



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General  
19 May 2008  
English  
Original: French

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## COMMITTEE AGAINST TORTURE

Fortieth session

### SUMMARY RECORD OF THE FIRST PART (PUBLIC)\* OF THE 818th MEETING

Held at the Palais Wilson, Geneva,  
on Monday, 5 May 2008, at 10 a.m.

Chairperson: Mr. GROSSMAN

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\* No summary record was prepared for the second part (closed) of the meeting.

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

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 19 OF THE CONVENTION (agenda item 7) (*continued*)

Second periodic report of Costa Rica (CAT/C/CRI/2; CAT/C/CRI/Q/2;  
CAT/C/CRI/Q/2/Add.1 and Add.2; HRI/CORE/CRI/2006)

1. *At the invitation of the Chairperson, Mr. Guillermet, Ms. Thompson, Ms. Segura and Ms. Gutiérrez (Costa Rica) took places at the Committee table.*

2. Ms. THOMPSON (Costa Rica) said that she looked forward to the consideration of the periodic report of Costa Rica as an opportunity for a frank and open exchange with the Committee. It had not been possible to include in the report certain items of information that the institutions concerned had failed to communicate in a timely manner. The delegation would therefore do its utmost to provide the Committee with any additional information required.

3. Mr. GUILLERMET (Costa Rica), introducing the second periodic report, said that the document had been prepared in broad consultation with State institutions and organizations and with civil society. Containing a variety of statistics and actual data, the report not only described standard-setting and legislative measures but also candidly addressed institutional weaknesses that the Government was currently seeking to remedy.

4. The promotion and protection of the fundamental rights of all citizens and residents of Costa Rica was a priority for the Government, which in all of its policies ensured respect for the right to life and the right to integrity and dignity of the person. Article 40 of the Constitution provided that: "No one shall be subjected to cruel or degrading treatment, to life imprisonment or to the penalty of confiscation. Any statement obtained by violent means shall be null and void." That constitutional guarantee was complemented by a number of legislative provisions and legal safeguards, some of which had been adopted as a follow-up to the recommendations made by the Committee on concluding its consideration of the initial report. Pursuant to article 123 *bis* of the Penal Code, torture was an offence punishable by imprisonment of 3 to 10 years or, in the case of acts committed by State officials, imprisonment of 5 to 12 years and a 2- to 8-year bar on holding office. Furthermore, although not characterized as an offence, attempted torture could nevertheless be punished under article 73 of the Penal Code, which provided that any attempted offence was punishable in the same way as the act itself.

5. Article 7 of the Constitution provided that public treaties, international conventions and agreements duly approved by the Legislative Assembly took precedence over laws. Article 48 of the Constitution contained special provisions on human rights, which the Constitutional Chamber had on several occasions used as a basis for deciding that the international human rights instruments in force in the country not only equalled the authority of the Constitution but also took precedence over it where they provided broader guarantees or rights. Under that same article, full provision was made for the remedies of *amparo* and *habeas corpus*, which were readily available and prompted swift and simple proceedings. A freephone number, 123, had even been set up for detainees who wished to submit an application for *habeas corpus*. The Government had also put in place a range of measures and organs constituting a system of checks and balances, monitoring and supervision. The role of the Office of the Ombudsman and of the Constitutional Chamber was

particularly worth highlighting, as was that of the institutions of the Inter-American system for the promotion and protection of human rights.

6. The Costa Rican Government had taken significant steps to improve police practices and training, with emphasis on respect for the rights of all individuals. The report contained details of training activities for prison officers and law enforcement personnel. The National Police Academy also conducted periodic needs assessments in the area of human rights teaching.

7. Costa Rica had had the honour of presiding over the work that had culminated in the adoption of the Optional Protocol to the Convention against Torture, under the guidance of Mr. Carlos Vargas Pizarro and subsequently that of jurist Elizabeth Odio, who was now a judge at the International Criminal Court. It had ratified the Optional Protocol on 25 November 2005 and the instrument of ratification had been deposited on 1 December 2005. The Office of the Ombudsman had been designated as a national prevention mechanism and a Costa Rican expert was currently a member of the Subcommittee on Prevention of Torture.

