



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

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### **Written replies by the Government of Costa Rica to the list of issues (CRC/C/CRI/Q/4) prepared by the Committee on the Rights of the Child in connection with the consideration of the fourth periodic report of Costa Rica (CRC/C/CRI/4)\***

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

## **Part I**

### **Reply to the issues raised in paragraph 1 of the list of issues (CRC/C/CRI/Q/4)**

1. The National Policy on Children and Adolescents, 2009–2021 (PNNA) was drawn up on with the participation of public institutions, non-governmental organizations, civil society and minors. Its design and formulation took account of all aspects of the Convention and its two Optional Protocols, with a focus on human rights.
2. The Policy establishes Costa Rica's strategy with regard to the promotion, observance and safeguarding of the human rights of children and adolescents and reflects the desire to promote and strengthen the programmes and measures required to overcome the gaps separating the country from full compliance with the provisions of the Convention on the Rights of the Child and with national legislation currently in force.
3. The PNNA represents the practical application of the standards, principles and rights embodied in the Convention and the Children and Adolescents Code, as well as other international and national instruments for the protection of human rights.
4. The minor is seen in this context as an active subject, not a mere passive recipient; respect for diversity is viewed from a universal perspective, eschewing approaches based on charity, assistance and arbitrary or discretionary intervention. Policy is developed with a distinctive focus on rights and is intended to inform all the nations' programmes, plans and projects.

### **Reply to the issues raised in subparagraph (a) of paragraph 1**

5. The responsibility for issuing the National Policy on Children and Adolescents in Costa Rica rests strictly speaking with the Executive (President of the Republic and the Minister in charge). Issued by the Council of Ministers (comprising the President and government ministers), it remains in force and valid until such time as it is revoked, amended or replaced by another policy. In this particular case, the PNNA has a time horizon of 2021 (the year marking the bicentenary of the founding of the Republic).
6. Having been issued with the agreement of the Council of Ministers, the Policy does not require validation by executive decree, in the judgement of the Constitutional Court (decision 2007-013583) and the Office of the Procurator-General (Nos. OJ-176-02, OJ-145-02 and C-317-01). Both have stated that the issuance of policy is a constitutional function of the executive and does not need to be validated by an executive decree. Other public policies (youth and gender equality) were issued by executive decree as a political strategy, and also to enable the sectors to coordinate, implement and integrate them in the workplans of the relevant bodies. That was not necessary in the case of the PNNA, since it had already been adopted by agreement with the National Council on Children and Adolescent (CNNA), a specialized collegiate body responsible for inter-institutional and intersectoral coordination concerning children and adolescents. The topic of children and adolescents was duly incorporated in the National Development Plan (for details see annex I).

### **Reply to the issues raised in subparagraph (b) of paragraph 1**

7. The PNNA and its plan of action are key elements in the National System of Comprehensive Protection (SNPI) and require the adoption of a management model, i.e. a

regulatory framework defining the functions, responsibilities and powers of the institutional and social agents and the mechanisms through which they must operate. The management model is included in chapter 7 of the PNNA.

8. The model focuses on the definition of the bodies responsible for coordinating and networking all the public, private, community and family resources (institutional, human and financial) on which the system can draw in its sectoral, institutional and territorial fields of operation.

9. The plan of action for implementing the National Policy, currently under development, involves the integration of national, sectoral and local plans, together with strategic measures for coordinating it with the National Development Plan. The plan of action specifies the organizations responsible for its implementation and provides for a monitoring system and civic participation.

10. In the early days of the new government, the National Council on Children and Adolescents scheduled a discussion on the design of the PNNA's plan of action, which is being drawn up with the participation of minors, civil society, non-governmental organizations and public institutions and is being designed and drafted with technical and financial support from the United Nations Children's Fund (UNICEF).

11. The plan of action also covers the budgetary contribution that institutions must make in compliance with the National Policy on Children and Adolescents.

12. The commission set up within the CNNA to draft the plan of action is responsible for conducting the process. It was the health sector, on the other hand, that developed the National Adolescent Health Strategy within the framework of the PNNA.

### **Replies to the issues raised in paragraph 2 of the list of issues**

13. The Government of Oscar Arias Sanchez (2006–2010) implemented the Social Protection and Economic Stimulus Plan ("Plan Escudo") consisting of economic measures to cope with the international crisis. In 2005–2007, an upward trend was observed in the indicators of income inequality and family poverty; there was a turnabout in 2008 as a result of increased economic growth in 2006 and 2007, combined with the social policies of President Arias Sanchez's administration. However, the overall impact of the global crisis on the income and jobs of Costa Ricans reversed the favourable trend in the indicators and led to a further increase in poverty in 2009.

14. The 16th State of the Nation Report confirmed that the downward trend in the incidence of poverty since 2005 had gone into reverse. Total poverty increased from 16.7 per cent in 2007 to 17.7 per cent in 2008 and extreme poverty rose from 3.3 per cent to 3.5 per cent. Poverty affected 931,967 individuals, 95,000 more than in 2007 (19,670 additional households).

15. In 2009, in a clear context of recession, poverty began to grow again, this time by 0.8 percentage points; and when it reached 18.5 per cent, it stood at the lower limit marking the start of a period of stagnation. In the same year, total poverty increased in four of the country's six regions — Pacifico Central, Huetar Norte, Central and Branca — and declined in Huetar Atlantica (-3.1 percentage points) and Chorotega (-1.9 points).

16. The Report noted that poor households were for the most part located outside the Central region, particularly those in the first decile (62.2 per cent). In the first decile, they had an average of 4.4 members and in the second decile 4.1 members. In both cases, more than half the members were minors (aged 0 to 17) or older persons (65 and above).

17. As to “future austerity plans”, the plans to be adopted by the Chinchilla Government (2011–2014) with the aim of reducing the poverty affecting one in every three children under 12 are set out in the National Development Plan, 2011–2014, which defines the following objectives:

(a) By 2014, 20,000 families currently living in a state of extreme poverty, vulnerability and social risk will benefit from a comprehensive care plan aimed at helping to meet basic needs in the areas of food, health, education, human development, employment and production support, housing, care services and child development as well as care for elderly persons and dependent persons with disability, special emphasis being placed on communities with a low level of social development;

(b) By 2014 the coverage of care networks for children will increase by 75 per cent (15,000). Under the programme entitled “National Childcare and Development Network”, the strategic aim will be to establish and develop the network so that it becomes a universal system with solidarity-based funding;

(c) By 2014, 100 per cent of the communities identified as priorities will implement comprehensive sustainable local development projects, which will include civic participation and social auditing through coordinated sectoral and inter-institutional participation. The aim of the “caring, safe and healthy communities programme” is to promote sustainable local development, in the context of a culture of peace, solidarity and equity, particularly in assisted urban and rural communities with high levels of poverty, violence, vulnerability and social exclusion;

(d) As a specific contribution to the national community development plan, the goal is to establish 20 local comprehensive protection systems for children in communities identified as priorities.

### **Reply to the issues raised in paragraph 3 of the list of issues**

18. The formal and functional structure of the National System for the Comprehensive Protection of the Rights of Children and Adolescents (SNPI) is defined in the Children and Adolescents Code from articles 168 onwards. Measures to improve coordination between the constituent institutions include:

(a) Development of a legal framework governing the Children and Adolescents Code, including:

- (i) Regulations governing the National Council on Children and Adolescents;
- (ii) Regulations governing the Child and Adolescent Protection Boards;
- (iii) Regulations governing the Children and Adolescents Fund;
- (iv) Draft regulations governing the committees to safeguard the rights of the child;

(b) Revision and coordination of existing regulations together with a proposal for regulating the coordination of SNPI’s national, regional and local components (in agreement with the CNNA);

(c) Proposal for reforming the Children and Adolescents Code to include representatives of the Protection Boards, the committees to safeguard the rights of the child and the young persons network; and development of a conceptual framework for SNPI’s local components (local protection subsystem);

(d) Coordination of the SNPI with international cooperation programmes (Windows of Peace);

(e) Coordination of the SNPI with government programmes (“caring, safe and healthy communities”);

(f) Coordination with other specific programmes: commercial sexual exploitation, road map, responsible parenthood and the national plan to end corporal punishment.

### **Reply to the issues raised in subparagraph (a) of paragraph 3**

19. It should be underlined that overall responsibility in a legal and administrative sense rests with the departmental ministers in charge of sectors established under the Constitution.

20. The National Child Protection Agency is a key organization with constitutional status. It is a decentralized “entity” with “basic autonomy”, that is to say, its autonomy is solely administrative, not political or financial, as discussed and decided at the 1949 Constituent Assembly. The Constitutional Court and the Office of the Procurator-General have pointed out that overall responsibility rests with ministries with sectoral responsibilities, not with autonomous institutions.

