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General information on the Republic of Costa Rica

Demographic, economic, social and cultural characteristics

Geographical location

1. The Republic of Costa Rica is located on the American continent – on the Central American isthmus, to be exact – 8th and 12th parallels north and 82nd and 86th meridians west.

2. The country is bordered by Nicaragua to the north, Panama to the south-east, the Caribbean Sea to the east and the Pacific Ocean to the west. The total length of its land borders is 663 km. Its border with Nicaragua extends for 300 km and its border with Panama extends for 363 km.

Language

3. Spanish is the official language of the country and the language most widely spoken by the population. However, national indigenous languages also enjoy the same status.¹

Territory

4. Costa Rica has an area of 51,100 km², of which 26.2 per cent, or approximately 13,000 km², is protected; 12.3 per cent of the land is taken up by national parks, 4.6 per cent by national wildlife refuges, 4.2 per cent by forest reserves, 3.1 per cent by protected areas, 1.3 per cent by wetlands, including mangroves, 0.4 per cent by biological reserves and 0.1 per cent by other categories of protected land, such as absolute natural reserves and both national and natural monuments.

5. Article 168 of the Constitution provides that, for the purposes of public administration, the national territory is divided into provinces, cantons and districts. There are 7 provinces, 82 cantons and 484 districts.

6. For the purposes of research and socioeconomic development planning, the territory of Costa Rica has been divided into six regions: Central, Chorotega, Pacífico Central, Brunca, Huetar Caribe and Huetar Norte, as provided for in Executive Decree No. 16068-PLAN and Executive Decree No. 37735-PLAN.

Demographic characteristics

7. According to current population estimates and projections, in 2016, the country had 4,890,372 inhabitants, of whom 2,467,825 were male and 2,422,547 were female – that is, 101 men for every 100 women. Life expectancy at birth is approximately 80 years, or 77.51 years for men and 82.58 years for women. On 1 September 2018, the population of Costa Rica was 5 million people.

8. Although the population continues to grow, the pace of growth has gradually decreased, from a rate of approximately 13 people per 1,000 inhabitants over the period 2010–2011 to 12 people per 1,000 inhabitants over the period 2015–2016. In other words, the population growth rate has decreased by 1 person per 1,000 inhabitants. This situation is mainly attributable to the decline in the country's fertility levels. At the subnational level, specifically in the six above-mentioned planning regions, the slowdown in population growth is continuing, except in Chorotega and Huetar Norte, where, over the period 2015–2016, it increased slightly. The regions where the slowdown is greatest are Central, Pacífico Central and Brunca.

9. The country has a population density of approximately 96 people per km². As a result of population growth, the country's population density increased from approximately 87 persons per km² in 2010 to 96 persons per km² in 2016. The Central region, home to

¹ See article 76 of the Constitution at: http://www.pgrweb.go.cr/scij/busqueda/normativa/normas/nrm_texto_completo.aspx?nValor1=1&nValor2=871¶m1=NRTC&strTipM=TC.

approximately 62 per cent of the country's total population while accounting for only 16 per cent of the country's total land area, is the most densely populated region.

10. Population density has increased most quickly in the Huetar Norte region and most slowly in the Chorotega region, which is also one of the regions with the lowest population density.

11. According to the tenth national population census and the sixth national housing census in 2011, 72 per cent of the country's population lived in urban areas. The majority of the population resides in urban areas in four of the six regions.

12. Figure 1 of annex 1 shows that, over the period 1990–2016, the country's population aged owing to an increase in life expectancy at birth and the rapid decline in fertility levels.

13. Over this period, the population pyramid became more rectangular as persons from younger age groups aged – that is, the structure of birth cohorts changed as a consequence of the higher fertility levels of the 1980s and 1990s and the decline in infant and child mortality in the most recent decades.

14. The population of working age, that is, persons between 15 and 64 years of age, has increased in relative terms over this period, having gone from 59.4 per cent of the total population in 1990 to 69.7 per cent in 2016. That increase led to a decrease in the dependency ratio from 68.3 dependants per 100 persons of working age in 1990 to 43.4 dependants per 100 persons of working age in 2016.

15. This change in the dependency ratio, whereby persons of working age come to outnumber dependents, is known as the demographic dividend. It is considered a dividend because incorporating these persons of working age into the labour market would generate a surplus of resources owing to the smaller number of persons dependent on them, thereby creating an opportunity for economic growth. However, not all these persons have been incorporated into the labour market, which makes it difficult to take advantage of the opportunity provided by the demographic dividend, especially since the country is undergoing this demographic transition quickly and the population has already begun to age.

16. As indicated in article 1 of the Constitution, Costa Rica is a democratic, multi-ethnic and multicultural republic which is home to a number of population groups that have contributed to Costa Rican culture and national development, such as indigenous peoples, persons of African descent and Chinese and migrant populations.

17. According to the 2011 census, 83.6 per cent of the population identified as white or mestizo, 7.8 per cent as persons of African descent, 2.4 per cent as indigenous, 0.2 per cent as Chinese and 0.8 per cent as belonging to another ethnic group, while 2.9 per cent do not identify as belonging to any of these groups. Of the persons who identified as indigenous, 75 per cent are members of one of the country's eight indigenous peoples² or of an indigenous people from another country.

18. Figures 2, 3 and 4 of annex 1 show that, in general, the indigenous population is younger, given that a greater proportion of that population group belongs to younger age groups (0 to 19 years), suggesting higher fertility levels. However, the population of African descent, despite being younger than the general population and other population groups that are not indigenous or of African descent, is more heavily concentrated in the groups encompassing persons between 10 and 39 years of age, which suggests a decrease in its fertility levels.

19. With 64 dependants per 100 persons of working age, the indigenous population accounts for a comparatively larger proportion of the dependent population. For the population of African descent, there were 43 dependants for every 100 persons of working age. Other population groups had 47 dependants per 100 persons of working age. In other

² Domestic legislation recognizes eight indigenous peoples: the Bribri, Brunca, Cabécar, Chorotega, Huetar, Maleku, Ngöbe, Teribe and Térraba peoples.

words, the indigenous population has 21 dependants more per 100 persons of working age than the population of African descent and 17 more than the other groups.

