



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
6 April 2020
English
Original: Spanish
English, French and Spanish only

Committee on the Elimination of Discrimination against Women

Information received from Costa Rica on follow-up to the concluding observations on its seventh periodic report*

[Date received: 25 March 2020]

* The present document is being issued without formal editing.



Introduction

1. The present follow-up report refers to measures taken to implement the recommendations contained in paragraphs 29 (d) and (e) and 31 (b) and (d) of the concluding observations on the seventh periodic report of Costa Rica ([CEDAW/C/CRI/7](#)), which was considered at the 1508th and 1509th meetings of the Committee, on 7 July 2017.

2. The present report is based on information provided by all the competent Costa Rican government bodies, and on an open dialogue¹ held with State and civil society representatives regarding the above-mentioned recommendations.

A. On a legal entitlement to paid paternity leave and equal sharing of parental responsibilities between women and men (paragraph 29 (d))

3. On 14 September 2018, by means of Act No. 9608, Costa Rica approved the International Labour Organization (ILO) Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (No. 156). The Act was published in Official Gazette No. 226 of 5 December 2018.

4. In addition, on 6 March 2019, Executive Decree No. 41584-MTSS-MCD-MCND was signed, establishing the Inter-agency Committee for the Promotion of Social Co-responsibility in the Raising of Girls and Boys. The Committee is responsible for carrying out and updating actions to promote the joint and equitable sharing between women and men of responsibilities relating to the care and education of their minor sons and daughters. The Committee is made up of representatives of the Office of the President of the Republic, the Ministry of Labour and Social Security, the National Institute for Women, the Costa Rican Social Insurance Fund and the National Child Welfare Agency. Its functions include:

- (a) Developing public policies aimed at promoting and addressing social co-responsibility in the raising of girls and boys.
- (b) Requesting and managing the support needed from other State bodies, as well as from non-governmental organizations (NGOs) if necessary, to carry out its functions.
- (c) Periodically assessing the effectiveness of public measures designed to promote social co-responsibility in the raising of girls and boys.
- (d) Ensuring proper implementation and compliance with the measures it adopts (art. 3 of the Executive Decree).

5. The first task for the Committee will be to present, within one month of the entry into force of the Decree, a work plan that includes a proposal for the establishment of paternity leave in the public and private sectors. In order to establish paternity leave, a reform of the regulations governing the health, sickness and

¹ On 14 March 2019, a workshop was held on challenges to the protection of women's human rights in Costa Rica. Approximately 120 staff of national and local public entities and representatives of academia and civil society organizations took part. The workshop served as a forum for discussion of some of the main challenges facing the country in the area of women's human rights, and specifically those rights on which the Committee had requested the State to report as a matter of priority in 2019.

maternity insurance scheme is envisaged, which must be approved by the Board of Directors of the Costa Rican Social Insurance Fund.

6. Lastly, a bill currently before the Legislative Assembly, under file No. 20670, contains a proposal for five days of paid paternity leave. The bill was presented in 2017 but a decision has not yet been taken.

7. The greatest difficulties in passing legislation governing paternity leave relate to the sources of funding for such leave, given the complex economic climate that the country is currently experiencing.

B. On the development of a plan for the implementation of the ILO Domestic Workers Convention, 2011 (No. 189) (paragraph 29 (e))

8. The most significant achievement in recent years in terms of the implementation of ILO Convention No. 189 was the approval of a set of regulations providing for the registration of employers and establishing a contributory insurance scheme for women domestic workers, which was adopted by the Board of Directors of the Costa Rican Social Insurance Fund by means of article 10 of the minutes of its 8914th meeting, which was held on 6 July 2017. The adoption of those regulations and the implementation of the insurance scheme provides protection for part-time domestic workers in the informal sector who face additional forms of discrimination or exclusion, such as difficulties in access to health services because of a lack of social security. In the regulations, insurance costs that are lower than the standard level are proposed, which makes the scheme attractive to employers, while also providing for the possibility of workers being insured for part-time work and by more than one employer, where applicable.

9. According to the Financial Management Board of the Costa Rican Social Insurance Fund, the number of insured persons with the occupational profile of domestic worker has risen since the launch of the scheme, with a 19.1 per cent increase between July 2017 and July 2018.

10. Between 9 August 2017, the day the digital tool was launched so that employers could pay the contributions online, and January 2018, 2,884 domestic workers were registered for insurance. Prior to August 2017, on average an additional 204 domestic workers had been insured each month, while after that date the average rose to 478 additional registrations per month. Sixty-one per cent of those registrations took place on the online platform, and 39 per cent were done through the labour inspection service that can be found in all of the administrative offices of the Costa Rican Social Insurance Fund nationwide. Of those insured under the new scheme, 98 per cent are women and 2 per cent are men. Disaggregation by type of workday shows that insurance for part-time work is the most common (accounting for 50 per cent of those registered), followed by full-time, daytime work (47 per cent); other types of workday represent only 3 per cent of the total. The majority of insured women workers are Costa Ricans, who comprise 57 per cent of the total, followed by Nicaraguans, who make up 38 per cent. Nationals of other countries, including Colombians, Salvadorans and Hondurans, account for about 4 per cent of the total.

