National Institute for Women providing free legal aid to women without sufficient means. Nevertheless, the Committee notes with concern:

(a) Economic barriers to women's access to justice and the limited availability of free legal aid;

(b) Barriers to access to justice faced by Indigenous women, women of African descent, migrant, refugee and asylum-seeking women and women with disabilities, such as legal illiteracy and the lack of information on available remedies to complain about intersecting forms of discrimination.

**14. The Committee, in line with its general recommendation No. 33 (2015) on women's access to justice, recommends that the State party:**

(a) **Expand public legal aid services that are adequately funded to ensure legal assistance to women without sufficient means in criminal, civil and administrative proceedings relating to gender-based violence and discrimination against women;**

(b) **Strengthen access to justice for Indigenous women, women of African descent, migrant, refugee and asylum-seeking women and women with disabilities, including through legal literacy campaigns, addressing linguistic barriers, accessible courts and disseminating information about the legal remedies available to claim their rights.**

#### **National machinery for the advancement of women and gender mainstreaming**

15. The Committee notes with concern:

(a) That hate speech and threats by extremist groups against the National Institute for Women risk weakening the national machinery for the advancement of women;

(b) The limited authority, mandate and capacity of the municipal offices for women's affairs to effectively advance women's human rights at the local level;

(c) The lack of collaboration of the national machinery for the advancement of women with women's civil society organizations.

16. **The Committee recommends that the State party:**

(a) **Adopt effective measures to protect the National Institute for Women against threats and hate speech;**

(b) **Strengthen the authority, mandate and capacity of the municipal offices for women's affairs by allocating adequate human, technical and financial resources and providing capacity-building on women's rights and gender equality to them;**

(c) **Ensure effective coordination and consultation between the national machinery and women's civil society organizations, including those representing Indigenous women, women of African descent and women with disabilities, in the adoption and implementation of public policies and programmes for the advancement of women and integrate a human rights-based approach and an intersectional gender perspective in those policies.**

#### **National human rights institution**

17. The Committee notes with concern:

(a) The drastic cut in the resources of the Ombudsperson Office for Women within the Office of the Ombudsperson of Costa Rica, further undermining its capacity to promote and protect the rights of women, including women and girls with disabilities and Indigenous, migrant, Afrodescendent, and lesbian, bisexual, transgender and intersex women;

(b) That the proposed draft law No. 23217 amending Law No. 7319 (1992) on the Office of the Ombudsperson of the Republic seeks to dismantle the Ombudsperson Office for Women and other offices for specific disadvantaged groups within the Office of the Ombudsperson of Costa Rica;

(c) Significant delays in appointing the Director of the Office of the Ombudsperson.

18. **The Committee urges the State party to allocate adequate human, technical and financial resources to the Ombudsperson Office for Women within the Office of the Ombudsperson of Costa Rica so that it can effectively and independently discharge its mandate to promote and protect women's rights and gender equality, including by considering complaints by women and girls in a confidential and gender-responsive manner. It also recommends that the State**

party repeal or amend the proposed draft law No. 23217 amending Law No. 7319 (1992) on the Office of the Ombudsperson of the Republic to ensure the maintenance and independence of the Ombudsperson Office for Women and all specialized offices within the Office of the Ombudsperson. It further recommends that the State party expedite the confirmation of the head of the Office of the Ombudsperson of Costa Rica and ensure that the process is transparent and in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

#### **Temporary special measures**

19. The Committee notes the affirmative action in favour of people of African descent envisaged in Law No. 10120 of 2 February 2022. However, it notes with concern the lack of information on the use of temporary special measures to achieve substantive equality of other disadvantaged groups of women, such as Indigenous women, migrant, refugee and asylum-seeking women, female heads of household and women with disabilities.