8. The right of asylum was guaranteed under article 31 of the Constitution and Costa Rica had a long tradition of caring for asylum seekers. The authorities were nevertheless careful to exercise the utmost responsibility in applying that right in order not to diminish the valuable institution of asylum. Accordingly, the Costa Rican Government had recently denied the request for asylum by the Colombian Senator Mario de Jesús Uribe Escobar. In the light of the applicant's record, which it had obtained from the Office of the Public Prosecutor of Colombia, and on the basis of the principles and laws governing the right of asylum, the Ministry of Foreign Affairs had decided not to grant the request. Its decision had been prompted by a communication from the Office of the Public Prosecutor of Colombia stating that Mr. Uribe was under an arrest warrant for a criminal conspiracy with illegal armed groups and emphasizing the need to ensure that he did not escape Colombian justice. The Costa Rican Government nonetheless reaffirmed its commitment to the institution of asylum, which would remain a cornerstone of its foreign policy. In conjunction with the Human Rights Council, the Government was also endeavouring to create conditions conducive to the development of the thousands of refugees living in the country. The Costa Rican migration policy was designed both to control migratory flows and to recognize and highlight the contribution of migrants to the country's development by seeking to promote their integration and facilitate their access to health care, employment, education and housing. As in any developing country, some of Costa Rica's institutional and economic failings continued to impede full realization of the rights of migrants. Remedies were nevertheless available when violations of those rights occurred. The report cited numerous examples of cases in which migrants had instituted domestic court proceedings in order to claim their full rights.

9. Costa Rica, which was currently a Security Council member, was keen to participate actively in the decision-making in all cases involving flagrant human rights violations. In each of its statements before the Security Council, the Costa Rican delegation addressed the question of human rights in the context of current conflicts and called on all parties to engage in dialogue and respect the dignity of persons.

10. During its consideration of the previous report, the Committee had drawn attention to the situation of minority groups, in particular indigenous communities.

The Costa Rican Government acknowledged that much remained to be done for the latter, particularly in socio-economic terms. In 2001, in accordance with a recommendation of the Committee, judges had been instructed to consult with indigenous communities before resolving any dispute concerning them, to seek information from them on the impact of the dispute in question and to employ the services of interpreters, whose duties were to be defined by the judiciary and the National Commission for Indigenous Affairs.

11. Ms. SVEAASS (Country Rapporteur) said that the State party was known for its long tradition of respect for human rights and for its contribution to peace. The work of President Oscar Arias for democracy and peace in Central America, which had earned him the Nobel Peace Prize in 1987, was particularly commendable. The Inter-American Court of Human Rights was headquartered in Costa Rica, which had also been one of the very first countries to institute an ombudsman. She very much welcomed the information provided by the delegation concerning the recent decision of the Costa Rican authorities to deny Mr. Uribe's asylum request, which sent a strong signal to the perpetrators of crimes against humanity by reaffirming the principle of their responsibility.

12. The structure of the report was somewhat imbalanced; it devoted considerable attention to training activities (emphasized by the Committee in its conclusions and recommendations following consideration of the initial report) and dealt with article 10 at much greater length than it did other articles of the Convention. However, the missing information had been provided in the replies to the list of issues. Noting that the Government had significantly reworked the legislation on women, children and migrants, she requested details of the measures under way and a progress report.

13. Concerning the incorporation into the State party's domestic legislation of the definition of torture set forth in article 1 of the Convention, it was clear from the periodic report (para. 5) that the Constitution of 1949 did indeed prohibit ill-treatment under article 40. It did not, however, explicitly provide for the prohibition of torture. After considering the initial report, the Committee had recommended to the State party in its conclusions and recommendations (A/56/44, paras. 130 to 136) that it should take steps to include in its criminal legislation a definition of torture consistent with that contained in article 1 of the Convention (para. 136 (a)). That recommendation had been implemented in December 2001, namely six months after the consideration of the initial report, when the Legislative Assembly had adopted the bill amending the Criminal Code, which provided for the addition of an article 123 *bis* entitled "Torture". While the definition contained in that article was very largely consistent with that set forth in article 1 of the Convention, it did not cover acts of torture committed at the instigation of or with the consent or acquiescence of a public official. It would be interesting to know why those elements were not included in the definition and whether the State party intended to rectify that omission insofar as the question of instigation and consent or acquiescence was extremely important with respect to the obligation to prevent torture under article 2 of the Convention. It would be equally interesting to know whether attempted torture committed with the consent or acquiescence of a public official was punishable under the Criminal Code. Given that torture was an offence serious enough for the public official in question to be barred from holding office for life, why had a bar of only eight years been set as the maximum sentence?