20. Although persons of African descent are better positioned to benefit from the demographic dividend, the census shows that 4 out of every 100 such persons who are members of the economically active population were unemployed, while for non-indigenous and non-Afrodescendent groups, the figure was 3 out of every 100. Despite the greater demographic dividend enjoyed by the population of African descent, it is the population most badly affected by unemployment, which explains why creating the conditions for access to employment is seen as a national challenge.

21. Moreover, 10.5 per cent of the total population, or 452,849 people, has at least one disability; 48.2 per cent of persons with disabilities are men and 51.8 per cent are women. In total, 51.94 per cent of the population with at least one disability is between 30 and 64 years of age.

22. Of the 4,301,812 persons counted in the census, 385,899 were born abroad (9 per cent); 48.2 per cent of the foreign-born population is male and 51.8 per cent female. Nicaraguan nationals represent 74.6 per cent of the foreign-born population; 4.3 per cent of this population group was born in Colombia, 4.1 per cent in the United States, 2.9 per cent in Panama, 2.4 per cent in El Salvador and slightly more than 11 per cent in other countries.

23. While there are no official data on the spirituality of the population, it is estimated that slightly more than two thirds of the population profess the Catholic faith. Most of the remainder of the population is Baptist, evangelical, Methodist or Episcopalian. Other known religions are the Baha'i faith, Buddhism, the Hare Krishna movement, Hinduism, Islam, Jehovah's Witnesses, Judaism, the Seventh-day Adventist Church and Taoism. Some of them have their own mosques, pagodas, temples, synagogues and other related places of worship.

Economic and social characteristics

24. According to the Central Bank of Costa Rica, in nominal terms, the gross domestic product (GDP) grew by an average of 8 per cent a year over the period 2010–2016, as the economy transitioned from one based on primary and secondary activities, such as agriculture and manufacturing, to one based on services and foreign direct investment.

25. Indicators related to ease of doing business and competitiveness show that the country is a place with good conditions for undertaking productive activities and have helped promote the development of businesses, particularly in special foreign trade regimes, that are connected to different links in global value chains. It is hoped that this dynamic will continue to lead to the creation of links between sectors that will enable the diversification of production and exports, increased trade and greater financial liberalization.

26. The increase in the volume of economic activity translated into an annual average increase of 3.8 per cent over the period 2010–2016.

27. On the whole, the standing of Costa Rica in the world is attributable to its strengths in a variety of areas. These strengths include the quality of its human resources, its political stability and its favourable geographical position for doing business with the world's main commercial and financial partners, which has served to promote the development of service export businesses active in the area of non-resident capital. Similarly, the country's relative economic stability and the consolidation of the "essential Costa Rica" brand have helped promote tourism, exports and foreign investment in a comprehensive manner and facilitate the channelling of resources to other economic activities, such as industry and trade.

28. Real gross disposable income, which reflects a population's state of material well-being and access to goods and services, grew by an average of 3.9 per cent over the period 2010–2016, slightly more than average annual GDP growth over the same period (3.8 per cent).

29. As a proportion of GDP, social investment rose from 21.7 per cent in 2010 to 23.2 per cent in 2016, a slight increase. This upward trend is in keeping with government policy

for the allocation of resources to education, health, social protection and housing. A significant proportion of the resources allocated to social investment comes from the budget of the national Government. Although the Government ran budget deficits over the period under review, efforts to direct resources to social investment, as shown by social spending as a percentage of GDP from 2010 to 2016, are reflected in the data. Due to the accumulation of growing deficits, since 2009, the debt has increased threefold, from 5.5 billion to 16.1 billion colones.

30. The consumer price index fluctuated widely between 2011 and 2014, ranging from 3.68 to 5.13 per cent. However, in 2015 and 2016, the variations were smaller, with a fall of 0.81 per cent even being posted in 2015.

31. Generally speaking, per capita income, at an average of around 350,000 colones, has remained basically unchanged in real terms (it has increased largely in step with consumer prices). In some years, the real growth achieved is explained by the decrease in the average household size.

32. According to the 2017 national household survey, 22.1 per cent of households in Costa Rica live in poverty. Although the percentage has decreased over the last three years, a significant reduction in poverty has not been achieved over the last two decades. Moreover, the gap between peripheral areas (the coasts) and the centre of the country persists, as the number of households living in poverty in peripheral areas is 1.8 times greater than that in the centre.

33. In 2017, the multidimensional poverty rate, as measured by the Multidimensional Poverty Index, was 23.08 per cent, a drop from the figure of approximately 25 per cent of previous years. Although multidimensional poverty has also decreased in each of the regions, the regional gap persists, as it does when poverty is measured by income alone.

34. Poverty, as measured by the percentage of the population living below the poverty line, is closely linked to the unemployment rate, given that 80 per cent of household income comes from work. In relative terms, State transfers account for around 20 per cent of the total income of lower-income households.

35. Over the same period, the proportion of female-headed households remained stable at around 31 per cent, whereas the proportion of male-headed households fell by 26.2 per cent from 2010 to 2017. This decrease is attributable mainly to the increase of around 183 per cent in the number of households where responsibility is shared over that period. This suggests recognition of the participation of both spouses in household decision-making. This trend is mirrored at the regional level but is more pronounced in the Chorotega and Pacífico Central regions and less pronounced in the Brunca region.

Employment conditions

36. According to the continuous employment survey, in 2017, on average, 58.8 per cent of the population of working age (15 years of age and above) was part of the workforce. The net labour force participation rate peaked at approximately 62 per cent in 2012, 2013 and 2014, which was when the highest employment rates were also recorded – that is, when, on average, a higher percentage of people of working age were actually working. However, in 2016, the rate, at 52.8 per cent, fell to its lowest. It then rose to 58.8 per cent in 2017.