20. The Committee recalls its previous concluding observations ([CEDAW/C/CRI/CO/7](#), para. 13) and recommends that the State party:

(a) Raise awareness of the non-discriminatory nature of temporary special measures among politicians, public officials and the general public;

(b) Adopt temporary special measures in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to accelerate the achievement of substantive equality of women and men in all areas covered by the Convention where women are underrepresented or disadvantaged, including in political, public and economic life, education, employment, health care and social security, and to address intersecting forms of discrimination against Indigenous, Afrodescendent, migrant, refugee and asylum-seeking women, female heads of household and women with disabilities.

#### **Stereotypes**

21. The Committee acknowledges the measures adopted by the State party to eliminate gender stereotypes, such as awareness-raising and educational campaigns in the framework of the national policy for effective equality of women and men in Costa Rica for 2018–2030, to sensitize public officials on gender equality. However, the Committee is concerned about the persistence of discriminatory gender stereotypes about the roles and responsibilities of women and men in the family and in society in the State party.

22. The Committee recommends that the State party:

(a) Strengthen its measures, including awareness-raising and education campaigns throughout the State party, targeting political, Indigenous and religious leaders, teachers, girls and boys, and women and men, to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, and promote equal sharing of family responsibilities between women and men;

(b) Ensure that all intervention measures to change societal stereotypes are conducted through an intersectional lens, so that they combat stereotypes against Afrodescendent, Indigenous, migrant, lesbian, bisexual, transgender and intersex and older women and women with disabilities;

(c) Conduct follow-up studies to measure the effectiveness of the campaigns and other intervention strategies.

### **Gender-based violence against women**

23. The Committee notes the adoption of the national policy for addressing and preventing violence against women (2017–2032), as well as of measures to improve access to justice for women victims of gender-based violence. However, it notes with concern:

- (a) The prevalence of gender-based violence against women in the State party, including femicides, disappearances and psychological and sexual violence;
- (b) The persistence of the practice of so-called conversion therapy to change the sexual orientation or gender identity of lesbian, bisexual and transgender women;
- (c) Reported cases of medically unnecessary and irreversible surgery and treatment performed on intersex children, including girls;
- (d) The existence of de facto unions between adults and children.

24. **Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, and target 5.2 of the Sustainable Developments Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, the Committee recommends that the State party:**

- (a) **Strengthen measures to prevent gender-based violence against women, as well as victim support services, including adequate shelters, free legal assistance and psychosocial counselling, in particular in remote rural and border areas;**
- (b) **Prohibit the practice of so-called conversion therapy and other forced, involuntary or otherwise coercive or abusive treatment performed on lesbian, bisexual and transgender women by approving draft law No. 20.970 without delay;**
- (c) **Prohibit non-essential medical or surgical treatment of intersex children, including girls, before they are of sufficient age or maturity to take autonomous decisions and give their free, prior and informed consent; adopt and implement human rights-based health-care protocols for intersex children, including girls, that uphold their autonomy and physical integrity, and ensure that intersex children and their families have access to peer support and free legal assistance, medical and psychosocial services;**
- (d) **Amend all relevant legislation to prohibit and eliminate de facto unions between adults and children.**

### **Trafficking and exploitation of prostitution**

25. The Committee notes the national policy against human trafficking (2020–2030) of the National Coalition against the Smuggling of Migrants and Trafficking in Persons, the national action plan against commercial sexual exploitation of children and adolescents (2022–2025) and the establishment of regional task forces to promote law enforcement coordination in trafficking cases. However, the Committee notes with concern:

- (a) That the State party is a country of origin, transit and destination for trafficking in persons, in particular women and girls, for purposes of sexual exploitation and forced labour, as well as the heightened risk of sex trafficking for Indigenous, Afrodescendent and migrant women and girls in the Pacific coastal zones;

(b) The reduction since 2020 in the funding of the National Fund against Trafficking in Persons and Smuggling of Migrants;

(c) The limited access to information on the illicit practices of trafficking and migrant smuggling networks for migrant women and girls in transit and/or in an irregular situation, refugee and asylum-seeking women and girls, particularly Haitians and Africans;

(d) The prevalence of child sex tourism in the State party.