14. According to the written replies, no convictions for torture had been handed down in Costa Rica since the adoption of article 123 *bis* in 2001. In addition, according to information reported to the Committee, several persons had been tried for abuse of authority rather than for torture, having successfully moved for a recharacterization of the facts. The Committee wished to know whether it was true that the Costa Rican courts had not dealt with any cases of torture since 2001 and whether those who perpetrated acts of torture had been tried only for abuse of authority. It would be useful to have details of the type of penalty handed down and the number of persons convicted for abuse of authority instead of for the crime of torture.

15. With reference to the reply to question 36 of the list of issues (CAT/C/CRI/Q/2/Add.1, pp. 21 to 23), she requested a progress report on the bill amending article 81 of the Code of Criminal Procedure, the wording of which implied that evidence obtained by torture could be used in proceedings if it favoured the accused, which, according to some sources, was likely to encourage torture. The delegation was asked to provide an update of the current situation: was that article to be amended and if so, when? Concerning article 2 of the Convention, at its thirty-ninth session, the Committee had adopted its general comment 2 relating to the implementation of that article (CAT/C/GC/2). In the reply to question 1 of the list of issues (CAT/C/CRI/Q/2/Add.2), it was stated that Costa Rica kept no specific records for cases of torture and ill-treatment but that a record on all offences tried during each year was kept. The Committee wished to know whether the State party's authorities intended to establish a specific record for cases of torture and ill-treatment.

16. Judging by the written replies, question 2 (a) of the list of issues had apparently been misunderstood. The Committee specifically wished to know who had access to the annual record of criminal cases examined by the State party's courts and how much time elapsed between a suspect's arrest and his appearance before a judge. Under Costa Rican legislation, the maximum period of incommunicado detention was 10 days and, according to information available to the Committee, over 100,000 suspects had been initially detained without charge. The Costa Rican delegation could therefore perhaps be more specific about the maximum period of pretrial detention by providing statistics on the number of people initially detained without charge and stating whether the State party's authorities intended to reduce the period of incommunicado detention, as well as whether anyone had already been held in such detention for longer than 10 days.

17. Concerning the treatment of migrants in detention centres, which was the subject of the reply to question 4 of the list of issues (CAT/C/CRI/Q/2/Add.1, p. 2), additional information was needed on measures taken by the State party to identify migrants with specific needs, including victims of trafficking, and to ensure that such persons were duly cared for and that their needs, particularly in the legal sphere, were taken into account. Allegations of abuses by border guards had been reported to the Committee and it therefore wished to know what action the Costa Rican Government intended to take to punish the perpetrators and prevent other similar incidents. The Committee had also received disturbing information that the general level of violence in the State party had increased to the point where individuals were taking justice into their own hands and seeking retaliation against youngsters. Information on the current situation and on the measures taken by the Government to resolve the problem would be desirable.

18. The Costa Rican delegation should state whether the Ombudsman had established a complaint mechanism for young victims of torture or ill-treatment and whether he had followed up the allegations concerning the situation of minors held in the Quinta Comisaría, the country's main detention centre for migrants. It should also state whether the authorities were seeking to identify young asylum-seekers who, in one way or another, had been affected by armed conflict or who had been victims of exploitation or trafficking. Lastly, it had been reported to the Committee as a matter of concern that unfounded accusations were sometimes made against sexual minorities and that some well-known figures had publicly declared there to be a causal link between the growth in crime and the presence of Colombian immigrants in the country.

19. With regard to the prevention of violence against women, the written reply to question 37 of the list of issues (CAT/C/CRI/2.Add.1) stated that laws on domestic violence and violence against women had been adopted in 1996 and 2007. Clarifications would be helpful, however, concerning the criminalization of domestic violence, including marital rape. It would also be interesting to have details relating to the application of the relevant provisions by the courts and of concrete measures taken to end that type of violence. Similarly, it would be useful to know whether any assessment had been made of the National Plan for the Treatment and Prevention of Domestic Violence. The delegation might also indicate whether the legal provisions punishing trafficking in women and children were consistent with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. It should in addition indicate whether public awareness-raising campaigns on the subject had been conducted and whether protection and psychological assistance measures were in place for the victims of such violations. If so, how they had been implemented and what results had thus far been recorded?