37. From 2010 to 2017, the Central and Huetar Norte regions had the highest employment rates, which exceeded 60 per cent. The Chorotega region recorded employment rates of 48 per cent over the same period. In Huetar Caribe, the employment rate rose throughout the period in question, peaking at 53.9 per cent in 2017 and bringing the average employment rate to 50.5 per cent for the last eight years. In contrast, between 2015 and 2016, the employment rate in the Pacífico Central region fell to 43.5 per cent before recovering and reaching 46.3 per cent in 2017, bringing the total average employment rate for the period 2010–2017 to 55 per cent.

38. In the Brunca region, the levels of participation in the labour market decreased in 2015, 2016 and 2017 (to 47.6 per cent, 46.5 per cent and 47.1 per cent, respectively), which

was similar to the trend observed in Pacífico Central (44.5 per cent, 42.5 per cent and 46.3 per cent, respectively), with the exception of 2017, when the participation rate increased.

39. In Costa Rica, more than 60 per cent of the employed population works in the service sector, followed by industry, which, accounting for 18.1 per cent of total employment, employs the second largest number of Costa Ricans. Agriculture is the major sector accounting for the smallest share of total employment, 11.2 per cent. Over the past eight years, however, the share of employed Costa Ricans working in agriculture has risen, except in 2013, when it was 9.9 per cent. In 2017, it reached 12.5 per cent.

40. The majority of Costa Ricans work in the private sector (85.7 per cent in 2017). Private-sector employment, as a share of total employment, rose from 2010 to 2015, peaking at 86.7 per cent, at which point it began to fall. The public sector employed approximately 15 per cent of the workforce throughout the period in question.

41. In 2017, on average, 9.1 per cent of the population of working age was unemployed. The highest unemployment rate, 10.3 per cent, was reached in 2011, at which point the rate began to fall and then remained stable at around 9.5 per cent. In 2017, the highest unemployment rate was recorded in Pacífico Central, where unemployment had been increasing steadily over the previous four years, even surpassing, in 2016 and 2017, the unemployment rate in the Chorotega region, which had the highest unemployment rates from 2010 to 2015. In contrast, the Central region, where unemployment has remained at around 8 per cent, has the lowest unemployment rate.

42. The existence of gender inequalities is evident upon calculating the wage gap between men and women, which shows that, for every 100,000 colones earned by a man, a woman earns 90,000. Data disaggregated by different categories reveal where the greatest differences are, as set out in table 1 of annex 2.

43. The 2017 national time-use survey showed that women devoted 35.49 hours per week to unpaid domestic work, while men devoted an average of 13.42 hours to such work. In the country's urban areas, the difference in the number of hours women devoted to this activity, 26 more as opposed to 20 more elsewhere, is even more accentuated.

44. The "overall workload" encompasses time spent on unpaid domestic work and on paid work. Data from the survey show that the "overall workload" is approximately seven hours larger for women (69.53 hours) than for men (62.56 hours).

45. There are economic sectors employing women where the wage gap exceeds 25 per cent, that is, where women earn less than 75 per cent of the salary of a man working in the same sector. Examples can be found in secondary-sector activities, such as manufacturing (72.4 per cent) or construction (69.5 per cent), or in the tertiary sector, in areas such as trade and repairs (71.2 per cent), communication and other services (74.7 per cent) and households as employers (69.8 per cent).

46. The gender wage gap is almost non-existent (99.1 per cent) in high-skilled occupations (managerial posts, professional posts, scientific and intellectual posts and technical and mid-level professional posts). In the case of low-skilled occupations, the gap stands at 79.5 per cent, whereas in medium-skilled occupations, the gap stands at 71 per cent. In other words, for every 100,000 colones earned by a man in this type of position, a woman earns 71,000. The average salary of women in the public sector is 107.5 per cent that of their male counterparts. However, in the private sector, the gender wage gap stands at 73.2 per cent, showing that there is a significant difference between the two sectors.

47. Lastly, the gender wage gap between male and female salaried workers (93.2 per cent) is much smaller than the wage gap between male and female workers occupying other posts. Self-employed women earn approximately 71,500 colones for every 100,000 that a man earns for performing the same job, while female employers earn 69 per cent of what male employers earn.

48. The unionization rate has increased sharply since 2015, reaching 14.3 per cent in 2016. Between 2010 and 2016, the unionization rate was, on average, 9.6 per cent. This increase is due specifically to the rise in trade union membership in the public sector.

Environment

49. The country is recognized worldwide for its leadership on environmental issues and its strong commitment to multilateralism. The right to a healthy and ecologically balanced environment was enshrined in article 50 of the Constitution of Costa Rica in 1994. Costa Rica is now seeking to be a pioneer in the new regime put in place after the Paris Agreement.

50. While the majority of nationally determined contributions propose reductions in emissions that are not commensurate with the challenge of climate change, Costa Rica actually committed to a goal that is consistent with the overall goal of the Agreement. In addition, the country hopes to become a “global laboratory” for decarbonization in order to reinforce the lessons learned to date and to move forward in areas where others are looking for innovative examples.

51. In 2021, the country will celebrate the bicentennial of its independence by seeking to take advantage of the opportunities provided by the Fourth Industrial Revolution and moving towards a decarbonized and digitalized economy where people come first.

52. In order to achieve these objectives, the country can make use of the benefits reaped from the significant achievements of previous decades, including a virtually emission-free electricity grid and very low rates of deforestation.

53. At the regional level, the inter-American human rights system also guarantees the right to a healthy environment in article 11 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador). In this respect, the Inter-American Court of Human Rights has established, in various judgments, the relationship between the protection of the environment and the realization of other human rights. The most recent of these judgments, namely Advisory Opinion OC-23/17 of November 2017, establishes the interdependence of the environment and human rights. The right of access to information concerning the environment was enshrined in principle 10 of the Rio Declaration on Environment and Development of 1992.

54. The country recently led and co-sponsored the 2018 Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, also known as the Escazú Agreement. It is the first treaty in the world to specifically guarantee a safe and enabling environment for individuals, groups and organizations engaged in promoting and defending human rights in environmental matters, free from threats, restrictions and insecurity. The Agreement is also groundbreaking in that article 2 provides a definition of persons or groups in vulnerable situations; it is the first instrument in the world to provide such a definition. The Escazú Agreement was opened for signature at the United Nations in September 2018 and, to date, has been signed by 16 countries in the region.

