



**Convention on the  
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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-fourth session

SUMMARY RECORD OF THE 1200th MEETING

Held at the Palais Wilson, Geneva,  
on Monday, 15 January 2007, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10.05 a.m.

#### OPENING OF THE SESSION

1. The CHAIRPERSON declared open the forty-third session of the Committee on the Rights of the Child.

#### STATEMENT BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

2. Mr. NDIAYE (Representative of the Secretary-General of the United Nations) was pleased to note that the United Nations system for the protection of human rights had been strengthened by the adoption of two new instruments aimed at monitoring implementation of the International Convention on the Protection of All Persons from Enforced or Involuntary Disappearances and of the International Convention on the Rights of Persons with Disabilities, respectively, and by the creation of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture, which would be in charge of, inter alia, inspecting detention centres.
3. The harmonization of working methods among treaty bodies was on track. The Committee's recommendation to establish a permanent body for increased coordination and harmonization had been received positively by the working group on treaty body reform issues.
4. The Working Group on Reservations had modified some of its recommendations to adapt them to the proposals made by the Special Rapporteur of the International Law Commission and had decided that the issue of reservations should be included in the list of agenda items.
5. The United Nations Study on Violence Against Children, presented in October 2006 to the General Assembly, had led to the publication of a world report in November. The Committee on the Rights of the Child had had a major role to play both in the follow-up to and dissemination of this report and in the appointment of the Special Representative on violence against children.
6. It was worth noting that the Human Rights Council, at its third session, held in October 2006, had met with a group of child rights non-governmental organizations (NGOs) which had asked it to include the protection of child rights in its programme of work and to devote two days per year to the issue. The NGOs had also recommended that child rights should be taken into consideration as part of the Universal Periodic Review that the Council would be setting up.

#### ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CRC/C/44/1)

7. The agenda was adopted.

#### ORGANIZATIONAL MATTERS (agenda item 2)

8. The CHAIRPERSON said that the consideration of the second and third reports of Maldives had had to be postponed.

9. In 2006, the Committee had held three sessions in two chambers, which had allowed it to clear the backlog of reports it had to consider. It would resume its normal working method at the current session, although it did not rule out the possibility of reverting to a two-chamber system should the need arise.

10. All reports submitted by 31 December 2006 would be considered in 2007, which meant a maximum of 12 months between their submission and consideration. At the current session, the Committee would consider seven reports under the Convention and four under the Optional Protocols. It would study the draft general comments on juvenile justice and on the rights of children of indigenous peoples, outline the contents of the Day of General Discussion on article 4 during the September session and discuss the follow-up to the Secretary-General's Study on Violence Against Children and guidelines for the protection and alternative care of children deprived of parental care. The Committee would also study ways of increasing cooperation with other treaty bodies involved in the promotion and protection of the rights of the child.

#### SUBMISSION OF REPORTS OF STATES PARTIES (agenda item 3)

11. Ms. ANDRIJASEVIC-BOCO (Secretary of the Committee) said that since the previous session the Committee had received four reports under the Convention, seven under the Optional Protocol on the involvement of children in armed conflicts and three under the Optional Protocol on the sale of children, child prostitution and child pornography. It had also received written replies for all reports which it would consider during the current session, except those from the Marshall Islands.

The meeting was suspended at 10.35 a.m. and resumed at 11.10 a.m.

#### CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)

Initial report of Costa Rica under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/CRI/1; list of issues (CRC/C/OPAC/CRI/Q/1); State party's written replies to the list of issues (CRC/C/OPAC/Q/1/Add.1))

12. At the invitation of the Chairperson, the delegation of Costa Rica took places at the Committee table.

13. Ms. SEGURA (Costa Rica) reaffirmed the Government's wish to maintain a frank and open dialogue with the Committee and to support the process of reform of the United Nations human rights protection system.

14. Mr. VÍQUEZ JIMÉNEZ (Costa Rica) stressed that Costa Rica had neither arms nor an army and had never experienced war. The army had been abolished in 1948, a decision that had never since been called into question. The country's leaders had developed a policy of neutrality in defence of its peace and independence.