21. The CNNA is responsible for inter-institutional and intersectoral coordination and is chaired by the National Child Protection Agency (PANI), which also provides technical and logistical support for the Council’s coordination activities. Examples of its activities include the design and development of the National Policy on Children and Adolescents (PNNA), the drafting of the Report on the State of Child and Adolescent Rights (EDNA), the plan to end physical punishment, the System of Information and Statistics on the Rights of Children and Adolescents (SIEDNA), the observatory on commercial sexual exploitation and the local protection subsystems. It also exercises guidance and coordination functions in relation to the different bodies in the child and adolescent sector.

### **Reply to the issues raised in subparagraph (b) of paragraph 3**

22. Under the Municipal Code, the municipal authorities are responsible for safeguarding the rights of children and adolescents in fields such as health, education, culture, recreation, games, sport, play areas and drug prevention.

23. The Act on the transfer of powers to municipal authorities is viewed by PANI and SNPI as an opportunity to engage the municipalities as a strategic ally and enable them to play their proper role in developing and implementing the comprehensive local protection systems. In this regard, one of the targets under the National Development Plan is to establish and launch 20 local comprehensive protection systems by 2014. In accordance with the legal framework and chosen strategy, the basic working structure will consist of the Child and Adolescent Protection Boards, the committees to safeguard children’s rights, and representatives of minors in addition to those currently represented in the Protection Boards.

24. PANI, as a catalyst for the local protection systems and with technical and financial support under a joint workplan with UNICEF, has proposed reinforcing 14 local systems in 2011, investing them with managerial autonomy to coordinate all local actors in the child and adolescent sector, in pursuit of common goals, operating on a municipal platform, with a targeted programme and budget and with the technical advice of PANI.

25. Under the “Window of Peace” plan, the municipal authorities are being given greater powers to recover recreational areas for young children and adopt preventive measures to provide minors with safe and healthy environments. The programme also seeks

to strengthen comprehensive local protection subsystems through the coordination of community institutions, organizations and sectors.

26. Through the programme in support of caring, safe and healthy communities and through the Care Network, the municipalities will have a key role to play in creating environments favouring the involvement of all sectors, institutions and organizations.

27. A forum for community participation is provided by the Protection Boards consisting of representatives of the municipalities. The Board's projects are funded through financial cooperation with its member institutions.

28. Under the caring, safe and healthy communities programme, the municipal authorities have a key role in creating a healthy environment with the participation of all sectors and institutions, including PANI.

29. The Institutional Strategic Plan, 2008–2012 has provided a guiding framework for PANI's activities. Underpinning this practical and conceptual framework is a functional structure in the form of the National System for the Comprehensive Protection of the Rights of Children and Adolescents (SNPI), with its national, regional and local components. The Constitutional Court was in this sense right in its interpretation that PANI is not exclusively responsible for ensuring the effective exercise of minors' rights and that all public institutions must cooperate in the protection of children and adolescents. Through SNPI, PANI is developing its core strategies, including a promotion strategy in the form of national campaigns (e.g. to end corporal punishment), a prevention strategy comprising projects for combating risk factors such as drug consumption and violence against minors (Protection Boards and the "Window of Peace" plan), a safeguarding strategy to bring legislation into line with the Convention (bill on hazardous work), a national protection strategy under which PANI subsidizes non-governmental organizations concerned with protecting abandoned and vulnerable minors (UNIPRIM forms part of the National Council on Children and Adolescents), a defence strategy under which PANI prescribes protection measures that involve institutions such as SNPI. PANI has national coverage, consisting of 41 local offices, each with its own territorial jurisdiction, responsible for developing programmes and projects at the local and communal level in association with State institutions and non-governmental organizations.

30. The System of Information and Statistics on the Rights of Children and Adolescents (SIEDNA) can provide some disaggregated data of the kind indicated by the Committee. However, this data remains inadequate in terms of detail and relevance. It was for this reason that the National Council on Children and Adolescents in 2008 entrusted PANI with proving support to SIEDNA.

31. SIEDNA, an initiative of the University of Costa Rica (UCR), received financial and logistic support from PANI in the period 2007–2010.

32. On the basis of a transfer by PANI at the end of 2009, UCR engaged a consultant in 2010 to prepare a proposal for the creation of a human rights observatory for children and adolescents, with a view to institutionalizing SIEDNA as a key element in its operation.

33. PANI is currently evaluating the proposal submitted in October 2010 in terms of appropriateness and cost. The evaluation has to take into account that when the idea of creating the observatory was first mooted there was strong emphasis on the need for SIEDNA to expand its initial objectives, since it had its limitations as a university project.

34. The idea under consideration is that the observatory could be organized and operate so as to provide a formal mechanism for coordinating data production with the National Institute of Statistics and Censuses (INEC), the body in charge of Costa Rica's statistical system. Such coordination should help among other things to standardize the production of

data by public bodies with links to the child and adolescent sector, in keeping with classification and disaggregation standards for at-risk child population groups.

35. Between May and June of this year, INEC is to carry out a national population census that will yield detailed information on children and adolescents (overall and in terms of populations at risk) and preliminary data will be available in January 2012.

### **Reply to the issues raised in paragraph 5 of the list of issues**

36. The National Care and Development Network intends by 2013 to have over 100 additional Care and Development Centres, including at least 1 in every canton of Costa Rica, catering for some 7,500 extra children between the ages of 6 months and 6 years. It will also coordinate its operations so as to strengthen the Child Nutrition and Comprehensive Services Centres (CINAI), community homes and services supported by PANI. These new centres will be established through a trust fund financed by international banks, currently under negotiation.

37. The Network will not replace any of the Ministry of Education's regular preschool education programmes, its purpose being to provide care services for young children. For example, if children attend regular preschool classes, they can come to the care centre in the evening, but they will not be taught the standard school curriculum. The purpose of the centres is to promote the child's comprehensive development.

38. Studies are currently being carried out to determine the best location for the centres, the cost of the operation, the caring and management structures and other aspects relating to the practical functioning of the Network. Work on the system of indicators is due to begin over the coming months.

### **Reply to the issues raised in paragraph 6 of the list of issues**

39. Concerning the National Plan for the Prevention of Violence and the Promotion of Peace (2007), the Vice-Ministry of Peace and the Promotion of Peace is currently evaluating the implementation of the Plan, an exercise that is not yet concluded.

40. The new National Plan for the Prevention of Violence and the Promotion of Peace, 2011–2014 includes projects and programmes for preventing and controlling drug trafficking and consumption. This document is in the process of validation and will subsequently be circulated to the different sectors for feedback. It could not be included in this report since at the time this report was prepared it existed only as a preliminary draft.

41. With regard to trafficking in persons, the Directorate for Migration and Alien Affairs reports that it is only aware of one such case, which has resulted in a final conviction.

### **Reply to the issues raised in paragraph 7 of the list of issues**

42. Concerning hazardous and unhealthy work, on 21 December 2010 the Legislative Assembly adopted at second reading the Prohibition of Hazardous and Unhealthy Work for Adolescent Workers Act (No. 8922) in keeping with Costa Rica's commitment in ratifying ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).

43. When the Act comes into force, a tripartite commission composed of employers, workers and government representatives will be established. It will be led and coordinated by the Ministry of Labour and Social Security through the National Social Security

Directorate's Office for the Prevention and Elimination of Child Labour and the Protection of Juvenile Workers (OATIA). The Commission will meet fortnightly for a maximum of six months, with the aim of regulating the Act, which implies reviewing the topic of hazardous and unhealthy work by means of periodic studies.

44. With regard to domestic work by minors, Act No. 8842 on protection of the rights of adolescent domestic workers, amending the Children and Adolescents Code, came into force on 13 August 2010. This Act amends the following articles:

(a) Article 94, incorporating the definition of adolescent domestic work and stipulating the circumstances in which it is prohibited;

(b) Article 97, defining homes where minors are employed as domestic workers as workplaces, and empowering the Ministry of Labour and Social Security, through the Labour Inspectorate, to enter homes where an adolescent is working to protect the minor's labour rights.

45. With the support of FUMPADEN, in coordination with the Office for the Prevention and Elimination of Child Labour and the Protection of Juvenile Workers (OATIA) and the Labour Inspectorate, a start has been made on developing a protocol to guide the Ministry in the implementation of this law, with particular reference to the entry of labour inspectors into homes where under age domestic workers have been detected.

46. It should also be mentioned that implementation of the road map to make Costa Rica a country free of child labour, particularly the worst forms of child labour, was initiated in 2011. The plan serves as the basis for a tripartite national strategy for developing measures to address the problem. The main objective of the road map for 2020 — described as a "nodal vision" — is as follows:

"The participation of children and adolescents aged between 5 and 17 in work activities prejudicing their educational, physical and mental development will be eliminated, while the guarantees regarding enjoyment of all their rights, especially those of protection, health and education prescribed in the Constitution and national legislation, are reinforced."

47. The overall aims of the road map are:

(a) To prevent and eradicate child labour involving children below the age of 15;

(b) To prevent and combat the worst forms of child labour involving young people under 18;

(c) To protect the well-being and rights of adolescent workers aged 15 to 18.