55. For several years, Costa Rica has also been promoting Human Rights Council resolution 19/10 of 19 April 2012 on human rights and the environment, which it submitted together with Maldives, Morocco, Slovenia and Switzerland. That resolution led to the creation in 2012 of the mandate of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment.

56. In this context, the Special Rapporteur recommended in General Assembly resolution 73/188 of 19 July 2018 that the General Assembly recognize the human right to a safe, clean, healthy and sustainable environment.

Housing and related services

57. The National Housing Finance System provides a housing subsidy to low-income families. In Costa Rica, there is a housing deficit of 170,116 dwellings. According to the 2017 statistical compendium of the Ministry of Housing and Human Settlements, 320,395 subsidies were paid to low-income families from 1987 to 2017.

58. The 2017 national household survey suggests that there are 1,523,869 households in the country. It is estimated that around one in four households has received this State housing subsidy.

59. A comparison of census data from 2000 and 2011 shows favourable indicators, such as: (a) a drop in the percentage of dwellings that are overcrowded from 7.9 to 3.5 per cent; (c) a drop in the number of dwellings without electricity from 3.2 to 0.1 per cent; (d) a decline in the number of dwellings without sanitation from 10.6 to 0.2 per cent; and (e) a decrease in the number of dwellings without access to drinking water from 10.6 to 0.3 per cent. Another relevant aspect is Internet access. According to the 2017 national household survey, 68.7 per cent of households in Costa Rica have Internet access.

60. According to data from the National Housing Finance System, between 2011 and 2017 housing subsidies were awarded to 32,925 male-headed households (45 per cent of the households to which subsidies were awarded) and 40,678 female-headed households (55 per cent).

61. According to the 2011 census, 50.1 per cent of the dwellings of the indigenous population are in a poor or average state of repair. Between 2011 and 2017, the National Housing Finance System provided 3,306 housing solutions to meet the housing needs of the indigenous population, covering 19.5 per cent of requirements.

62. In all, 45.5 per cent of the dwellings of the population of African descent are in a poor or average state of repair. This indicator is approximately 38 per cent for the population as a whole, showing that there are barriers preventing these population groups from gaining access to decent housing and that there is a need to take measures to eliminate these gaps in access.

63. The country also provides a housing subsidy for persons with disabilities. Data collected between 2011 and 2017 show that 2,314 subsidies were granted to persons with disabilities. Those subsidies accounted for 3.1 per cent of all housing subsidies.

64. A total of 2.4 per cent of households headed by non-Costa Ricans are located in slums and 5 per cent in shanty towns, compared with 0.46 per cent and 0.9 per cent, respectively, for households headed by Costa Ricans. Around 14 per cent of households headed by non-Costa Ricans have walls, floors or a roof that are in a poor state of repair, whereas less than 8 per cent of households headed by Costa Ricans are in such a state. According to the data available, being a foreign national seemed to have the effect of limiting access to decent housing. There was therefore a need to intensify efforts to promote the regularization of the status of those persons and to take measures to facilitate their integration and guarantee them access to decent living conditions.

Health of the population

65. Mortality has risen slightly as a result of the ageing of the population, which is primarily attributable to a decline in fertility rates and an increase in 'life expectancy. Over the last seven years, the number of deaths per 1,000 inhabitants has increased by one. The crude death rate has also risen in the six regions. Although the Huetar Norte and Huetar Caribe regions have the lowest crude death rates, the rates there have increased more quickly. Life expectancy at birth in Costa Rica has increased by an average of one year over the last seven years, from 79 years in 2010 to 80 in 2016. This is largely due to the steady decrease in infant mortality.

66. The impact of mortality on the female population is different from its impact on the male population. Women's life expectancy at birth is higher than that of men, although the life expectancy at birth of both men and women has increased by a year.

67. The country has experienced a sustained decline in infant mortality, which has decreased at a rate of 1 less infant death per 1,000 births over the last seven years. This decline is observed only in the Central region, where, despite having increased slightly in 2013, infant mortality continued to fall for the rest of the period, while remaining variable in the other regions. For example, although Huetar Caribe region had one of the lowest rates of infant mortality in 2012, it was the region with the highest rate in 2013.

68. Most cases of infant mortality occur within the first 28 days of life, that is, during the neonatal period. These deaths are usually associated with endogenous factors that are difficult to avoid. Conditions originating during the perinatal period cause the greatest number of deaths, with extreme preterm birth being the leading cause, followed by deaths due to congenital malformations.

69. Under-5 mortality has been declining in the country, except in 2016, when, despite a drop in the mortality of children under 1 year of age, it increased slightly owing to a rise in the number of deaths of children over 1 year of age. A comparison of the beginning and end of the period shows a decrease at a rate of 2 infant deaths per 1,000 births.

70. At the regional level, the infant mortality rate remains unchanged – that is, it has not showed the gradual decline observed at the national level.

71. The majority of these deaths are attributable to groups of causes associated with the perinatal period and congenital malformations, as demonstrated by the large number of deaths of children under 1 year of age, which account for around 85 per cent of childhood deaths or deaths of children under 5 years of age. The greater role played by external causes in these deaths and the increase in deaths caused by infections and parasites are worthy of note.

72. Over the past seven years, the maternal mortality ratio, which is a tracer indicator, has remained at approximately 3 deaths during pregnancy, childbirth or the post-partum period for every 10,000 births. The ratio has fluctuated at the regional level, making it impossible to identify a trend. The most prevalent causes of death are direct obstetric causes, that is, those that originate directly from obstetric conditions and obstetric care, except in 2013 and 2016, when indirect obstetric causes, those that result from illnesses affecting the mother prior to pregnancy (which are exacerbated by pregnancy), were more common.

73. Although maternal mortality in the country may be low compared with other countries in the region, joint efforts to put an end to deaths that could have been avoided or prevented still had to be made. According to data from the National System for Analysis and Evaluation of Maternal, Infant and Perinatal Mortality, over the period 2010–2016, on average, 49 per cent of those deaths could have been prevented.