**26. Recalling its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee recommends that the State party:**

(a) **Allocate sufficient human, technical and financial resources to the implementation of the national policy against human trafficking (2020–2030) and strengthen the early identification and referral of women and girls victims of trafficking to appropriate services, especially in border areas and the Pacific coastal zones;**

(b) **Allocate sufficient funding to the National Fund against Trafficking in Persons and Smuggling of Migrants to ensure adequate support services for victims of trafficking, including shelters, psychosocial counselling and reintegration programmes;**

(c) **Provide accessible and timely information on the illicit practices of trafficking and migrant smuggling networks to women and girls at risk of trafficking, in particular migrant women and girls in transit and/or in an irregular situation, refugee and asylum-seeking women and girls, including in the languages of the main migrant populations in the State party such as Haitians and Africans, and strengthen cooperation with and State funding for non-governmental organizations that operate shelters and provide support services to victims of trafficking;**

(d) **Adopt legislation to stop child sex tourism throughout the State party.**

#### **Equal participation in political and public life**

27. The Committee welcomes the efforts of the State party to promote parity, including through temporary special measures such as an alternation mechanism, which resulted in Congress achieving near parity during the 2018–2022 period and in a high percentage of women in executive positions. However, the Committee notes with concern:

(a) That the Parliamentary Group of Women in Congress, created in 2016 to strengthen legislative measures to advance women's rights, ceased to function;

(b) The low participation of women in regulatory frameworks for new communications and information technologies and artificial intelligence, causing algorithmic bias;

(c) Delays in the promulgation of the women and peace and security national action plan.

**28. The Committee recommends that the State party:**

(a) **Reactivate the Parliamentary Group of Women in Congress to strengthen legislative measures for the advancement of women;**

(b) **Ensure the participation of women in regulatory frameworks and the design of legislation for new communications and information technologies and artificial intelligence;**

(c) **Expedite the promulgation of the women and peace and security national action plan and ensure that it addresses women and climate security and that it includes the active participation of women and includes a focus on Security Council resolution 1820 (2008) on conflict-related sexual abuse.**

### **Education**

29. The Committee acknowledges the country's high literacy rate of 98 per cent and the establishment of community centres to increase access to technology and digital literacy by communities and takes note of initiatives such as *Puente al Desarrollo*, *Avancemos* and *Creceamos* to reduce the digital gender divide and address the feminization of poverty. However, it notes with concern:

(a) The so-called "education blackout" or technological gap and limited Internet access for women and girls, exacerbated by the coronavirus disease (COVID-19) pandemic, which intensified existing gender inequalities in the State party, particularly in rural areas;

(b) The lack of measures to meet women's and girls' needs to develop science, technology, engineering and mathematics and digital skills, including for rural, migrant, refugee and Afrodescendent girls and women and women and girls with disabilities.

30. **Recalling its general recommendation No. 36 (2017) on the right of girls and women to education and target 4.1 of the Sustainable Development Goals, to ensure by 2030 that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes, the Committee recommends that the State party:**

(a) **Approve and implement without delay the Connectivity Law to address barriers to women's access to the Internet and recognize their right to connectivity and to access information and telecommunications technologies in all parts of the State party, and increase the number of community centres in rural areas to take technology and digital literacy/skills closer to rural, Indigenous, Afrodescendent, migrant and refugee women and women with disabilities;**

(b) **Promote the participation of women and girls in non-traditional fields of study and career paths, in particular in science, technology, engineering and mathematics and information and communications technology and in environmental sciences, including climate change mitigation and disaster risk reduction.**

### **Employment**

31. The Committee notes that the revised Labour Code (2022) now provides for eight days of paid paternity leave for the private sector, as well as the adoption of Law No. 9677 (2019) for the Protection of Equal Pay for Women and Men and the recent introduction of the national care policy for 2021–2031, which seeks to progressively implement a system of care for persons in situations of dependency. However, the Committee notes with concern:

(a) That public care services are underfunded and limited essentially to persons living in poverty, and that women therefore continue to carry a disproportionate burden of unpaid care work in the State party;

(b) The high unemployment and self-employment rates among women and their overrepresentation in the informal economy, where they have limited access to social protection schemes;

(c) The slow progress in promoting women's equal representation on company boards and in cooperative associations and trade unions and in local governance;

(d) The limited employment opportunities for rural women, women with disabilities, Indigenous women, Afrodescendent women on the coast, migrant women and lesbian, bisexual, transgender and intersex women in the State party;

(e) Reported workplace violence, harassment and hate speech against migrant, refugee and asylum-seeking women.