48. The road map has been implemented through a joint programme developed with the participation of various government bodies, non-governmental organizations and employers' and workers' organizations. There has been coordination with public institutions regarding the inclusion of their responsibilities and strategic commitment in the National Development Plan, 2011–2014 and the incorporation of their detailed activities in the Institutional Operational Plan.

49. The responsibility for monitoring compliance with this programme rests with MIDEPLAN and the Ministry of Labour and Social Security through the National Social Security Directorate's Office for the Prevention and Elimination of Child Labour and the Protection of Juvenile Workers. In coordination with ILO, work is proceeding on the development of a system for monitoring the programme.

50. The road map for combating child labour and the worst forms of child labour, trafficking in persons and commercial sexual exploitation was approved by the National Council on Children and Adolescents in February 2010, was incorporated in the National



Development Plan 2011–2014 and is reflected in measures included in institutional operational programmes.

51. Sexual commercial exploitation in its various forms is an offence punishable by law in Costa Rica (Acts Nos. 7899 and 8590), and campaigns on radio and television and in national and regional enterprises have been organized to inform people about the offence and encourage them to report it.

### **Reply to the issues raised in paragraph 8 of the list of issues**

52. There is no bilingual education in the indigenous education centres; the teaching of language and culture takes place at the primary level only, ignoring what is most fundamental, namely preschool education. Nor is there a link with secondary education.

53. There have been isolated experiments in bilingual intercultural education, such as the teaching of Bribri in the 1980s by retired teacher Mayra Oliver Blanco in the first grade of the Bernardo Drug School in the community of Amubri-Talamanca.

54. There are very few mother-tongue lessons in primary schools in indigenous territories, and pupils do not in practice learn much from their 3 weekly lessons a week per grade, compared with the 10 lessons a week in a hegemonic dominant language such as Spanish.

55. Lessons in indigenous culture are limited to two hours a week, so that the subject will never realize the hopes initially invested in it since many lessons are required to cover just part of the indigenous cosmovision.

56. To improve bilingual intercultural education in indigenous territories, it will be necessary to establish a teacher-training process and to work on a proposed curriculum for submission to the Higher Council of Education for its approval and application in indigenous territories from preschool through to secondary level.

57. No teaching materials are published in indigenous languages by the Ministry of Education; those that exist have been published by NGOs or foundations. Works of this kind are being used in indigenous schools, for example the Saña Yuwo Sa Siwawa sponsored by the Swedish Foundation, but are not recognized by the Ministry of Education. A publication in the Cabecar language contains information on the cosmovision of the Cabecars in their different territories.

58. With the implementation of Decree No. 22072 on the indigenous education subsystem, it is hoped that the Ministry of Education will ensure the introduction of bilingual education in the indigenous territories.

59. With the transformation of the Department of Indigenous Education into the Department of Intercultural Education under Decree No. 36451-MEP, it is likewise to be hoped that schooling will be in closer touch with national realities and with the indigenous territories through the provision of a relevant and culturally rooted education that is genuinely bilingual and intercultural.

### **Reply to the issues raised in paragraph 9 of the list of issues**

60. According to the 16th State of the Nation Report, the school dropout rate at secondary level fell from 12.1 per cent in 2008 to 10.9 per cent in 2009. This came close to being one of the lowest figures since 1995, approaching the lowest recorded rate of 10.4 per cent in 2003. Improvements in educational coverage for the school-age population at all

levels, together with reductions in the school dropout rate, are good news for the country, which is on the way to achieving universal secondary education.

61. One of the main causes of dropout is the socio-economic “exclusión” problem, which prevents children and adolescents from pursuing their studies. This problem is starting to be addressed through the reinforcement of the Directorate of Equity Programmes, which is seeking to minimize the effect of the various social, economic, ethnic, cultural, gender and disability disadvantages through effective exercise of the universal right to education.

62. The specific measures taken include:

(a) Provision of economic subsidies to families living in extreme poverty and the awarding of 155,308 grants in 2009, reflecting the growing number of scholarship-holders benefiting annually;

(b) Provision of a transport service to students living in remote rural areas, which benefited 83,372 students in 2009;

(c) Provision of food supplements to the school population, benefiting 603,147 in 2009.

63. With regard to the measures taken to ensure that the primary education system is fully compatible with the secondary system so that the transition does not constitute an obstacle to young people continuing their studies, tests in the sixth and ninth years of primary school have been eliminated as a requirement for beginning a new academic cycle in the student’s seventh or tenth year. This has been done by giving the tests a new emphasis so that they serve as a diagnostic tool or sample to evaluate the educational process and yield opportunities and measures for correction.

64. In this way, young people are less likely to become frustrated and drop out of the education system, since national tests will no longer be an obstacle to passing to the next academic level (sixth and ninth grades) because of failure in one or more subjects. 2008 thus saw the introduction by the Ministry of Education of a new assessment policy tending to favour school retention and making it possible for students to “carry over” a subject from one year to the next if they are obliged to repeat it.

65. The current administration’s 10 strategic educational guidelines will empower schools as the main focus of educational practice systemwide. The transition from primary to secondary school should in this way become standard practice within the school system, which will also be responsible for managing the transition.

66. There are a number of possible approaches to implementing this strategy, many of which are in fact being pursued:

(a) Preparation for the transition to secondary school during the pupil’s sixth year, particularly the second half of the year, through support and preparatory activities, preferably carried out by the regular or class teacher;

(b) Visits to the school by secondary-school teaching and administrative staff and students to encourage pupils in their sixth year to pursue their studies at the secondary level;

(c) Visits by pupils in their sixth year to secondary schools, with talks and exchanges by teachers and students to encourage pupils to go on to secondary education;

(d) Acclimatizing seventh-year pupils on entry to the secondary school and periodically throughout the year, with special emphasis on the first months of the academic cycle;

(e) Strengthening coordination between secondary-school counselling services and primary schools to ensure a gradual transfer of information concerning each student and supervision of the pupil's transition to secondary education;

(f) Review of curricula at both primary and secondary levels aimed in particular at identifying key elements that need to be adapted, modified or strengthened to ensure a smoother and more focused transition from primary to secondary levels, thereby encouraging pupils to pursue their education;

(g) The Learning Assessment Department is developing an induction scheme for pupils entering secondary school in their seventh year so as to provide basic information on the transition process, including the functioning of the new school.

67. There are some successful examples in the provinces of institutions at both primary and secondary level that arrange to visit other schools, give talks, etc., with the aim of making the transition process easier for pupils.

68. The Institute of Professional Development was set up at the end of 2007 with the aim of improving the initial and in-service training of teachers to enable educational personnel (teachers and administrators) to approach their educational duties in an innovative manner.

69. Since 2006, the Ministry of Education has also been promoting a series of curricular reforms aimed at stimulating the interest of pupils in participating in courses that are entertaining, innovative and lively while simultaneously promoting learning, namely:

- (a) New civic education programmes;
- (b) New music education studies;
- (c) New plastic arts courses;
- (d) New physical education courses.

70. The 16th State of the Nation Report noted that one of the cash transfer programmes being examined was the "Avancemos" ("Let's get ahead") programme, established in 2006 to promote universal secondary education and support continued secondary education, especially by pupils from poor and vulnerable backgrounds. In 2009, there was a 0.4 percentage reduction in poverty, representing an increased impact of 0.2 and 0.1 percentage points respectively compared with previous years. With regard to the distribution of beneficiaries by deciles of family income per capita, disregarding transferred amounts, the situation in 2009 was a repetition of previous years: over half the scholarship-holders belonged to poor households and some 15 per cent to vulnerable homes (third decile). However, the percentage of beneficiaries from households in the fourth to tenth deciles (those with greatest income) continued to increase, and in 2009 one in every three scholarship-holders (33.9 per cent) was a member of such households. The fact merits close study by the Joint Institute on Social Aid (IMAS) authorities.

71. The report also indicated that there has so far been no assessment of the impact of the programme on the academic performance of students receiving scholarships, nor is it clear whether there is any machinery for coordination between IMAS and the Ministry of Education to monitor those students academically.

### **Reply to the issues raised in paragraph 10 of the list of issues**

72. Policies, programmes and measures to cater for the indigenous population (Ngobe-Bugle) and those of other nationalities (Nicaraguans) come under the Joint Road Map Programme. Special provision for indigenous peoples runs through all its activities.

73. The Programme is also an active member of the Turrialba Inter-agency Commission in Support of the Indigenous Population of Cabecar-Chirripó, an inter-agency engaged in defending the rights of children and adolescents in the indigenous region.

74. The Commission initially planned to develop a training and awareness-raising component for officials in the various agencies serving the indigenous population, which is essential for gaining or furthering knowledge of how to approach a shared conceptual framework and to respond to beliefs and personal experiences that shape a world view as well as attitudes on specific topics such as child labour, which can transcend the professional sphere and impinge on personal existence.

75. Subsequently, a start was made on developing a proposal for inter-agency action to tackle the issue as a matter of priority. Any measures, it should be emphasized, must be based on respect for the culture and customs of the indigenous people.