74. This worrying situation is accentuated at the subnational level, as there are significant gaps between one province or region and another. Therefore, the key to success will be to undertake a joint inter-institutional and intersectoral initiative to improve the quality of care for pregnant women and their families at the different stages (prenatal, childbirth and post-partum), so as to reduce these gaps. The data available show that the mortality rate among women over 35 years of age is increasing, as, generally speaking, women of that age are more likely to suffer from an additional chronic condition. The vast majority of deaths among women under 20 years of age occur between the ages of 18 and 19 years. Two women died at 15 years of age on account of adverse living conditions. Eight deaths could have been prevented if the women in question had enjoyed better living conditions, including in respect of social, economic and cultural factors and geographical barriers.

Epidemiological profile

75. In general, the greatest number of deaths in the three disease burden groups are caused by non-communicable diseases, which include chronic degenerative diseases such as neoplasms and cardiovascular diseases, chronic respiratory diseases, disorders of the nervous system, musculoskeletal diseases, genitourinary diseases and symptoms of senility, which is typical of a country that is at a stage of advanced demographic transition or whose population is ageing.

76. However, attention should be drawn to the increase of approximately 14 per cent in the number of deaths attributable to external causes over the period in question. Communicable diseases, which include infectious and parasitic diseases and acute respiratory infections, have continued to account for around 7 per cent of total deaths.

77. Over the period 2010–2016, unspecified acute myocardial infarctions and malignant tumours of the stomach in an unspecified site continued to be the main causes of death in the country. From 2011 onward, the third greatest cause of death has been injuries sustained in a road traffic accident, which, in some years, alternates with sclerotic and ischaemic diseases of the heart. This increase in road traffic deaths is noteworthy, as such deaths are, like the obstructive and ischaemic heart diseases associated with sedentary lifestyles and poor eating habits, highly preventable.

78. While the national pattern of distribution of these three groups of causes is reflected in all regions, in Huetar Norte, Huetar Caribe and Brunca, the weight of deaths attributable to external causes has increased; it is double that of these causes of death nationally and in the Central region. Also noteworthy is the increase in communicable diseases in Pacífico Central and Chorotega.

79. Over the last five years, the homicide rate, despite a dip in 2016, has increased. However, at the beginning of the period (2010), the rate was similar to that recorded in 2016. While the homicide rate does not appear to be following an identifiable trend, there has been a significant increase in the Chorotega and Huetar Caribe regions.

Sexual and reproductive health

80. Costa Rica has experienced a sustained decrease in fertility rates and thus in birth rates. In the past seven years, there were approximately 2 fewer births per 1,000 inhabitants. In other words, the birth rate fell from 16 births per 1,000 inhabitants in 2010 to 14 births per 1,000 inhabitants in 2016. Birth rates are not falling in the same manner in all of the country's regions. The rate in the Brunca region, and to a lesser extent in the Huetar Norte region, has followed a less regular pattern. It is also noteworthy that, although the Central, Pacífico Central and Brunca regions were those with the lowest crude birth rates in 2016, the Chorotega and Central regions had experienced the steepest drop.

81. In the past seven years, the total fertility rate has fallen steadily, from 1.8 children per woman to 1.7, a drop of 5.7 per cent. The rate dropped similarly in most regions, not including Huetar Norte, in which it was variable. The drop was steeper in the Chorotega, Brunca and Huetar Caribe regions.

82. Adolescent fertility (under 20 years of age) has fallen in the past four years, from 70 births per 1,000 women or girls in 2012 to 55 in 2016; in other words, 15 fewer births per 1,000 women or girls under 20 years of age. Adolescent fertility fell similarly in most regions, although not in the Huetar Norte region, where it was variable. The steepest drops were in the Central, Brunca, Pacífico Central and Chorotega regions.

83. In the period 2010–2016, approximately 67.8 per cent of children born to underage mothers were born to mothers impregnated by a man five years or more their senior – that is, births that take place within improper relationships, which were criminalized under Act No. 9406 in 2017. The highest rates of such births can be found in border regions such as Huetar Norte, Brunca and Huetar Caribe. Although comparing 2010 and 2016 shows drops in all regions, the drops are not steady, as there are considerable fluctuations.

84. Data from the two sexual and reproductive health surveys show that around 60 per cent of the population of childbearing age uses so-called modern contraceptives (oral and injectable contraceptives, intrauterine devices sterilization, barrier methods and emergency contraception).

Gender-based violence

85. Femicide, the killing of a woman for being a woman, usually by a current or former partner or by a man with whom she has never had an intimate relationship, is the most serious form of gender-based violence. Over the past three years, the femicide rate has risen from 0.26 per 100,000 female inhabitants in 2014 to 0.48 in 2016, a rate higher even than the 0.45 per 100,000 female inhabitants recorded in 2010.

86. Femicide in the broader sense of the term, where a woman is murdered by someone with whom she was not in a marital or common-law relationship, as with deaths during courtship, after a divorce or the breakdown of a common-law relationship, in public spaces,

as a result of sexual assault and so on, is also among the most serious forms of gender-based violence. Over the first two years of the period 2010–2016, the rate of femicide in the broader sense of the term rose, from 0.94 femicides per 100,000 female inhabitants in 2010 to 1.32 in 2011. At the end of the period, however, the rate fell from 0.75 and 0.79 per 100,000 female inhabitants in 2014 and 2015, respectively, to 0.66 in 2016. The rate of femicide as femicide is defined in article 21 of the Act on the Penalization of Violence against Women, on the other hand, has increased over the last three years of the period.

87. An average of 6,679 reports of sexual violence a year were received in the past seven years. In general, the number of reports has increased, rising from 6,511 in 2010 to 6,900 in 2016, and, with approximately five reports of sexual violence against women for every report of sexual violence against a man, women account for a greater share of the victims.

Education

88. In accordance with article 78 of the Constitution, preschool, general basic and specialized education are compulsory and, in the public system, free and paid for by the State.