**32. The Committee recommends that the State party:**

(a) **Progressively expand the public care system, including through gender-responsive budgeting and redistributive fiscal measures, in order to reduce women's disproportionate burden of unpaid care work;**

(b) **Promote women's access to formal employment, including for rural women, women with disabilities, and Indigenous, Afrodescendent, migrant, returnee, lesbian, bisexual, transgender and intersex women, and extend social protection schemes to women employed in the informal economy;**

(c) **Strengthen initiatives to promote women's equal representation in the private sector, including by providing financial incentives for private companies to adhere to the Gender Equality Seal, the Gender Parity Initiative and the Women's Empowerment Principles, as well as for the recruitment of women to leadership positions, including in non-traditional sectors;**

(d) **Establish employment retention schemes specifically targeted at promoting access by women facing intersecting forms of discrimination, including rural women, women with disabilities, and Indigenous, Afrodescendent, migrant, lesbian, bisexual, transgender and intersex women, to formal employment;**

(e) **Ratify the Violence and Harassment Convention, 2019 (No. 190), of the International Labour Organization.**

**Health**

33. The Committee notes the decrease in the number of early pregnancies in the State party and welcomes the adoption of technical guidelines for the therapeutic termination of pregnancy (2019). However, it remains deeply concerned at:

(a) The criminalization of abortion in cases of rape, incest or severe fetal impairment and women's limited access to safe abortion and post-abortion services in the State party;

(b) Threats to repeal the technical guidelines for the therapeutic termination of pregnancy and the lack of training of medical personnel on the guidelines;

(c) The low contraceptive use by adolescents and limited access for women to modern contraceptives and sexual and reproductive health services, in particular in rural and coastal areas;

(d) The non-incorporation of the childbirth traditions of Indigenous women into obstetric practice in the State party.

**34. In line with its previous concluding observations ([CEDAW/C/CRI/CO/7](#), para. 31), general recommendation No. 24 (1999) on women and health and targets 3.1 and 3.7 of the Sustainable Development Goals, to reduce global maternal mortality and ensure universal access to sexual and reproductive health-care services, the Committee recommends that the State party:**

(a) **Amend without delay the Criminal Code to legalize abortion at least in cases of rape, incest, threats to the life or health of the pregnant woman and**

severe fetal impairment, decriminalize it in all other cases, and ensure that women have adequate access to safe abortion and post-abortion services;

(b) Cease efforts to repeal the technical guidelines for the therapeutic termination of pregnancy and widely disseminate and provide mandatory training to health professionals on the guidelines, with a view to reducing the number of unsafe abortions in the State party;

(c) Ensure that women and adolescent girls have affordable access to sexual and reproductive health services and modern contraceptives, including in rural and coastal areas, and integrate age-appropriate sexuality education, including on responsible sexual behaviour, safe contraceptive use and prevention of sexually transmitted diseases in curricula at all levels of education;

(d) Ensure the availability of childbirth traditions of Indigenous women in obstetric practice throughout the State party.

#### **Rural women**

35. The Committee notes that the Rural Development Institute has integrated a gender perspective in its new model of territorial governance. However, it notes with concern:

(a) That rural women have limited access to land titles and ownership;

(b) The lack of participation of rural women in the adoption, implementation and economic benefits of rural development projects of territorial councils for rural development;

(c) The lack of public transport in rural areas, which complicates rural women's and girls' access to education, employment opportunities and quality and specialized health services.