15. Costa Rica had always opposed arms races in multilateral forums, adopted international legal instruments for the implementation of the collective defence principle and participated actively in the Contadora Group's regional initiative for a negotiated settlement of Central America's conflicts in the 1980s in recognition of which then President Oscar Arias Sánchez had been awarded the Nobel Peace Prize in 1987.
16. Back in power after 20 years, he had submitted before the United Nations General Assembly in 2006 a proposal to undertake three major actions within the framework of the so-called "Costa Rica Consensus". The first aimed to denounce increases in military spending, the arms race and the weapons trade. The President had also proposed giving life to the consensus through mechanisms to forgive debt and provide international financial support to developing nations that invested more in their people than in their armies.
17. Costa Rica had taken a chance on a weapon-free society, which had meant introducing a programme entitled "Culture of Peace" for children. It was also considering regulating war toys, which could have a negative impact on child development. Moreover, a bill had been introduced before the legislature prohibiting the importation and sale of war-related and violent toys and videogames.
18. Especially since Costa Rica had no army, it needed a strong and legitimate international system equipped with binding resolutions. For long decades the country had invested in education in order to ensure that all children attended school until the age of 17. A constitutional reform could also require the Government to allocate not 6 per cent, but 8 per cent of GDP, to education.
19. In the country, all minors enjoyed the same rights and the same protection system. Many of the themes mentioned in the Optional Protocol reflected realities unknown to Costa Ricans. Minors could not enlist in the security forces nor carry any weapons. In school, children were taught that armed conflicts ran counter to the values of a culture of peace. Costa Rica had chosen the path of life, school, dialogue and tolerance.
20. The CHAIRPERSON noted with satisfaction that Costa Rica, which did not have an army and was politically stable, had ratified the Optional Protocol on the involvement of children in armed conflict. It therefore belonged to a group of countries that considered it important to prohibit the involvement of children in armed conflict and took serious measures to that end. The Committee recommended criminalizing all activities for the recruitment of children into the armed forces in order to prosecute the authors of such crimes both inside and outside the country. Although there were a number of provisions prohibiting the recruitment of children under 18 years of age, there were no provisions on the associated prosecutions.
21. He would like to know whether it was a criminal offence in Costa Rica to violate the Optional Protocol's provision whereby persons who had not attained the age of 18 years could not be compulsorily recruited into the armed forces, whether voluntary enlistment of children under 16 was a criminal offence and how articles 7 and 8 of the Criminal Code on

extraterritoriality and universal jurisdiction were implemented. Could competent authorities detain and issue an extradition or international arrest warrant against the perpetrator of such a crime that had been committed in a country where it did not constitute an offence?

22. As to small arms and light weapons, he invited the delegation to indicate whether Costa Rica, which neither produced nor imported weapons, planned to take part in an international action banning imports and exports of such weapons, particularly in conflict areas.

23. Mr. LIWSKI requested further information on the implementation of articles 5 and 7 of the Optional Protocol, on international humanitarian law and international cooperation respectively. He would like to know whether there was a monitoring and assistance policy for children coming from neighbouring countries in conflict situations.

24. Ms. ORTÍZ wondered to what extent the Optional Protocol had been disseminated, how the report of Costa Rica had been elaborated and which institutions were responsible for the physical and psychological recovery of refugee children who were victims of armed conflict in neighbouring countries.

25. Mr. FILALI asked what measures the State party had taken to prevent Costa Rican minors from being recruited into armed groups that were active in other countries of the region.

26. Ms. KHATTAB noted that in order to enrol in the civil guard, recruits had to have completed primary school, which seemed to be in contradiction with the General Police Act requiring recruits to be over 18 years of age. She would like the delegation to clarify that point.

27. Mr. KRAPPMANN asked whether peace education was an important part of school curricula.

28. Mr. SIDDIQUI said he would like to know whether there were physical and psychological rehabilitation programmes for children of the region who had fled to Costa Rica because of armed conflict in their home countries.

29. Since the State party did not have an army, it would be interesting to know whether in the event that Costa Rica came under foreign attack the police would serve as an army and defend the country.

The meeting was suspended at 11.50 a.m. and resumed at noon.