### **Reply to the issues raised in paragraph 11 of the list of issues**

76. National programmes and policies address the world of children and adolescents without discrimination, which is why national policy, national development policy, specific programmes and agency projects cater equally for minors from indigenous communities and the migrant population in general, not simply for children and adolescents of Nicaraguan origin (see National Programme on Children and Adolescents – PNNA, page 58, section 3, Principles of the PNNA, subsection (b): Equality and Non-Discrimination). The National Development Plan 2010–2014, Social and Family Welfare Section, includes a strategic action entitled “National Programme for the Development of Indigenous Peoples in the framework of State policy with regard to indigenous culture”, which is intended to be a cross-cutting element in institutional operational plans.

77. In this connection, PANI is developing a project entitled “Promotion of the rights and strengthening of the factors safeguarding indigenous communities” to be implemented in eight indigenous communities, located in Huetar, Maleku, Chorotega, Bribri, Cabécar, Brunca, Guaymí and Teribe settlements in various parts of the country.

### **Reply to the issues raised in paragraph 12 of the list of issues**

78. In Costa Rica, the National Child Protection Agency (PANI), which serves as the central adoption authority, applies different standards from those of the Supreme Court of Justice with regard to international adoptions with the consent of parents.

79. The courts in Costa Rica have repeatedly ruled that the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption is not applicable to international adoptions with the consent of parents, popularly known as “private international adoptions involving direct contact between the parties concerned”.

80. In the judgement of the courts, the Hague Convention is only relevant in the case of children and adolescents in the custody of PANI (institutionalized) since in other cases (taking place with parental consent) the relevant principle is that the will of the parents must prevail and that the applicable rules are exclusively those prescribed in the Family Code or domestic law, which do not provide for the circumstances or procedures covered by the Convention.

81. PANI has frequently contested international adoptions involving direct contact between the parties concerned, which do not observe the aforementioned international standards. Yet, despite this opposition, the judicial authorities have continued to approve adoptions of this kind.

82. On 31 March 2008, the Ombudsman's Office and PANI filed an application for constitutional review of the repeated judgements of the Family Court (case file 08-005263-0007-CO). To date, there has been no decision on the case.

83. Meanwhile, applications for adoptions of this kind continue to be submitted and the Juvenile Court continues to deal with them, although by law it cannot pass judgement until the constitutional review is complete.

84. There are also various bills before the Legislative Assembly seeking to harmonize domestic legislation and international norms. However, they have not to date been adopted. The bill that has attracted most support is that modifying subparagraph (c) of article 109 and articles 112 and 113 of the Family Code, Act No. 5476 of 21 December 1973.

85. This bill provides that the circumstances and procedures laid down in the Hague Convention should apply to all international adoptions, along with the principle of subsidiarity and the declaration of eligibility for adoption by the central authority (PANI). In the case of national adoptions with the consent of parents, the bill likewise stipulates *inter alia* that the declaration of eligibility for adoption by PANI should be an essential prerequisite for the approval of adoption by the judicial authority.

86. Further to Costa Rica's commitments in ratifying the Convention on the Rights of the Child and the Hague Convention, Act No. 7538 — adopted on 22 August 1995 and published in *La Gaceta* No. 199 of 20 October 1995 — represented a partial alignment with the Hague Convention. A bill modifying subparagraph (c) of article 109 and articles 112 and 113 of the Family Code remains before the Legislative Assembly, and a decision is pending on the application by the Ombudsman's Office and PANI for constitutional review of the judgements of the Family Court on the grounds of non-application of the Hague Convention in the case of international adoptions involving direct contact with the parents.

### **Reply to the issues raised in paragraph 13 of the list of issues**

87. In accordance with the concluding recommendations of the Committee, the National Plan to Combat Commercial Sexual Exploitation, 2008–2010 was implemented on the basis of an agreement by the Government concerning its implementation and inclusion in the National Development Plan for 2006–2010 and an agreement by the National Council on Children and Adolescents concerning its inter-agency execution.

88. The relevant institutions budgeted in their operational plans for the planned activities, which were monitored by the Technical Secretariat of the National Commission to Combat Commercial Sexual Exploitation (CONACOES) and the Ministry of Planning.

89. Eighty per cent of the 41 national inter-agency targets were met. A pilot plan was drawn up for inter-agency projects in six localities — Pavas, Aguirre, Santa Cruz, Corredores, Limón and Los Chiles — involving a local networking strategy headed by PANI officials, with the participation of local organizations and NGOs competent in the field. Under the plan, 124 prevention projects were carried out, involving a total of 10,288 participants in 2009 and 2010 (see map in annex II).

90. Five inter-agency protocols and a set of guidelines on inter-agency work in local networks were prepared in 2010 by the following bodies: the Ministry of Education, the Ministry of Health, the National Child Protection Agency, the Directorate-General of Migration and Alien Affairs, the Office of the Prosecutor for Sexual Offences. Inter-agency implementation began at the end of 2010, and the technical secretariat of the National Commission to Combat Commercial Sexual Exploitation drew up a set of inter-agency guidelines on the restoration of rights.

## Part II

### Reply to the issues raised in subparagraph (a) of part II of the list of issues

91. The new bills and enacted legislation on human rights are presented in annex III.
92. Two of the decrees recently issued are:

(a) An executive decree, published in the *Gaceta Digital* on 13 May 2010 (see annex I), that declares the creation and development of a national child care and development network to be of public interest. Article 2 of the decree states that “the Joint Institute on Social Aid (IMAS) shall perform the studies and other activities required for the design, regulation and establishment of the National Child Care and Development Network and the formulation of its development plans. Such activities shall be coordinated by the Ministry of Social Welfare and the Family, without prejudice to the powers granted to other public institutions in this area.” (*IMAS POI 2011*, page 16);

(b) Executive Decree No. 36122-MP-MBSF, published in *La Gaceta* No. 164 of 24 August 2010, which establishes the general organization of the solidarity-based, safe and healthy communities programme and declares it to be of public interest (available online at [www.gaceta.go.cr/pub/2010/08/24/COMP\\_24\\_08\\_2010.html](http://www.gaceta.go.cr/pub/2010/08/24/COMP_24_08_2010.html)).

### Reply to the issues raised in subparagraph (b) of part II of the list of issues

93. No new institutions have been created.

### Reply to the issues raised in subparagraph (c) of part II of the list of issues

94. See the table of newly adopted policies and programmes below:

#### Local protection subsystems: strengthening coordination of the national system of comprehensive protection at the local level

National Child Welfare Agency (PANI)	<p>The plan to end corporal punishment, which was drawn up by a commission of the National Council on Children and Adolescents (CNNA). PANI implements some of its components, mainly in the areas of promotion, prevention, care and protection</p> <p>The Adolescents Network of the Child and Adolescent Protection Boards, which encourages minors to join the protection boards</p>
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Ministry of Culture and Youth	<p>The National Dance Company has performed special shows in schools and communities about the sexual commercial exploitation of children and adolescents. The performances are combined with discussions led by experts in the subject.</p> <p>The National Theatre Company puts on shows especially for minors.</p> <p>The “Art as a Tool for Prevention” project.</p>
Ministry of Justice	<p>The “Bridges of Light” project, which focuses on protecting children, adolescents and young persons.</p> <p>Enhancing the capacity of local governments and communities to provide protection.</p> <p>Communication for peace.</p> <p>Disarming violence: tackling the problem of firearms.</p> <p>Peaceful dispute settlement.</p> <p>The Violence Observatory.</p> <p>The Peace Network.</p> <p>Civic centres for the promotion of social peace.</p>
Ministry of Social Welfare and the Family	<p>The Care Network, which is a comprehensive care programme for infants.</p> <p>The solidarity-based, safe and healthy communities programme, which will be implemented in the 15 cantons with the lowest social development indices and other vulnerable communities, as decided by the Presidential Council of Social Welfare and the Family.</p>

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### **Reply to the issues raised in subparagraph (d) of part II of the list of issues**

95. See annex III.

## **Part III**

### **Reply to the issues raised in paragraph (14) of the list of issues**

#### **Reply to the issues raised in subparagraphs (a) and (b) of paragraph 14 of the list of issues**

96. The table below shows the number of criminal cases involving under age victims that have been filed with the courts, by year and classified by section of the Criminal Code,

violation of special laws and type of complaint. Data disaggregated by age, sex, ethnic origin or municipality are not available:

**Criminal cases involving under age victims that have been filed with the courts, by year and classified by section of the Criminal Code, violation of special laws and type of complaint**

During 2007, 2008 and 2009 (Criminal offences – adults)

	<i>Period in which complaint was filed</i>		
	<i>2007</i>	<i>2008</i>	<i>2009</i>
<i>Complaints filed under the “Family” section of the Criminal Code</i>	<i>Number of complaints filed during the period</i>		
Complaints of sexual offences	3 489	3 839	4 198
Sexual abuse of a minor or person without full legal capacity	1 909	2 072	2 380
Attempted sexual abuse of a minor or person without full legal capacity	458	600	448
Corruption of minors	108	81	57
Aggravated corruption of minors	0	0	14
Dissemination of pornography	60	52	59
Manufacture or production of pornography	16	11	11
Procuring	116	73	44
Aggravated procuring	0	0	40
Rape	15	16	29
Sexual relations with minors	441	589	720
Attempted sexual relations with minors	247	257	311
Paid sexual relations with minors	99	58	75
Attempted paid sexual relations with minors	20	30	10
Complaints brought against family members	643	720	883
Provision or acquisition of alcoholic beverages for minors	11	19	26
Failure to feed a minor properly	81	51	94
Failure to care for a minor properly	25	21	43
Failure to fulfil parental obligations or abuse of parental rights	54	125	219
Presence of minors in places where their presence is not authorized	32	23	8
Abduction of a minor or person without full legal capacity	435	473	485
Illegal holding of minors for adoption	0	0	3
Sale of dangerous objects to a minor or person without full legal capacity	5	8	5

*Source:* Statistics Section of the Department of Planning.