36. **In line with its general recommendation No. 34 (2016) on the rights of rural women and target 5.a of the Sustainable Development Goals, to undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws, the Committee recommends that the State party:**

(a) Ensure that rural women have equal access as men to land titles and ownership, including by dismantling patriarchal attitudes and gender stereotypes that are prevalent in rural areas;

(b) Ensure rural women's effective participation in the adoption, implementation and economic benefits of rural development projects and in territorial governance structures, especially at the decision-making level;

(c) Take urgent measures to improve public transport in rural areas to enable rural women to access education, employment opportunities and quality and specialized health services, including sexual and reproductive health services.

#### **Indigenous women and women of African descent**

37. The Committee notes that Law No. 9710 (2019) on protecting the right to nationality of Indigenous persons and guaranteeing the integration of Indigenous persons living in border areas guarantees nationality to the border people of Ngäbe-Buglé. However, it notes with concern:

(a) Cases of forced evictions of Indigenous women and women of African descent from lands traditionally occupied or used by them and the dispossession of such lands by private non-State actors;

(b) That dispossession of Indigenous lands, increased gender-based violence, intimidation and threats against Indigenous women undermine their social role in the transmission of Indigenous scientific knowledge, food sovereignty and the possibility of developing their entrepreneurial skills;

(c) That Indigenous women and girls have limited access to education, adequate water and sanitation, electricity and culturally appropriate health services in the State party.

**38. The Committee recommends that the State party:**

(a) **Take resolute action against land dispossession and forced evictions of Indigenous women and women of African descent from lands traditionally occupied or used by them, strengthen legal and procedural safeguards to protect them, and ensure their meaningful participation in decision-making processes regarding the use of traditional Indigenous lands;**

(b) **Investigate all forms of gender-based violence against Indigenous women, including forced evictions and dispossession of lands, prosecute and adequately punish perpetrators and provide redress for the physical and psychological abuse suffered by Indigenous women, and increase their entrepreneurship opportunities;**

(c) **Increase the number of qualified teachers, including women, and improve educational infrastructure in Indigenous communities, ensuring that schools have separate hygiene facilities for girls and boys, and extend adequate water and sanitation, electricity and culturally appropriate health services to areas where Indigenous and Afrodescendent women and girls live.**

**Migrant, refugee and asylum-seeking women**

**39. The Committee notes with concern:**

(a) That migrant, refugee and asylum-seeking women and girls face intersecting forms of discrimination and higher risks of harm, particularly in the northern areas;

(b) The alarming numbers of pending asylum claims and the length of refugee status determination procedures;

(c) The onerous fees and administrative procedures faced by refugee and asylum-seeking women and girls to have their educational certificates evaluated and obtain the identification documents required to access education, employment, health care, housing and social benefits;

(d) The limited access to health services for asylum-seeking women who do not contribute to the Costa Rican Social Insurance Fund.

**40. In line with its general recommendations No. 26 (2008) on women migrant workers and No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:**

(a) **Assess the problems faced by migrant women, including those in an irregular situation, in every phase of the migration process and take measures to eliminate discrimination against them;**

(b) **Adopt measures to promptly address the pending asylum claims, and reduce the delays in refugee determination and appeal procedures, including by amending Executive Decree No. 43810 MGP and increasing the human, technical and financial resources of the Refugee Unit and the Commission on Restricted Visas and Refugees;**

(c) **Reduce the fees and simplify administrative procedures faced by refugee and asylum-seeking women and girls for obtaining identification documents and the evaluation of their educational certificates, to ensure that they have access to education, employment, health care, housing and social benefits;**

(d) **Ensure access to health care and to the National Child Care and Development Network for asylum-seeking women who do not contribute to the Costa Rican Social Insurance Fund.**

#### **Lesbian, bisexual, transgender and intersex women**

41. The Committee notes the steps taken by the State party to raise awareness among public officials of the rights of lesbian, bisexual, transgender and intersex persons. However, it notes with concern that lesbian, bisexual, transgender and intersex women continue to face high levels of gender-based violence, discrimination and stigmatization in the State party.