89. According to the 2011 census, the literacy rate is 97.6 per cent, a rate that, by the standard set by the United Nations Children’s Fund (UNICEF), means that Costa Rica is considered to be free of illiteracy. The illiteracy rate is 0.7 per cent for persons between 10 and 17 years of age and 4.5 per cent for persons aged 18 or older. Illiteracy rates are higher for women and girls than they are for men and boys, a pattern that can also be found in other segments of the population, such as persons with disabilities, although not for indigenous persons. The rates of illiteracy among indigenous women and women of African descent, which are higher than those of other population groups, could nonetheless suggest that ethnic and racial status, like having a disability, is a factor determining access to education.

90. In 2011, the population aged 25 and over had an average of eight years of regular education – that is, that segment of the population had reached eighth grade, in secondary school. On average, women had more years of schooling than men. There are significant differences from one region to another. For example, the inhabitants of the Huetar Norte, Brunca and Huetar Caribe regions have two years less education than the population of the Central region. Broken down by self-reported ethnicity and race, these data show that the indigenous population has two years less education than the population of African descent and other population groups, a finding that is consistent with the differences from one region to another, as the indigenous population is concentrated mainly in the Brunca and Huetar Caribe regions.

91. Persons with disabilities, who have two years of schooling less than persons without disabilities, lag considerably in this regard. That lag may be associated with the barriers that they face in gaining access to regular education.

92. In 2011, the country had 4,070 first- and second-cycle schools, of which 92.1 per cent were public. They include schools set up in indigenous territory. There were also about 646 public secondary schools, which accounted for nearly 75 per cent of the total number of secondary schools in the country and 88.5 per cent of total secondary enrolment. In the same year, in addition, 23.1 per cent of the country’s secondary schools, which served about 8 per cent of the students in secondary education, were private. Lastly, there are 38 technical secondary schools nationwide and 79 night schools, of which 77 are public.

93. The Ministry of Education estimated that, by 2018, there would be 943,128 students and 82,502 teachers in the public education system.

Constitutional, political and legal structure of the State

94. As stated in article 9 of the Constitution, the Government of Costa Rica is a government of the people, representative, alternative and responsible. It has three distinct and independent branches: legislative, executive and judicial.

95. Article 130 provides that executive authority is exercised, in the name of the people, by the President of the Republic and the government ministers, who are required to work together. There are currently 24 ministerial portfolios.

96. Under articles 105 and 106 of the Constitution, the Legislative Assembly is given the power to make laws and has 57 deputies, who are elected by the people.

97. Like the President and the Vice-Presidents, deputies are elected every four years in elections with a closed-list system, universal suffrage and secret ballots, and may not stand for immediate re-election. In accordance with article 106 of the Constitution, deputies are elected by the provinces, and the Supreme Electoral Tribunal apportions to each province, in proportion to its population, a number of seats in the Legislative Assembly.

98. In accordance with article 99 of the Constitution, the Tribunal has sole jurisdiction over the organization, conduct and supervision of proceedings relating to suffrage and has the independence necessary to carry out its mandate. The other electoral bodies answer to the Tribunal.

99. The Tribunal's work, which it has been carrying out in an uninterrupted fashion since its establishment, has ensured that a total of 17 presidential elections have been held, while respecting the four-year term of office established in the Constitution.

100. In addition, starting in 2014, every even-numbered year became an election year and every odd-numbered year became a pre- or post-election year. Some of the even-numbered years (2014, 2018) are national-election years, while others (2016, 2020) are municipal-election years.

101. In 2010, nine national associations or political parties took part in the national elections – that is, the presidential elections. Four years later, there was a total of 16 national associations, of which 14 participated in the national elections. In 2018, the number of national associations rose to 19, of which 14 participated in the national elections.

102. With regard to the participation of eligible voters, the records of the Supreme Electoral Tribunal show that there was an increase of 10.7 per cent from 2006 to 2010. In the next elections, there was an increase of 9.1 per cent, from 2,882,491 voters in 2010 to 3,078,321 in 2014. By the following elections, the number of registered voters had increased by 7.9 per cent, from 3,078,321 to 3,322,329. The slower growth of the population eligible to vote reflects the slower growth of the country's population.

103. There were 14 complaints regarding elections organized by the Tribunal in 2010, 2 in 2011 and 2012, 6 in 2014 and 21 in 2017. A careful analysis shows that more complaints are submitted in municipal-election years, since the number of seats to be filled and the smaller constituencies, which lead to smaller differences between winning and losing candidates, tend to cause an increase in the number of complaints submitted and resolved.

104. After the 2018 general elections, the Legislative Assembly was composed of deputies-elect representing a number of parties, broken down as follows: Partido Liberación Nacional, 17 deputies, of whom 9 are men and 8 are women; Partido Acción Ciudadana, 10 deputies, of whom 5 are men and 5 are women; Partido Unidad Social Cristiana, 9 deputies, of whom 5 are men and 4 are women; Partido Renovación Cristiana, 6 deputies, of whom 4 are men and 2 are women; Partido Integración Nacional, 3 deputies, of whom 2 are women and 1 is a man; Partido Republicano Social Cristiano, 2 deputies, both of whom are men; and Partido Frente Amplio, 1 deputy, a man. There are also nine independent deputies, of whom four are men and five are women. In all, the Legislative Assembly has 57 elected deputies, of whom 31 are men and 26 are women. That 45.6 per cent of the seats are held by women is a historical milestone for the country.

105. The third branch of government in Costa Rica is the judicial branch. In accordance with article 152 of the Constitution, judicial authority is exercised by the Supreme Court and the other courts established by law. The independence of the judiciary from the other branches of government is enshrined in articles 9, 153 and 154. The Supreme Court is the highest court of law and has justices who are elected by the Legislative Assembly for a term of eight years.

106. In accordance with article 49 of the Organic Act on the Judicial Branch, the Supreme Court has a total of four chambers: three Chambers of Cassation – the First, which has jurisdiction over civil, commercial, agricultural and administrative matters, the Second, which deals with family and labour matters, and the Third, which hears cases involving criminal matters – and the Constitutional Chamber, which is responsible for safeguarding and preserving the principle of constitutional supremacy whereby no rule, treaty, regulation or law of the Costa Rican legal system may be in violation of the Constitution. The Court's first three chambers (which act as courts of final appeal) hear appeals on points of law.