20. Concerning the situation of migrants and asylum-seekers, according to some sources, the new law on migration was incompatible with the 1951 Convention relating to the Status of Refugees in that it allowed for exclusion and cessation clauses, which could lead to violations of the principle of non-refoulement enshrined in article 3 of the Convention. The Committee wished to know whether the bill amending the text had been adopted and whether or not the provisions in question had been repealed. When migrants illegally entered Costa Rican territory and were intercepted a few dozen kilometres from the border, those who were in danger of being subjected to torture or ill-treatment if returned to their country should not be expelled before their situation had been considered by the competent authorities. In that regard, the Committee wished to know whether any safeguards were in place. The procedure for considering refugee status applications had reportedly changed, leading to delays in processing such applications and a reduction in the number of personnel whose job it was to consider them. The process had therefore become less reliable, a worrying development that called for comment by the delegation. Lastly, the delegation should indicate whether asylum-seekers had the right to work pending a decision from the competent authorities.

21. Mr. GALLEGOS CHIRIBOGA (Alternate Country Rapporteur) said that Costa Rica set an example in the area of human rights promotion, both in the continent of Latin America and worldwide, and that its courageous stands on human rights, particularly at the International Criminal Court, had made their mark.

22. The written replies showed the attention devoted by the State party to human rights training for members of the police, which the Committee welcomed. Recently, however, the number of hours of basic training for police officers, which included a course on the prohibition of torture, had been reduced, raising the question of whether training effectiveness would suffer. It would be useful to know what actual impact training had on the professional conduct of police officers. The delegation could perhaps therefore indicate whether there was any procedure in place for assessing training results. In a report, the International Gay and Lesbian Human Rights Commission had emphasized that the issue of sexual identity and orientation should be incorporated into training for law enforcement personnel in order to combat discrimination. The delegation might wish to react on that subject. The State party had not replied to the question as to whether the Istanbul Protocol was used in training medical staff. The application of that Protocol was directly related to the implementation of article 10 of the Convention. The Committee therefore looked forward to a specific reply from the State party.

23. The State party had mentioned a bill for a new criminal code that provided for alternative sanctions. Details of the bill's progress and the expected date of its entry into force would be welcome. The Committee had noted the statistics provided on the subject of persons deprived of liberty but it would like to have additional data on the sex, age and legal status of those persons.

24. While welcoming with satisfaction the significant improvements to the medical services at the Pococí and Limón prisons, the Committee remained concerned by the continuing inadequacies at La Reforma centre, in particular the lack of 24-hour medical attention. Access to a doctor was a fundamental right that must be guaranteed to any person deprived of their liberty. It was therefore incumbent on the State party to take all measures needed to fulfil that obligation.

25. The State party indicated in its report (paras. 277 to 284) that not enough resources were allocated to the Department of Social Adaptation for the implementation of programmes for the technical care and custody of prisoners. The Committee wished to know when the funding needed to enable an adequate response to prisoners' needs would be earmarked for the prison system.

26. The State party had not replied to the question concerning the rundown state of the F wing of La Reforma Institutional Penal Centre and the practice of allowing prisoners only one hour of exercise time a day. The Committee therefore reiterated its request for details on that subject. It also wished to know whether means of restraint could be used on children and, if so, in what circumstances. Furthermore, what disciplinary sanctions were applicable to children deprived of their liberty?

27. The State party had given no indication of the resources allocated to the Office of the Ombudsman, designated as a national preventive mechanism under the Optional Protocol to the Convention (question 28), which would be very useful information to have.

28. The Office of the Ombudsman had commissioned a study on the feasibility of having a high security wing in a women's prison and had also emphasized the need to provide separate accommodation for the drug addicts among the female prison population. It had recommended that the National Institute of Criminology should develop a prison strategy designed to respond the specific needs of women deprived of their liberty, including the construction of crèches and the adoption of urgent

measures to improve sanitation and access to health care for such women. It had also urged that overall consideration be given to care other than custodial measures for mentally disordered persons in conflict with the law. It would be interesting to know what follow-up had been given to those recommendations.

29. Concerning the issue of whether the submission of a formal complaint by the alleged victim was required to initiate a criminal and/or administrative investigation into cases of torture or cruel treatment (question 30), the State party had replied that it was not and that Department of Legal Discipline must act *ex officio* if it was informed of misconduct by an official of the Ministry of Public Security. Did that mean that the initiative had to come from the Department of Legal Discipline or could a doctor himself inform the prosecutor?

30. Additional information on the bill on protection for victims and witnesses, in particular its incorporation into the system for combating trafficking in persons, would be appreciated. As it was not possible to ascertain from the information provided by the State party whether trafficking in persons was defined in domestic law in conformity with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, information on the subject would be welcome. It would also be interesting to know whether anyone had yet been prosecuted for trafficking in persons and whether any convictions had been handed down following complaints by victims.