## Reply to the issues raised in subparagraph (c) of paragraph 14 of the list of issues

97. See the table below:

### Number of births to adolescent mothers

2005–2009 Costa Rican Social Security Fund

Age group of mothers	Region/origin	Years				
		2005	2006	2007	2008	2009
0–11 years	1. Central Norte	2	1	5	4	-
	2. Central Sur	-	1	1	2	1
	3. Huetar Norte	-	1	4	1	3
	4. Chorotega	-	-	1	3	2
	5. Pacífico Central	-	-	-	2	-
	6. Huetar Atlántico	2	1	2	3	2
	7. Brunca	1	-	1	-	-
	8. Foreign	-	-	-	-	-
	9. Unknown	1	-	-	-	-
<b>Total</b>		<b>6</b>	<b>4</b>	<b>14</b>	<b>15</b>	<b>8</b>
12–14 years	1. Central Norte	124	161	153	147	177
	2. Central Sur	95	77	107	90	102
	3. Huetar Norte	50	57	69	80	79
	4. Chorotega	77	79	67	99	98
	5. Pacífico Central	52	40	50	39	41
	6. Huetar Atlántico	89	100	109	132	118
	7. Brunca	53	69	54	80	81
	8. Foreign	-	-	-	-	-
	9. Unknown	15	4	2	2	1
<b>Total</b>		<b>555</b>	<b>587</b>	<b>611</b>	<b>669</b>	<b>697</b>
15–17 years	1. Central Norte	1 895	2 050	2 068	2 082	1 999
	2. Central Sur	1 297	1 211	1 358	1 370	1 336
	3. Huetar Norte	542	582	674	641	702
	4. Chorotega	750	791	843	853	774
	5. Pacífico Central	545	519	581	561	491
	6. Huetar Atlántico	954	928	1 035	1 024	1 078
	7. Brunca	728	702	683	699	686
	8. Foreign	-	-	-	-	-
	9. Unknown	113	45	17	12	18
<b>Total</b>		<b>6 824</b>	<b>6 828</b>	<b>7 259</b>	<b>7 242</b>	<b>7 084</b>

Source: Health Statistics Unit of the Costa Rican Social Security Fund. Ministry of Health, Health Monitoring Directorate.

**Reply to the issues raised in paragraphs 15 and 16 of the list of issues**

98. Costa Rica has no data that are disaggregated in the way requested. See the separate annex on the judiciary.

**Reply to the issues raised in paragraph 17 of the list of issues**

99. The statistics for 2006–2010 on children in care, by type of care provided, are given below:

Year	Children in care, by sex				Children in care, by disability			Children in care, by age group				
	No information	Female	Male	Total	With	Without	Total	0–6 years	7–12 years	13–17 years	18 years	Total
<b>Solidarity Homes (Hogarios Solidarios)</b>												
2006	3	1 018	1 008	<b>2 029</b>	127	1 902	<b>2 029</b>	174	679	984	192	<b>2 029</b>
2007	3	1 103	1 098	<b>2 204</b>	116	2 088	<b>2 204</b>	274	834	1 024	72	<b>2 204</b>
2008	3	1 114	1 113	<b>2 230</b>	114	2 116	<b>2 230</b>	312	886	1 016	16	<b>2 230</b>
2009	2	1 101	1 081	<b>2 184</b>	146	2 038	<b>2 184</b>	301	830	1 026	27	<b>2 184</b>
2010	2	1 118	1 097	<b>2 217</b>	146	2 071	<b>2 217</b>	281	641	1 097	198	<b>2 217</b>
<b>PANI shelters</b>												
2006	4	344	302	<b>650</b>	64	586	<b>650</b>	98	176	268	108	<b>650</b>
2007	4	398	385	<b>787</b>	88	699	<b>787</b>	135	253	329	70	<b>787</b>
2008	29	554	508	<b>1 091</b>	14	977	<b>991</b>	256	356	417	62	<b>1 091</b>
2009	20	515	492	<b>1 027</b>	19	1 008	<b>1 027</b>	271	293	405	58	<b>1 027</b>
2010	2	746	635	<b>1 383</b>	118	1 265	<b>1 383</b>	378	351	473	60	<b>1 262</b>

The data are repeatedly updated. The last update was made in 2008 because children leaving the system were not being reported opportunely.

Year	Children in care, by sex				Children in care, by disability			Children in care, by age group				
	No information	Female	Male	Total	With	Without	Total	0–6 years	7–12 years	13–17 years	18 years	Total
<b>Day-care centres</b>												
2006	1	1 749	1 879	<b>3 629</b>	38	3 591	<b>3 629</b>	1 094	1 717	736	79	<b>3 626</b>
2007	7	1 706	1 850	<b>3 563</b>	38	3 525	<b>3 563</b>	1 433	1 503	599	28	<b>3 563</b>
2008	9	1 638	1 717	<b>3 364</b>	38	3 326	<b>3 364</b>	1 519	1 448	391	6	<b>3 364</b>
2009	6	1 761	1 849	<b>3 616</b>	58	3 558	<b>3 616</b>	1 707	1 491	404	14	<b>3 616</b>
2010	2	1 930	2 027	<b>3 959</b>	52	3 907	<b>3 959</b>	1 822	1 452	640	45	<b>3 959</b>

The data are repeatedly updated. The last update was made between 2006 and 2007 because children leaving the system were not being reported promptly.

Year	Children in care, by sex				Children in care, by disability			Children in care, by age group				
	No information	Female	Male	Total	With	Without	Total	0–6 years	7–12 years	13–17 years	18 years	Total
Residential care facilities												
2006	1	909	1 093	<b>2 003</b>	179	1 825	<b>2 004</b>	352	508	881	263	<b>2 004</b>
2007	5	937	1 083	<b>2 025</b>	153	1 873	<b>2 026</b>	423	555	980	68	<b>2 026</b>
2008	37	898	1 102	<b>2 037</b>	113	1 924	<b>2 037</b>	469	550	1 003	15	<b>2 037</b>
2009	6	979	1 155	<b>2 140</b>	115	2 025	<b>2 140</b>	520	555	1 054	11	<b>2 140</b>
2010	1	1 063	1 221	<b>2 285</b>	119	2 166	<b>2 285</b>	601	444	1 225	15	<b>2 285</b>

*Source of statistical data:* Sistema de Información de Alternativas de Protección (SIAP).

Observations: The number of places available increased considerably in 2010, which resulted in an increase in the number of children in care.

Children in care: Total number of children reported as admitted to the system in a specific period. The information is kept from one year to the next, if the sum  $\Sigma$ .

References: Ms. Ivette Solís/C: DOCUMENTOS 2008/PE/PE\_Informe Estadístico 2003–2007.

## Reply to the issues raised in paragraph 18 of the list of issues

100. Below are two tables that summarize the information requested, except the information on ethnic origin. No records are kept on ethnicity because all members of the population are viewed as Costa Ricans.

101. It can be reported, however, that in the past six years, no children of Chinese parents have been eligible for adoption. Also Afro-descendant and indigenous children make up barely 2 per cent of children eligible for adoption and in those cases they have been successfully placed with families that have been duly assessed and approved for adopting children from such backgrounds.