107. The Constitutional Chamber, for its part, considers and resolves legislative and judicial queries regarding constitutionality, from applications for protection, to the right of reply. There are three avenues of access to the Chamber: applications for a writ of habeas corpus, applications for *amparo* and applications for unconstitutionality actions.

108. Accounts of the work of the judiciary are periodically and chiefly collected in its institutional memory, and statistics are accessible to all citizens and residents of the country on the judiciary's website. In 2017, there were 603 victims of intentional homicide, equivalent to 12.1 intentional homicides per 100,000 inhabitants. That figure, which amounted to an average of 1.6 intentional homicides a day, was 4.3 per cent higher than that of the previous period. The main motives for the intentional homicides were score settling and revenge (49.5 per cent), arguments or quarrels (16.4 per cent), the commission of another crime (14.9 per cent) and domestic violence (4.8 per cent).

109. There were also 785 victims of vehicular manslaughter, representing a drop of 9.5 per cent from 2016. On average, there were 2.1 incidents of vehicular manslaughter a day and a rate of such incidents of 15.9 per 100,000 inhabitants. The causes include collisions, including hit-and-runs, rollovers, plane crashes and rail accidents.

110. In 2017, according to figures from the Public Prosecution Service, there were a total of 240,053 recorded cases and a total of 183,125 closed or dismissed cases. There was also a total of 8,145 convictions, 3,005 acquittals and 215 partial verdicts over the same period. The investigation phase of cases that culminated in acquittals lasted an average of 254 days.

111. According to 2016 judicial indicators, the judiciary had 26.1 judges for every 100,000 inhabitants and there was 1 judge per 40.1 km². There were also 11.3 prosecutors and 9.6 public defenders for every 100,000 inhabitants. In addition, there is an average of 501 legal professionals per 100,000 inhabitants. Expenditure on justice as a percentage of GDP fluctuated very little in the five-year period 2012–2016, falling to 1.29 per cent in 2016.

112. At the end of 2016, the ratio of the number of cases pending to the total number to have been included in the caseload was 53.2 to 100, as opposed to 57.2 to 100 the previous year. As for the clearance rate, 31.7 per cent of the cases included in the caseload in 2016 were cleared, nearly two percentage points less than in 2015. In 2015, 9.1 per cent of cases had been abandoned or were inactive, as opposed to 15.1 per cent in 2016.

113. Lastly, there were 881 cases per lower-court judge pending in 2016, 91 fewer than in the previous year; there were 60 cases per appeals-court judge pending in 2015 and 54 in 2016.

114. The prison population recorded by the Ministry of Justice and Peace, the State institution responsible for prison administration, the enforcement, reduction and commutation of sentences and the rehabilitation of delinquents, is 14,223, of whom 86 per cent are Costa Ricans and 14 per cent are foreign nationals.

115. Statistics provided by the judiciary suggest that there were 185 convicted persons per 100,000 inhabitants in 2016, 184 in 2015 and 185 in 2014. In 2016, 79 persons were absolved per 100,000 inhabitants, and the average age of a convicted person was 34.7 years.

116. Costa Rica abolished the death penalty in 1887, during the Administration of President Tomás Guardia Gutiérrez. There is no provision for the death penalty in the justice system, and the longest possible prison sentence is 50 years. For that reason, there are no records of death sentences.

117. Under article 12 of the Constitution, there is a prohibition on an army as a standing institution. The establishment of the Public Force was ordered to monitor and preserve law and order. In general, the Public Force is a standing, civilian police force that, by constitutional mandate and in partnership with the community, must ensure the security and the exercise of the rights and freedoms of all persons in Costa Rican territory.

118. According to statistics from the Ministry of Public Security, the ministry responsible for the management of the Public Force, the country has a total of 16,647 police officers who provide public safety services, national coast guard services, air surveillance services and border patrol services.

119. The administrative divisions of the country, as established in the Constitution, the Electoral Code (Act No. 8765) and the Municipal Code (Act No. 7794), are governed by the municipal system. Municipal governments, which are composed of a deliberating body with council members, presidents of district councils and cantonal governors, all elected by popular vote, are responsible for the administration of the local interests of and services in each canton. The municipalities are autonomous and are allocated resources from the country's regular budget.

General framework for the protection and promotion of human rights

International human rights norms

120. The status in Costa Rica of the main human rights instruments is indicated below:

<i>Instrument</i>	<i>Ratification</i>
International Covenant on Economic, Social and Cultural Rights (1966)	29 November 1968
International Covenant on Civil and Political Rights (1966)	29 November 1968
Optional Protocol to the International Covenant on Civil and Political Rights, concerning communications from individuals (1966)	29 June 1968
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (1989)	5 June 1998
International Convention on the Elimination of All Forms of Racial Discrimination (1965)	4 April 1986
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, concerning complaints from individuals and inquiry procedures (1999)	20 September 2001
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)	11 November 1993
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, concerning regular visits by national and international institutions to places of detention (2002)	1 December 2005
Convention on the Rights of the Child (1989)	21 August 1990
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)	24 January 2003
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	9 April 2002

<i>Instrument</i>	<i>Ratification</i>
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)	Not ratified

121. The Government has no plans to submit the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families to the Legislative Assembly for it to ratify.

122. With regard to the suspension of internationally recognized commitments, article 121.7 of the Constitution of 11 November 1947 authorizes the Legislative Assembly to suspend the following individual rights and guarantees for reasons of obvious public necessity for a period of up to 30 days: freedom of movement, the inviolability of the home and other premises, the privacy of communications, freedom of peaceful assembly, freedom of opinion, freedom of expression in speech or writing, access to administrative departments and the presumption of innocence.

123. As a result of the country's political, economic, social and cultural stability, no such suspension has been decreed by the Legislative Assembly, thus ensuring the enjoyment of the human rights listed in annex 2.A for the past 70 years.