30. Mr. VÍQUEZ JIMÉNEZ (Costa Rica) said that, pursuant to the Constitution, international instruments to which Costa Rica was a party prevailed over domestic legislation. Although recruiting minors was not defined as a separate offence in national legislation, it fell within the ambit of article 7 of the Criminal Code, irrespective of the country in which the offence had been committed. National courts were thus competent to pass judgement on violations of the Optional Protocol committed outside the country, regardless of the victim's nationality. When alleged offenders were abroad, Costa Rica could obtain their extradition by applying directly to the State concerned, or else through a bilateral extradition treaty. However, there was as yet no jurisprudence on the subject.

31. The law strictly regulated individuals' access to light arms. Arms licences were issued only to persons over 18 who had undergone psychological evaluation.
32. In the eighties Costa Rica had adopted a position of "active" neutrality, tirelessly advocating for peace in the countries of the region that were at the time torn by conflict. Moreover, Costa Rica encouraged the Central American countries to abolish their armies or at least reduce their military spending while increasing their education and health budgets.
33. In the 1980s, Central American children fleeing armed conflicts in their countries had taken refuge in Costa Rica, where they received psychological support. He could not say how many of those children, now adults, had recovered from the traumas of war for no follow-up had been undertaken nor any data collected.
34. School curricula did not contain specific teaching material on the Optional Protocol. However, peace was a theme regularly touched upon in school through reference to day-to-day examples, such as family conflict or war video games, which were more meaningful for children than an international instrument.
35. Statistics on the number of children involved in armed conflict were not available.
36. Ms. ORTÍZ asked whether frontier guards at the border with Panama were familiar with the Optional Protocol and aware that children coming from Colombia could have been involved in armed conflict and therefore should receive particular treatment.
37. Mr. VÍQUEZ JIMÉNEZ (Costa Rica) said that the Costa Rican authorities had not identified child soldiers among the Colombian migrants who had been arriving in the country in recent years. The National Child Welfare Agency had some 40 offices throughout the country, including in border areas. When the inflow of migrants was greater, the offices were open 24 hours in order to provide emergency assistance to vulnerable children handed over to them by the border authorities. Colombian migrants generally entered the country by air and not over the border with Panama.
38. In order to enrol in the National Police Academy, recruits had to be at least 18 and have completed secondary school. It was therefore impossible for children to be recruited into the police.
39. In case of a foreign attack, Costa Rica would likely invoke international law and call on the international community for help.

Initial report of Costa Rica under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography  
[CRC/C/OPSC/CRI/1, list of issues (CRC/C/OPSC/CRI/Q/1); written replies by the State party to the list of issues (CRC/C/OPSC/CRI/Q/1/Add.1)]

40. Mr. VÍQUEZ JIMÉNEZ (Costa Rica) pointed out that in the State party the term used was "commercial sexual exploitation of minors" rather than "child prostitution". In any event, it described a reality that Costa Rica had discovered only a decade ago but which had to be

curtailed, particularly as adventure tourism and ecotourism had flourished to the point that they were today the country's main sources of income. In 1996 the National Child Welfare Agency had warned of the risk of growing sexual tourism. That had led to the creation of the National Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents (CONACOES), in which State bodies as well as non-governmental and international organizations participated. Since 1996, actions had been undertaken within the framework of a national plan to combat the commercial sexual exploitation of children and adolescents, with three major areas of focus: prevention; legislative reform and law enforcement; and assistance to victims.

41. The three national prevention campaigns conducted from 2003 to 2006 had used the media and billboard advertising, particularly in airports and hotels, to inform the public about the penalties incurred by perpetrators of sexual offences. Moreover, some 400 police patrols to detect victims were carried out each year and 10,376 people had been trained in various workshops.

42. A Code of Conduct for the Protection of Children and Adolescents from Commercial Sexual Exploitation in Travel and Tourism had been devised. The idea was that by signing it companies in the tourist sector undertook to abide by a certain ethic concerning the protection of children and adolescents from commercial sexual exploitation and to publicize it among their customers and providers. The project had involved 10 tour operators, 3 car hire firms, 2 of the largest taxi companies in Costa Rica and 8 hotels. Using a vehicle to commit or facilitate sexual offences had become grounds for revoking a taxi driver's licence. Training material had been developed for consular staff to provide guidance and advice to victims of such offences.