31. The State party affirmed that there had been no cases of torture in the country. The Office of the Ombudsman, however, had referred to the case of a resident of Upala who, in 2000, had instituted legal proceedings for acts of torture inflicted on him by police officers. Despite the grave nature of the acts for which they were held responsible, the officers had not been charged with torture but with abuse of authority. Having admitted the facts, they were treated with leniency and received a suspended sentence. The victim had obtained no redress. The Committee drew the State party's attention to its obligation under the Convention to ensure that the victim of an act of torture or of cruel, inhuman or degrading treatment obtained redress. Statistics on measures of redress ordered by national courts and compensation awarded to victims would be useful. The Committee would also like an explanation for the lack of public rehabilitation programmes for victims.

32. In its written replies, the State party acknowledged that it had no legislation prohibiting the production of and trade in equipment specifically designed to inflict torture, stating that such legislation was unnecessary by virtue of the international human rights instruments to which it had acceded. The Committee believed that, on the contrary, the State party should fill that legal vacuum and hence encouraged it to review its position on the subject.

33. A disturbing tendency on the part of the Costa Rican authorities to associate problems of delinquency and insecurity with immigration from Colombia had been noted. It was essential not to allow that kind of xenophobic attitude to set in, as it was liable to provoke violence. The status of migrants should also be clarified through the establishment of a precise legal framework and through the provision of training on those new provisions for all public officials concerned with the issue, namely police officers, judges and so forth.



34. Ms. BELMIR requested clarification concerning the apparent contradiction between article 40 of the Constitution, which provided that any statement obtained by means of force was inadmissible, and article 181 of the Code of Criminal Procedure, which implied that statements obtained through means of force could be used as evidence.

35. There could be no rule of law unless access to justice was guaranteed. It appeared, however, that certain ethnic minorities in Costa Rica were unable to exercise that fundamental right. Explanations from the delegation on that subject would be welcome.

36. The State party affirmed in its report that no cases of torture had been recorded in connection with extradition and that investigations had shown complaints relating to acts of torture to be unfounded. Problems had been reported, however, notably in the 2004 report of the Special Rapporteur on the human rights of migrants. The delegation would perhaps like to elaborate.

37. It was not clear why the number of hours devoted to human rights training for police officers had been reduced and why such training was confined to higher-ranking public servants. A detailed explanation should therefore be provided. Similarly, the arguments justifying incommunicado detention on the simple basis of a court decision were unsatisfactory and called for further information, in particular concerning the remedies available to detainees.

38. The lack of any judicial review of decisions to return (“refouler”) or expel migrants was extremely worrying, as were the conditions of detention for migrants. The Committee hoped that the State party would keep it informed of the discussions under way on that subject between the Office of the Ombudsman and the authorities.

39. The Committee took note of State party’s efforts to improve prison living conditions. It could not help but also note, however, that various failings persisted. A concrete evaluation of the situation should perhaps be conducted in each establishment in order to pinpoint the causes of the problems and develop targeted solutions.

40. Concerning juvenile justice, the State party had reported a fall in the number of minors deprived of liberty. It would be useful to know whether that fall indicated a reduction in juvenile delinquency or whether it was because a number of minors in conflict with the law were cared for otherwise or because they had escaped justice. The State party was still well below standard in the area of combating trafficking in children. It was nonetheless well aware of the seriousness of that scourge and the Committee therefore hoped that it would do its utmost to wage an effective fight against it.

41. Mr. MARIÑO MENÉNDEZ drew attention to the absolute nature of article 3 of the Convention, which, contrary to article 33 of the Convention relating to the Status of Refugees, allowed no possibility of derogation from the principle whereby the State party should not expel, return (“refouler”) or extradite a person to another State where there were substantial grounds for believing he would be in substantial danger of being tortured. In that light, he asked whether the law on migration to be adopted in June 2008 would form an integral part of Costa Rican domestic law, thereby enabling it to be directly applied by the domestic courts.

42. The reply to question 7 of the list of issues stated that persons whose application for political asylum had been denied could still apply for refugee status. He wished to know whether the remedy offered to applicants was that of *amparo* before the Constitutional Court or another type of remedy; the *amparo* procedure was generally very lengthy and therefore unsuitable for asylum applications, which were typically urgent. Given that terrorism in Latin America assumed different forms than in Europe or the United States, it would also be helpful to learn of the State party's approach to counter-terrorism and whether, for example, there had been any parliamentary debate or court decisions on the subject.