### Number of minors adopted nationally or internationally, by sex, age, region of origin and receiving country, 2007–2010

#### 2007

Type of adoption	Age	No.	Sex		Country	Region	No.	Total
			F	M				
National	Under 1	7						
	Aged 1	11						
	Aged 2	12				San José	28	
	Aged 3	10				Cartago	14	
	Aged 4	5				Alajuela	6	
	Aged 5	5				Atlántica	7	
	Aged 6	6				Heredia	3	
	Aged 7	2				Brunca	1	
	Aged 8	2	31	29		Pacífico	1	60
International	Aged 3	2						
	Aged 4	5						
	Aged 5	2						
	Aged 6	7				San José	13	
	Aged 7	2				Cartago	10	
	Aged 8	5			Italy: 28	Alajuela	4	
	Aged 9	3			Spain: 2	Brunca	1	
	Aged 10	3	15	15		Pacífico	2	30

#### 2008

Type of adoption	Age	No.	Sex		Country	Region	No.	Total
			F	M				
National	Under 1	14						
	Aged 1	10				San José	34	
	Aged 2	12				Alajuela	5	
	Aged 3	5				Atlántica	2	

<i>Type of adoption</i>	<i>Age</i>	<i>No.</i>	<i>Sex</i>		<i>Country</i>	<i>Region</i>	<i>No.</i>	<i>Total</i>
			<i>F</i>	<i>M</i>				
International	Aged 4	8				Heredia	7	
	Aged 5	4				Brunca	3	
	Aged 6	4				Huetar N.	3	
	Aged 7	2				Choroteg	1	
	Aged 8	1	47	13		Cartago	5	<b>60</b>
	Aged 3	0						
	Aged 4	1						
	Aged 5	2						
	Aged 6	1						
	Aged 7	5				San José	4	
	Aged 8	2				Alajuela	5	
	Aged 9	2			Italy: 17	Atlántica	2	
	Aged 10	3			Spain: 1	Heredia	1	
	Aged 11	2			Germany: 1	Brunca	1	
	Aged 12	1	10	9		Cartago	6	<b>19</b>

**2009**

<i>Type of adoption</i>	<i>Age</i>	<i>No.</i>	<i>Sex</i>		<i>Country</i>	<i>Region</i>	<i>No.</i>	<i>Total</i>
			<i>F</i>	<i>M</i>				
National	Under 1	8						
	Aged 1	12						
	Aged 2	14						
	Aged 3	8				San José	28	
	Aged 4	4				Alajuela	4	
	Aged 5	7				Atlántica	8	
	Aged 6	3				Heredia	2	
	Aged 7	2				Brunca	4	
	Aged 8	1				Huetar Norte	5	
	Aged 9	1				Chorotega	1	
	Aged 10	2				Cartago	10	
	Aged 11	1	30	33		Pacífico	1	<b>63</b>
International	Aged 3	1						
	Aged 4	2						
	Aged 5	3						
	Aged 6	4				San José	6	
	Aged 7	4				Alajuela	9	
	Aged 8	3			Spain: 4	Brunca	2	
	Aged 9	2			Italy: 16	Huetar Norte	2	
	Aged 10	1	11	9		Cartago	1	<b>20</b>

**2010**

<i>Type of adoption</i>	<i>Age</i>	<i>No.</i>	<i>Sex</i>		<i>Country</i>	<i>Region</i>	<i>No.</i>	<i>Total</i>
			<i>F</i>	<i>M</i>				
National	Under 1	12				San José	32	
	Aged 1	10				Alajuela	3	
	Aged 2	17				Atlántica	5	
	Aged 3	5				Heredia	2	
	Aged 4	5				Brunca	2	
	Aged 5	6				Huetar Norte	2	
	Aged 6	3				Chorotega	8	
	Aged 7	1				Cartago	5	
	Aged 8	1	35	25		Pacífico	1	<b>60</b>
International	Aged 3	0						
	Aged 4	1						
	Aged 5	1						
	Aged 6	0						
	Aged 7	1						
	Aged 8	2				San José	3	
	Aged 9	0			Italy: 7	Alajuela	1	
	Aged 10	2	3	4		Cartago	3	<b>7</b>

**Number of minors adopted nationally or internationally between 2007 and 2010, by region**

<i>Regions</i>	<i>National adoptions</i>	<i>International adoptions</i>
San José	122	26
Alajuela	18	19
Cartago	34	20
Heredia	14	1
Chorotega	10	
Huetar Norte	10	2
Huetar Atlántica	22	2
Pacífico Central	3	2
Brunca	10	4

## Annexes

### Annex 1

#### **Incorporation of the National Policy on Children and Adolescents in the National Development Plan**

##### **National Development Plan, 2011–2014**

#### **Sectors and strategic actions concerning children and adolescents and other social groups\***

<i>Sector</i>	<i>Strategic Action</i>
Social welfare and family affairs	<p>Programme of Comprehensive Care for Families Living in Situations of Poverty, Vulnerability and Social Risk</p> <p>Programme for Caring, Safe and Healthy Communities</p>
Public safety and justice	Prevention of violence and promotion of social peace in communities
Work	Employability Programme, with special emphasis on vulnerable sectors
Social welfare	<p>“Avancemos” Programme (“Let’s get ahead”) (redesigned and strengthened)</p> <p>National Child Care and Development Network</p> <p>Programme for Caring, Safe and Healthy Communities</p>
Health sector	Access to comprehensive health-care services based on the principles of equity, quality, security, diversity, universality, solidarity, accessibility and social inclusion and other measures
Work – young people and women	Employability Programme, with special emphasis on vulnerable sectors: persons with disabilities, young persons looking for their first job, young persons at risk and women heads of household
Work	Programme for the elimination of child labour, particularly in its worst forms, and the protection of juvenile workers
Education	<p>Measures to ensure that students learn what is relevant and learn it well, in the areas of science, logic and mathematics, history, society and culture, and communication and language</p> <p>Measures to ensure that students learn <i>savoir-vivre</i> and harmonious coexistence by building on the knowledge, awareness and skills needed to live a fully rounded life and to ensure the construction of their individual and collective identity</p>

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\* Summary.



<i>Sector</i>	<i>Strategic Action</i>
	Programme to build productive and entrepreneurial capacity among adolescents, young persons and young adults
Culture and youth	Promotion of a culture of peace through cultural decentralization
Production	Promotion of projects designed to develop local added value, quality jobs, capacities, community social infrastructure and increased income for producers in order to contribute to the development of rural communities, particularly in cantons with a low social development index
Education/young people	Programme to build productive and entrepreneurial capacity among adolescents, young persons and young adults
Work/young people	Employability Programme, with special emphasis on vulnerable sectors: persons with disabilities, young persons looking for their first job, young persons at risk and women heads of household
Work/youth and women	Programme to create jobs through microenterprises and cooperatives
Environment, energy and telecommunications/youth	Development of a vision for the country to tackle the adverse effects of climate change through inter-agency coordination, coordination with civil society organizations and the mass media and the monitoring of climate scenarios
Culture/youth	Promotion of a culture of peace through cultural decentralization
Production/youth	Promotion of projects designed to develop local added value, quality jobs, capacities, community social infrastructure and increased income for producers in order to contribute to the development of rural communities, particularly in cantons with a low social development index
Production/youth	Modernization of agricultural research, knowledge transfer and innovation through coordination between the public sector, the academic sector and private centres, including the improvement of local differentiated processes of innovation
Public security and justice/youth	Violence prevention and promotion of social peace in communities

## Annex II

### Pilot project for local networks



## Annex III

### Legislation

#### A. Bills under consideration related to young persons, children and adolescents

<i>Bill No.</i>	<i>Title</i>	<i>Sponsor(s) and date presented</i>	<i>Current stage</i>
16613	Amendments to various articles of Act No. 8261, the Young Persons Act	Salom E., Morales D., Chacón E. 30 March 2007	Government and Administration Commission
16617	Declaration granting the Doctor Carlos Sáenz Herrera National Children's Hospital School the status of Meritorious Institution of Costa Rica	Echandi Meza 11 April 2007	Government and Administration Commission
16669	Indirect disability status for mothers of children and adolescents with serious or relatively serious illnesses	López Arias 4 June 2007	Plenary
16726	Obligation of the State to provide education workshops on Costa Rican folklore and traditions in State and non-State primary schools	Quesada Hidalgo 19 July 2007	Social Affairs Commission
16753	Amendment to article 7 of Act No. 8347, the National Music Centre Act	Executive branch 15 August 2007	Social Affairs Commission
16789	Criminal Penalties	Massey Mora 13 September 2007	Security and Drug Trafficking Commission
16864	Creation of units for the prevention and detection of cancer in active and passive smokers	Gutiérrez Gómez 5 November 2007	Social Affairs Commission
16921	National library system	Chacón E., Ballesteros V., Fonseca C., Salom E., Gutiérrez G., Arguedas M., Merino del R., Vásquez B., Valenciano C., Pacheco F., Sánchez C., Sánchez S., Massey M., González B. 16 January 2008	Science, Technology and Education Commission
16939	Prevention of sexual violence and provision of comprehensive care for sexually abused children and adolescents	Echandi Meza 11 February 2008	Commission on Young Persons, Children and Adolescents