43. The project entitled "Internet security for children: safe surfing" had been launched in mid-2003. An executive decree had regulated the activity of Internet cafés in order to protect children who used their services.

44. The most significant law enforcement measure was certainly the 1999 reform of the Criminal Code, in the process of which the chapter on sexual offences was amended and a new instrument, the Act against commercial sexual exploitation of minors, adopted. A bill penalizing the possession of pornographic material had been introduced but not as yet adopted.

45. From 1999 to September 2006, 65 individuals had been prosecuted for "engagement in paid sexual relations with minors" and 35 had been convicted. It should also be noted that the National Child Welfare Agency had successfully undertaken, with the Ministry of Public Security, 280 night operations (nightclub checks, etc.) between 2003 and 2006, and that special units for dealing with commercial sexual exploitation had been created within the Ministry of Public Security and the Public Prosecutor's Office.

46. Since 2003 the National Child Welfare Agency had been providing assistance each year to 350 victims of commercial sexual exploitation. Collaboration between the University of Costa Rica and the National Child Welfare Agency had resulted in innovative forms of assistance: the "cyclical model of combined responses", supported by a constant effort to train

public servants in its implementation, has had an exceptionally high success rate of 70 per cent. The Programme of comprehensive care for street children and adolescents in situations of imminent risk and great vulnerability should also be mentioned. Launched in September 2006, it specifically targeted all victims of commercial sexual exploitation, girls and boys alike. The programme, in which had been invested an unprecedented amount of some \$2 million, had involved 78 officials, rotating every 22 hours, seven days a week, in order to, inter alia, operate a telephone hotline. Furthermore, an association belonging to one of the country's biggest State-run banks and financed by a trust fund provided victims with grants to start new-life projects.

47. Since 2003 the justice system had heard 10 cases of trafficking in human beings. The national coalition against people-smuggling and trafficking in persons, made up of representatives from the different ministries and NGOs, had been created in December 2005 and had met for the first time in October 2006. It had established regional guidelines for the repatriation of victims of trafficking and of other vulnerable individuals concerning all the countries of Central America, and the United States; a protocol on inter-institutional coordination of the repatriation of child victims of human trafficking; and a National Child Welfare Agency protocol on assistance to minors who were victims of human trafficking.

48. Since 2000, the judicial system had had before it 65 cases against disseminators of pornographic material and 21 cases against producers of such material.

49. The second national plan to combat the commercial sexual exploitation of children and adolescents was currently being devised and would further develop the measures implemented under the first plan. It would address the exploitation of boys and the new, more sophisticated, forms of commercial sexual exploitation, as well as the move of such activities from the capital to the coastal tourist areas.

50. Mr. FILALI (Country Rapporteur) wondered whether it would not be preferable for the State party to replace the term "commercial sexual exploitation" with "prostitution". Also, to improve management and ease coordination, a better definition of the mandates and responsibilities of the different institutions working in the field of child protection might be advisable.

51. He invited the delegation to specify which statistical indicators Costa Rica had used and to provide figures on the sale and prostitution of children as well as on the sale of organs. The delegation had mentioned that civil society organizations had participated in forums on child issues, but it had not said to what extent their opinion was taken into account by decision makers.

52. He would like the delegation to indicate whether the "prevention" and "assistance to victims" components of the National plan to combat the commercial sexual exploitation of children and adolescents were allocated sufficient funds and what impact they had had. Likewise, with regard to legislative reform, the delegation had said that the legislation now clearly defined rape, but without specifying how far it was enforced and what impact it had had on the ground.

53. He understood that the “Internet security for children: safe surfing” campaign had been interrupted, and would like clarification. According to the data provided by the State party, while pimps had been prosecuted for commercial sexual exploitation of children and adolescents, no customer had been, which was surprising. Was that because children were not aware of their rights or because social workers were afraid of reporting them?

54. Could the delegation also say whether the Government had acknowledged the importance of preventing “revictimization”.

The meeting rose at 1 p.m.