43. The delegation should indicate whether the State party had established a system of regular visits undertaken by independent international and national bodies to places where people were deprived of their liberty, in accordance with article 1 of the Optional Protocol to the Convention against Torture. If so, were such visits organized by the Office of the Ombudsman or by another organization specifically designed for that purpose?

44. Lastly, the Committee would like to know whether the State party intended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

45. Ms. GAER requested up-to-date information that would give an idea of the situation with regard to prison overcrowding and complaints concerning abuse of authority by police officers and prison staff. She also wished to know what follow-up had been given to those complaints and in particular whether the victims had been compensated.

46. It was regrettable that the Department of Legal Discipline at the Ministry of Public Security was not in a position to provide statistics disaggregated by sex, age, ethnicity or minority group. She wished to know whether the State party intended to address that inadequacy; it was particularly essential for it to do so, as it was the only way for the Committee to obtain some idea of the situation of the most vulnerable groups.

47. Information would be welcome on measures taken to combat sexual violence in prisons and in particular on any mechanisms in place to ensure that victims who wished to complain about such violence were afforded the discretion and protection that they were entitled to expect. The delegation should provide an explanation as to why the number of prison deaths - whether by murder, suicide or natural causes - was manifestly higher in La Reforma than in the other penal institutions mentioned and whether the National Institute of Criminology intended to look into the matter in order to understand the reasons behind it.

48. It would be helpful to know whether Costa Rican legislation protected citizens against all discrimination based on sexual preference or identity and, if so, whether the State party intended to adopt measures aimed at guaranteeing equality for all before the law. The International Gay and Lesbian Human Rights Commission, a non-governmental organization, stated that article 382 of the Criminal Code punished sodomy that was practised "in a scandalous way". She asked whether there had been any arrests, prosecutions or convictions under that article of the Criminal Code and if, as claimed by the authors of the report, the article discriminated against a specific group of persons.

49. With regard to complaints of sexual violence in prisons, it would be interesting to know what the police procedure was for recording a violation of article 382 of the Criminal Code and whether the Code of Criminal Procedure or any other law authorized the examination of natural orifices by the police. In addition, what were provisions were in place to protect the privacy of detainees?

50. The delegation should confirm or refute the allegation by the International Gay and Lesbian Human Rights Commission that gay, lesbian, bisexual, transgender, transvestite and intersex people in prisons were, with the tacit consent of the authorities, commonly subjected to sexual abuse and physical violence by police personnel and other prisoners. Was it true that the pretrial detention of such persons was statistically longer than for the rest of the population and that visitation rights and the right to the assistance of a lawyer were afforded to them later than to other detainees?

51. Lastly, it would be interesting to know whether the Domestic Violence Act No. 7586 applied to relations between persons of the same sex and, if not, what specific measures were planned to enable homosexuals to benefit from the same protection as heterosexuals in that regard.

52. Mr. GAYE asked if Costa Rican law punished attempted offences, in particular the attempt to engage in acts of torture, in the same way as the offences themselves. He understood that torture was tolerated if it led to confessions that were likely to exonerate the suspect. The prohibition of torture, however, should be absolute, failing which the principle whereby torture should not be used to extract confessions was literally meaningless. Additional information on the subject would be welcome.

53. Ms. KLEOPAS asked how a person could possibly be detained without a court decision and whether the training for law enforcement personnel drew their attention to the fact that there could be no derogation from the prohibition of torture.

54. The CHAIRMAN, speaking in his personal capacity, wished to know whether the competent authorities of the State party had used the paramilitary activities of Mario Uribe Escobar - and the human rights violations that he had committed - as a basis for denying his application for asylum. Insofar as international instruments took precedence over domestic law, he wished to know whether the Convention had already been directly applied by the courts. Lastly, he asked the delegation whether it believed that the budget for combating sex tourism in the State party was adequate, given the extent of the phenomenon.

55. Mr. GUILLERMET (Costa Rica) said that there were no juvenile detention centres in his country and that minors were not imprisoned, as judges preferred alternative sentencing for minors who were in conflict with the law.

56. The CHAIRMAN thanked the Costa Rican delegation and invited it to respond to further questions at a subsequent meeting.

*The first part (public) of the meeting rose at 12.10 p.m.*