42. **The Committee recommends that the State party prevent and protect lesbian, bisexual, transgender and intersex women from gender-based violence and take measures such as public awareness-raising to address their stigmatization. It also recommends that the State party respect the rights of transgender women to autonomy, self-determination and legal recognition of their gender identity through an expeditious, transparent and accessible procedure, in line with advisory opinion OC-24/17 of the Inter-American Court of Human Rights.**

#### **Women in detention**

43. The Committee notes with concern the need for regionalization of institutional care centres for women deprived of their liberty across the State party, which causes serious uprooting repercussions for women prisoners and their families, and the poor conditions for women in detention, with overcrowded facilities and limited access to sexual and reproductive health services, sanitary products and protection from sexual harassment.

44. **The Committee recommends that the State party decentralize institutional care centres to ensure that women are not separated from their families or their sociocultural environment, and ensure that the conditions of detention for women are in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), that all reports of sexual harassment in detention facilities are effectively investigated, and that perpetrators are prosecuted and adequately punished.**

#### **Climate change and disaster risk reduction**

45. The Committee notes the national biodiversity strategy for 2016–2025, the national climate change adaptation policy for 2018–2030 and the national decarbonization plan for 2018–2050. However, it notes with concern:

(a) That women, in particular rural women, Indigenous women, women of African descent, migrant and refugee women and women living in poverty, are disproportionately affected by climate change and the loss of natural resources, as they often live in exposed areas and lack the conditions necessary to increase their climate resilience;

(b) The State party's failure to ratify the landmark Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, adopted in 2018 in Escazú, Costa Rica (Escazú Agreement);

(c) The lack of protection for women environmental human rights defenders, many of whom are Indigenous women;

(d) The limited awareness of the gender impact of climate change in the State party, as women are active conservation agents involved in the sustainable management of forest resources and agricultural systems but are unable to access the payments for environmental services programme.

**46. Recalling its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party:**

(a) **Include a gender perspective in national policies and action plans on climate change and disaster risk reduction and ensure the meaningful participation of women in the formulation and implementation of such policies;**

(b) **Consider ratifying the Escazú Agreement;**

(c) **Ensure the protection and human rights of women environmental human rights defenders, especially in Indigenous communities;**

(d) **Review mechanisms to ensure that women conservators can also access environmental credits through the payments for environmental services programme system.**

#### **Marriage and family relations**

47. The Committee notes the adoption of the amendment to the Family Code on shared family responsibilities, the recognition of domestic and unpaid care work in divorce proceedings and the new paternity leave provisions. It is concerned, however, about the high percentage of births to girls and adolescents in which the father is not declared or his age is not registered, suggesting a problem of sexual abuse or acts by adults with children, criminalized in Law No. 9406 on improper unions.

**48. The Committee recommends that the State party amend Law No. 9406 on improper relations to ensure that births to girls and adolescents are fully reported with the father's details, and expand the National Child Care and Development Network to enable rural, Indigenous, Afrodescendent and migrant women to access its care services.**

#### **Data collection and analysis**

49. The Committee recommends that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, geographical location and other relevant factors, and use measurable indicators to assess trends in the situation of women and progress towards the realization by women of substantive equality in all areas covered by the Convention and the gender-related targets of the Sustainable Development Goals.

### **Beijing Declaration and Platform for Action**

50. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in order to achieve substantive equality between women and men.

### **2030 Agenda for Sustainable Development**

51. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

### **Dissemination**

52. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation.

### **Ratification of other treaties**

53. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.

### **Follow-up to the concluding observations**

54. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 16 (b), 18, 34 (b) and 40 (b) above.

### **Preparation of the next report**

55. The Committee will establish and communicate the due date of the ninth periodic report of the State party in line with a future predictable reporting calendar based on an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should cover the entire period up to the time of its submission.

56. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.