<i>Bill No.</i>	<i>Title</i>	<i>Sponsor(s) and date presented</i>	<i>Current stage</i>
16944	International Day of the Unborn Child	Massey Mora 19 February 2008	Plenary
16945	Amendment to article 12 of the Children and Adolescents Code, Act No. 7739 of 6 January 1998	Massey Mora 19 February 2008	Commission on Young Persons, Children and Adolescents
17053	Comprehensive reform of the HIV/AIDS Act	Executive branch 4 June 2008	Social Affairs Commission
17106	National Adoption Day	Núñez Arias 22 July 2008	Social Affairs Commission
17160	Amendments to articles 172, 181, 182 and 183, and addition of article 187 bis, of the Children and Adolescents Code, Act No. 7739 of 6 January 1991 and amendments thereto	Corrales Sánchez 11 September 2008	Plenary
17164	Protection of children and adolescents from harmful content on the Internet and other electronic media	Massey Mora 17 September 2008	Plenary
17175	Neonatal hearing screening	Quesada Hidalgo 23 September 2008	Social Affairs Commission
17284	Strengthening of the Costa Rican Centre for Science and Culture, the Children's Museum, Youth Complex, National Gallery and National Auditorium	Arguedas M., Sánchez S., Núñez C. 27 January 2009	Social Affairs Commission
17467	Development of the audio-visual industry	Ballester V., Salom E., Méndez Z., Gutiérrez G., Merino del R., Sánchez S., Massey M., Echandi M., Arguedas M., Chacón E., Núñez A. 30 July 2009	Economic Affairs Commission
17545	Amendment of the Police Act	Executive branch 7 October 2009	Security and Drug Trafficking Commission
17691	Addition of article 31 bis and amendments to articles 188 and 190 of the Children and Adolescents Code to recognize and guarantee the fundamental right of minors with working parents to State care	Zamora Chaves 28 April 2010	Commission on Young Persons, Children and Adolescents
17741	Regulation of markings, paintings, graffiti, murals and the like on public and private property	Alfaro Zamora 25 May 2010	Social Affairs Commission

<i>Bill No.</i>	<i>Title</i>	<i>Sponsor(s) and date presented</i>	<i>Current stage</i>
17754	Promotion of access to sport, recreation and culture for young persons at the local level  Amendment and addition of several articles with regard to Act No. 10 of 7 October 1936 and amendments thereto	Villalta Florez-Estrada 7 June 2010	Commission on Young Persons, Children and Adolescents
17772	Amendments to several laws to remove legal barriers preventing the National Child Welfare Agency from investing all its resources in the protection of Costa Rican children	Villalta Florez-Estrada 23 June 2010	Commission on Young Persons, Children and Adolescents
17775	Amendment to article 55 of the Constitution (to incorporate the principle of the best interests of the child)	Avendaño C., Bejarano a., Granados C., Cheves C., Porras C., Rodríguez Q., Monestel C., Orozco Á., Araya P., Quintana P., Porras Z., Fonseca S. 28 June 2010	Plenary
17781	Amendment to article 49 of the Municipal Code, No. 7794, and amendments thereto, to create the Municipal Commission on Children, Young Persons and Adolescents	Araya Pineda 6 July 2010	Municipal Affairs and Participatory Local Development Commission
17814	Protection of children and adolescents from harmful content on television	Fishman Zonzinski 11 August 2010	Change of Commission
17836	Prevention of sexual violence against sexually abused children and adolescents	Rodríguez Quesada 26 August 2010	Commission on Young Persons, Children and Adolescents
17847	Creation of the National Institute for the Prevention of Suicide	Hernández Cerdas 7 September 2010	Social Affairs Commission
17853	National awards for art and culture	Fournier Vargas 9 September 2010	Social Affairs Commission
17859	Creation of cantonal youth clubs	Sotomayor Aguilar 16 September 2010	Commission on Young Persons, Children and Adolescents
17870	Punishment of violence at sports events	Quintana Porras 28 September 2010	Social Affairs Commission
17905	Repeal of Act No. 8017, the Comprehensive Care Centres Act	Executive branch 2 November 2010	No Commission assigned
17920	Creation of the national assistance fund for non-professional participants injured in bullfights (including <i>montadores</i> , <i>vaqueteros</i> , <i>toreros</i> , <i>alistadores</i> and <i>lazadores</i> )	Mendoza Jiménez 17 November 2010	No Commission assigned

<i>Bill No.</i>	<i>Title</i>	<i>Sponsor(s) and date presented</i>	<i>Current stage</i>
17931	Prohibition of the employment of juveniles in hazardous or unhealthy work	Rodríguez Quesada 22 November 2010	No Commission assigned

Updated on 29 March 2011.

## **B. Laws relating to young persons, children and adolescents**

<i>Act No.</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Publication</i>
8129	Creation of a domestic violence court in the Heredia judicial circuit, the Alajuela first judicial circuit and the Cartago judicial circuit, and a criminal court in the canton of la Unión in the province of Cartago	6 September 2001	183 24 September 2001
8143	Addition of a second paragraph to article 174 of the Criminal Code of Costa Rica, Act No. 4573	5 November 2001	224 21 November 2001
8146	Amendment to a second paragraph of article 174 of the Criminal Code of Costa Rica, Act No. 4573	30 October 2001	227 26 November 2001
8167	Amendment to the Act on overland transport on public roads, No. 7331	27 November 2001	243 18 December 2001
8172	Adoption of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	7 December 2001	29 11 February 2001
8183	Amendment to article 5 of Act No. 7633 governing the hours of operation of premises selling alcoholic drinks	17 December 2001	18 25 January 2002
8193	Amendment to article 1 (d) of Act No. 1152	17 December 2001	7 10 January 2002
8222	Amendment to article 15 of Act No. 5662 and amendments thereto	8 March 2002	63 2 April 2002
8237	Amendment to article 17 of the Children and Adolescents Code, Act No. 7739	9 April 2002	80 26 April 2002
8238	Amendment to Act No. 7425, of 9 March 1994, and amendments thereto, on the registration, confiscation and examination of private documents and the seizure of communications	26 March 2002	74 18 April 2002
8247	Adoption of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	22 April 2002	103 30 May 2002

<i>Act No.</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Publication</i>
8254	Adoption of the Basic Cooperation Agreement between the Government of the Republic of Costa Rica and the United Nations Children's Fund	May 2002	221 15 November 2002
8261	Young Persons Act.	2 May 2002	95 20 May 2002
8297	Amendments to article 109 (c) and article 113 of the Family Code, Act No. 5476	10 September 2002	Gac. 182 23 September 2002
8312	Amendments to articles 1, 4, 5 and 12 and repeal of article 8 (c) of Act No. 7735 on the protection of adolescent mothers	30 September 2002	202 21 October 2002
8315	Adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	26 September 2002	212 4 November 2002
8387	Reform of the Criminal Code to provide for more severe penalties for the abduction and murder of children, adolescents and persons with disabilities	8 October 2003	196 13 October 2003
8389	Partial reform of the Criminal Code to establish the offence of kidnapping of disabled children in order to guarantee justice for Costa Rican children	9 October 2003	156 11 August 2004
8399	Amendment to Act No. 7972 and amendments thereto, making provision for the imposition of taxes on liquors, beers and cigarettes to fund a comprehensive protection plan for adults, children and adolescents at risk, disabled or abandoned persons, the rehabilitation of alcoholics and drug addicts, support for the work of the Red Cross and the repeal of lower taxes on agricultural activities and their subsequent replacement	19 December 2003	21 30 January 2004
8409	Amendment to articles 143 and 144 of the Family Code	26 April 2004	91 11 May 2004
8411	Creation of a criminal court in Garabito, a criminal court in Talamanca and a family and juvenile court	26 April 2004	91 11 May 2004
8413	Amendment to Act No. 7331 on overland transport on public roads	29 April 2004	87 5 May 2004
8440	Creation of a misdemeanours and small claims court in the canton of Hojancha	13 April 2005	85 4 May 2005

<i>Act No.</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Publication</i>
8449	Creation of the school and children's police	14 June 2005	144 27 July 2005
8460	Application of Juvenile Criminal Penalties	20 October 2005	229 28 November 2005
8556	Addition of article 46 bis and transitional provision VIII in Act No. 7600 on Equal Opportunities for Persons with Disabilities	19 October 2006	227 27 November 2006
8563	Financial strengthening of the Inter-Agency Institute for Social Assistance	30 January 2007	26 6 February 2007
8571	Amendments to articles 14 and 64 of the Family Code, Act No. 5476; article 38 of the Civil Code, Act No. 63; article 181 of the Criminal Code, Act No. 4573; and repeal of articles 15 (3), 19 and 65 (c) of the Family Code to prevent the marriage of persons under the age of 15	8 February 2007	43 1 March 2007
8589	Criminalization of violence against women	25 April 2007	103 30 May 2007
8590	Strengthening measures to combat the sexual exploitation of minors through the amendment and addition of various articles to the Criminal Code, Act No. 4573, and amendments to various articles of the Code of Criminal Procedure, Act No. 7594	18 July 2007	166 30 August 2007
8612	Adoption of the Ibero-American Convention on Young People's Rights	1 November 2007	231 30 November 2007
8626	Creation of the National Teenage Pregnancy Prevention Day	30 November 2007	17 24 January 2008
8634	Development bank system	23 April 2008	87 7 May 2008
8654	On the rights of children and adolescents to be disciplined without physical punishment or degrading treatment	1 August 2008	168 1 September 2008
8661	Adoption of the Convention on the Rights of Persons with Disabilities	19 August 2008	187 29 September 2008
8692	Declaration granting the Ciudad de los Niños the status of Meritorious Institution of Social Promotion	11 December 2008	20 19 January 2009
8718	Authorization of the change of name of the Social Protection Board and the establishment of rules for the distribution of national lottery proceeds	17 February 2009	34 18 February 2009
8726	Amendment to Chapter VIII, Title II, of the Labour Code, Act No. 2, on paid domestic work	2 July 2009	143 24 July 2009