11. In conjunction with the implementation of the regulations, outreach strategies have been developed to encourage employers to provide insurance for their staff, and also to make women domestic workers aware of their rights and of the importance of exercising them. The insurance scheme also covers migrant women who are paid for the provision of domestic services.

12. No regulatory progress has been made with regard to strengthening the capacity of the Labour Inspectorate to protect the rights of domestic workers; Costa Rica is,

however, exploring successful schemes in other countries, such as the domestic work scheme of the Labour Inspectorate of Uruguay, in order to evaluate the possibility of adapting and implementing such good practices in the national context.

13. On 25 July 2017, an amendment to the Procedural Labour Code (Act No. 9343 of 25 January 2016) came into force in Costa Rica. One of the greatest achievements of the amendment was the establishment of a free legal advice service for workers, in order to provide access to justice for the most vulnerable groups. To this end, a unit was created to provide free legal advice on labour issues to workers, including domestic workers. The unit is made up of social protection lawyers, both women and men, who report to the Public Defence Service and are located throughout the country, particularly in areas where there are more vulnerable groups.

14. One of the obstacles that the State has yet to address is the minimum wage gap. The National Wage Council, a decentralized, tripartite body that reports to the Ministry of Labour, has developed a strategy to narrow the wage gap between domestic workers and unskilled workers. This strategy is based on additional annual increases of 2.3396 per cent for paid domestic workers. Closing the gap is a slow process, the effects of which will only be apparent in the medium to long term: it is expected that, as a result of launching this strategy in 2020, the goal will be attained in 15 years.

C. On the adoption of technical guidelines for therapeutic abortion (paragraph 31 (b))

15. In May 2015, the Government began the process of drafting technical regulations on legal abortion care, in order to establish a protocol for abortions allowed under article 121 of the Criminal Code and ensure the effective application of the law in the Costa Rican health-care system. At present, the technical regulations are with the Office of the President of the Republic, awaiting the President's signature, which will make them official and ready for publication. Strategies for dissemination, training and information campaigns will be developed once the regulations have been made official and published. The competent bodies of the Costa Rican Social Insurance Fund are waiting for the national regulations to be made official, in order to develop the guidelines, protocols and directives needed to make them operational.

16. It is important to note that there has been strong social and political opposition to the signing of the technical regulations. One example is that on 17 January 2019 a motion was presented in the Legislative Assembly to submit a request to the Office of the President of the Republic for the document not to be signed, which led to a debate on the subject that spilled over into the media.

D. On the adoption of legal and policy measures to protect pregnant women during childbirth and penalize obstetric violence (paragraph 31 (d))

17. The Costa Rican Government, through its agencies responsible for the management and provision of health services, has been taking action to promote respect for the right of women to have humane, high-quality care during pregnancy, childbirth and the post-partum period.

18. Protection of the right to respectful pregnancy care has been strengthened in the sexual and reproductive health component of the care standard for adolescents developed by the Ministry of Health. Respectful care has also assumed greater

importance in the work of the infant and maternal mortality analysis committees; measures relating to the prevention and care of teenage pregnancies; and measures relating to gender equality and the prevention of violence against women. In these different realms, there is an emphasis on the right of pregnant women to warm, respectful and high-quality care. The Costa Rican Social Insurance Fund has made significant efforts to provide awareness-raising and training for health personnel with a view to eradicating inappropriate care practices. These measures have benefited the staff of 100 per cent of the country's maternity wards in hospitals, Comprehensive Health Care Centres and public health areas, as well as more than 200 additional staff who represent 25 per cent of the total staff of those entities and whose role within their organizations means that they are in a position to make use of the information in the maternity wards where they work.

19. The Costa Rican Social Insurance Fund has developed a Skilled Care Model for pregnancy, childbirth and post-partum, which is focused on women, expectant families, communities, humane care and cultural relevance in the maternity wards that it manages. The model was piloted in the hospitals of Puntarenas, Ciudad Neilly and San Vito, all located in communities outside the Greater Metropolitan Area. The development of this model was underpinned by the criteria and technical support of the National Institute for Women, the lead agency on gender issues. In accordance with the model, a clinical protocol for pregnancy, childbirth and postpartum care is now being developed. The new protocol is 80 per cent complete and is expected to be approved in the first half of 2019, and then made official and put into practice in the second half of 2019. Nevertheless, the practices set out in the above-mentioned care model are currently implemented in all the maternity wards operated by the Costa Rican Social Insurance Fund both within and outside the Greater Metropolitan Area.

20. In addition, significant State and institutional efforts have been made to address the recommendations made by the Ombudsman's Office to prevent and eradicate practices during pregnancy, childbirth and the post-partum period that are contrary to the human dignity of women. National campaigns have also been planned to disseminate information about specific rights related to prenatal, childbirth and postnatal care. In addition, a survey of the women who used maternity services in 2019 is being considered, so that their views on the care they received can be used to inform the development or improvement of care practices.

21. Regulations to penalize obstetric violence have not yet been adopted. Nevertheless, a bill on the protection of pregnant women before, during and after childbirth has been in the legislative process since November 2018. The bill has not yet been assigned to a committee, nor have any special sessions been convened in 2019 to discuss it.