<i>Act No.</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Publication</i>
8764	Migration and Aliens Act	19 August 2009	170 1 September 2009
8767	Protection of children and adolescents from addiction to gambling	1 September 2009	191 1 October 2009
8783	Amendment to Act No. 5662 on social development and family allowances	13 October 2009	199 14 October 2009
8793	Amendment to Act No. 8783 amending Act No. 5662 on social development and family allowances	10 December 2009	253 30 December 2009
8842	Amendment to the Children and Adolescents Code, protection of the rights of adolescents in domestic work	28 June 2010	157 13 August 2010
8874	Reform of the Criminal Code, Act No. 4573, to promote the protection of sexual integrity and the rights and fundamental freedoms of minors	24 September 2010	202 19 October 2010
8894	Creation of the National Music Education System	10 November 2010	243 15 December 2010
8898	National Youth Day	10 November 2010	243 15 December 2010

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### C. Draft legislation related to human rights

<i>Bill No.</i>	<i>Title</i>	<i>Sponsor</i>	<i>Current status</i>
16587	Amendment to article 270 bis of the Criminal Code, Act No. 4573 of 4 March 1970 to penalize biomedical experiments on human beings	Lopez Arias 21 March 2007	Legal Affairs Commission
16774	Amendment to article 50 of the Constitution to incorporate the fundamental human right of inhabitants to food and the preservation of food sovereignty	Merino del R., Salom E., Rojas R., Bravo P., Ortiz a., Hernández M., Quiros Q., Pérez G., Villalobos S., Rosales o., Madrigal B., Alfaro S. 3 September 2007	Plenary
16887	Addition of a new Chapter III on sexual and reproductive health in Title I, Book I of the Health Act, No. 5395 of 30 October 1973	Chacón E., Merino del R., Ballesteros V., Morales D., Arguedas M., Tinoco C., Salom E., Núñez C. 22 November 2007	Social Affairs Commission

<i>Bill No.</i>	<i>Title</i>	<i>Sponsor</i>	<i>Current status</i>
16897	Addition of article 50 bis and amendment to article 121 (14) of the Constitution to recognize and guarantee the human right of access to water	Merino del R., Molina G., Zamora Ch., Villalobos S., Madrigal B., Morales D., Romero B., Salazar R., Quiros Q., Salom E. 30 November 2007	Plenary
16944	International Day of the Unborn Child	Massey Mora 19 February 2008	Plenary
17027	Anti-Terrorism Act	Arguedas Maklouf 5 May 2008	Security and Drug Trafficking Commission
17053	Comprehensive reform of the HIV/AIDS Act	Executive branch 4 June 2008	Social Affairs Commission
17563	Legislative award for the promotion of a culture of peace and respect for human rights	Mora Mora 22 October 2009	Commission referral pending
17596	Creation of a programme of full reparation for the victims of human rights violations, recognized as such by the Inter-American Court of Human Rights	Echandi Meza 18 November 2009	No Commission assigned
17693	Governing research involving human beings and protecting the rights and dignity of participants in such research	Hernández M., Solís B., Quiros Q., Alfaro S., Marín M., Romero B., Salazar R., Rojas R., Villalobos S., Pérez G., Madrigal B., Ortiz Á. 29 April 2010	Social Affairs Commission
17777	Research on human beings	Fournier V., Bejarano a., Aiza C. 1 July 2010	Plenary
17790	Guaranteeing the right to timely and effective justice for older persons	Venegas Villalobos 21 July 2010	Special Human Rights Commission

<i>Bill No.</i>	<i>Title</i>	<i>Sponsor</i>	<i>Current status</i>
17793	Amendment to article 50 of the Constitution to make drinking water a human right	Zamora A., Avendaño C., Cubero C., Orozco A., Quintana P., Enriquez G., Pérez H., Chavarría R., Araya P., Hernández R., Villanueva M., Sotomayor A., Góngora F., Bejarano A., Fishman Z., Monestel C., Villalta F., Granados C., Chaves C., Porras C., Rodríguez Q. 22 July 2010	Plenary
17795	Constitutional reform to guarantee the fundamental rights to health and access to water (art. 21)	Fishman Z., Villalta F., Céspedes S., Chaves C., Sotomayor A., Monestel C., Bejarano A., Granados C., Zamora A., Avendaño C., Rodríguez Q. 26 July 2010	Plenary
17831	Protection against the sale of counterfeit or adulterated medicines, foods, biomedical materials and equipment in defence of life, health and physical well-being	Executive branch 25 August 2010	Social Affairs Commission
17900	In vitro fertilization and embryo transfer	Executive branch 21 October 2010	Special Commission on In Vitro Fertilization No. 18.004
17922	Creation of municipal standing committees on human rights	Céspedes Salazar 17 November 2010	Commission referral pending
17943	Amendments to articles 1 and 12 of the Constitution (declaration of peace as a human right and Costa Rica as a neutral country)	Villanueva M., Fournier V., Martín S., Mendoza J., Porras Z., Pinto R., Alfaro Z., Aiza C., Saborío M., Venegas V., Céspedes S., Orozco Á., Granados C., Avendaño C., Araya P., Mendoza G., Fonseca S. 30 November 2010	Plenary

<i>Bill No.</i>	<i>Title</i>	<i>Sponsor</i>	<i>Current status</i>
17944	Declaration of peace as a human right and Costa Rica a neutral country	Villanueva M., Fournier V., Martín S., Mendoza J., Porras Z., Pinto R., Alfaro Z., Aiza C., Saborío M., Venegas V., Céspedes S., Orozco Á., Granados C., Avendaño C., Araya P., Mendoza G., Fonseca S. 30 November 2010	No Commission assigned
17946	Addition of article 50 bis to the Constitution to recognize and ensure the human right of access to water	Vallalta F., Mendoza G., Martín S., Ruiz D., Villanueva M., Céspedes S., Granados C., Monge P., Muñoz Q., Chacón G., Arias N., Oviedo G., Venegas R., Gamboa C., Acuña C., Granados F., Araya P., Orozco Á., Rodríguez Q., Monestel C., Pérez G., Mendoza J., Porras C., Avendaño C., Alfaro Zamora 13 December 2010	Plenary
17950	National Human Rights Week	Alfaro Zamora 13 December 2010	Commission referral pending

#### **D. Acts related to human rights, 1986–2011**

<i>Act No.</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Publication</i>
7999	Amendment to article 376 of the Criminal Code, Act No. 4573	5 May 2000	105 1 June 2000
8101	Responsible Paternity Act	16 April 2001	81 27 April 2001
8122	Adoption of the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182)	17 August 2001	167 31 August 2001
8172	Adoption of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	7 December 2001	29 11 February 2002
8215	Adoption of the Vienna Convention on Civil Liability for Nuclear Damage	8 March 2002	79 25 April 2002

<i>Act No.</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Publication</i>
8247	Adoption of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	22 April 2002	103 30 May 2002
8272	Criminal sanctions as punishment for war crimes and crimes against humanity	2 May 2002	98 23 May 2002
8315	Adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	26 September 2002	212 4 November 2002
8387	Reform of the Criminal Code to provide for more severe penalties for the abduction and murder of children, adolescents and persons with disabilities	8 October 2003	196 13 October 2003
8389	Addition of a new article 215 bis to the Criminal Code to establish the offence of kidnapping of disabled children in order to guarantee justice for Costa Rican children	9 October 2003	156 11 August 2004
8422	Law against corruption and illicit enrichment in the civil service	6 October 2004	212 29 October 2004
8612	Adoption of the Ibero-American Convention on Young People's Rights	1 November 2007	231 30 November 2007
8661	Adoption of the Convention on the Rights of Persons with Disabilities	19 August 2008	187 29 September 2008
8695	Exemption from taxation of the Inter-American Court of Human Rights and the Inter-American Institute of Human Rights	11 December 2008	14 21 January 2009
8764	Migration and Aliens Act	19 August 2009	170 1 September 2009
8784	Repeal of transitional provision I and amendment to transitional provision II of Act No. 8536, amendment to article 2 of Act No. 7531	27 October 2009	219 11 November 2009
8789	Adoption of the Comprehensive Association Agreement between the Republic of Costa Rica and the Republic of Chile	18 November 2009	242 14 December 2009

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<i>Act No.</i>	<i>Title</i>	<i>Date of adoption</i>	<i>Publication</i>
8919	Adoption of the Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, of the other part	16 December 2010	59 24 March 2011
8921	Adoption of the Convention on Cluster Munitions	16 December 2010	60 25 March 2011

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