Legal framework for the protection of human rights at the national level

124. Costa Rica has a broad legal framework that includes the guarantees contained in the main human rights instruments and legal provisions that complement or broaden the scope of human rights.

125. The Constitution of Costa Rica, which has been in force since 11 November 1949, covers most human rights, not least those described in annex 2.A. They include: Costa Rica as a multi-ethnic and multicultural nation (arts. 1 and 76), abolition of the army (art. 12), nationality (art. 13), naturalization (art. 14), equality before the law (arts. 19 and 33), personal freedom (art. 20), inviolability of human life (art. 21), freedom of movement (art. 22), privacy of the home and other premises (art. 23), confidentiality of communications (art. 24), freedom of association (art. 25), freedom of opinion (art. 28), court jurisdictions (arts. 35, 39, 42, 44, 48, 49 and 70), prohibition of imprisonment for debt (art. 38), presumption of innocence (art. 39), prohibition of cruel or degrading treatment (art. 40), right of ownership (art. 45), enjoyment of the greatest possible well-being (art. 50), protection of the family (arts. 51 and 55), recognition of marriage (art. 52), parental obligations (art. 53), right to know the identity of one's parents (art. 53), choice of work (art. 56), minimum wage and equal pay (art. 57), workdays of defined length (art. 58), right to weekly rest (art. 59), right of association (art. 60), right to strike or initiate work stoppages (art. 61), safety and health (art. 66), technical and cultural training of workers (art. 67), non-discrimination (art. 68), social insurance (art. 73), occupational risks (art. 73), freedom of worship (art. 75), free education (art. 78), citizenship (art. 90), right to vote (art. 93) and the judiciary (arts. 152–167).

126. Another feature of the national legal framework is the incorporation of public treaties and conventions into the legal system. Article 7 of the Constitution provides that public treaties, international conventions and agreements must be adopted by the Legislative Assembly and that, once in force, they take precedence over domestic legislation.

127. The precedence they take over ordinary laws means that international human rights treaties complement the Constitution. In respect of that precedence, the Constitutional Chamber of the Supreme Court, the highest jurisdiction for constitutional matters, ruled in vote No. 1147-1990 that international human rights norms not only take precedence over ordinary law, as stated in article 7 of the Constitution, but that they also enjoy direct constitutional protection that practically equates them to the rights expressly enshrined in article 48 of the Constitution.

128. That vote paved the way for the Constitutional Chamber to find two years later that international human rights treaties complemented the part of the Constitution in which

individual rights are enshrined (vote No. 53805-1993). That finding must be linked to what the Chamber itself stated when it held that the human rights instruments in force in Costa Rica were of a value similar to that of the Constitution and that, insofar as they grant greater rights or guarantees to individuals, they take precedence over the Constitution (votes No. 3435-1992 and No. 5759-1993).

129. Those points were acknowledged by the Constitutional Chamber in several rulings – namely, No. 1319-97 of 2.51 p.m. on 4 March 1997, No. 8857-98 of 4.30 p.m. on 15 December 1998 and No. 2008-15461 of 3.07 p.m. on 15 October 2008 (in the same respect, although for other instruments, see votes No. 1147-90 of 4 p.m. on 21 September 1990, No. 3435-92 of 4.20 p.m. on 11 November 1992, No. 3724-93 of 3 p.m. on 4 August 1991 (sic), No. 5759-93 of 2.15 p.m. on 10 November 1993, No. 1112-94 of 9.12 a.m. on 25 February 1994, No. 2313-95 of 4.18 p.m. on 9 May 1995, No. 2002-10693 of 6.20 p.m. on 7 November 2002, No. 2003-2771 of 11.40 a.m. on 4 April 2003, No. 2007-1682 of 10.34 a.m. on 9 February 2007, No. 2007-3043 of 2.54 p.m. on 7 March 2007 and No. 2007-4276 of 2.49 p.m. on 27 March 2007).

130. With the exception of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the international human rights instruments contained in annex 2.A are thus incorporated into the national legal system and are therefore mandatory laws that must be observed without distinction or exception. Examples include:

<i>Instrument</i>	<i>Act</i>
International Covenant on Economic, Social and Cultural Rights (1966)	Act No. 4229
International Covenant on Civil and Political Rights (1966)	Act No. 4229
Optional Protocol to the International Covenant on Civil and Political Rights, concerning communications from individuals (1966)	Act No. 4229
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (1989)	Act No. 7750
International Convention on the Elimination of All Forms of Racial Discrimination (1965)	Act No. 1273
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, concerning complaints from individuals and inquiry procedures (1999)	Act No. 8089
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)	Executive Decree No. 33134
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, concerning regular visits by national and international institutions to places of detention (2002)	Act No. 8459
Convention on the Rights of the Child (1989)	Act No. 7184
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)	Act No. 8247
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	Act No. 8172

Competent authorities

131. Article 9 of the Constitution of 1949 established the judiciary, a branch of government independent of the Executive and the Legislative Assembly, to administer justice in Costa Rica. It also states that the Supreme Court exercises judicial authority.

132. To that end, two specific jurisdictions for which the judiciary is responsible were created. One is the jurisdiction that will hear and resolve labour-related matters, and the other is the jurisdiction for the review of administrative decisions. The latter's purpose is to ensure the lawfulness of the administrative decisions made by the State, its institutions and any other public entity.

133. In addition, under the Constitution, the courts are also entrusted with hearing civil, criminal, commercial and labour cases, administrative disputes and other cases specified by law, regardless of their nature and the status of the persons involved. The courts must also resolve those cases and execute the decisions that they hand down, if necessary, with the help of the police.

134. In general, the courts have jurisdiction over any civil, criminal, juvenile criminal, commercial, labour, administrative, tax, family, agricultural, constitutional matters and any other matters determined by law, issue final judgments on those matters and give effect to those judgments – if necessary, as noted, with the help of the police.

135. For the administration of justice, the Supreme Court is divided into four chambers: three Chambers of Cassation and the Constitutional Chamber. The overall function of the three Chambers of Cassation is to hear appeals on points of law, each in its area of specialization; that is, their role is to review the rulings of collegiate courts to ensure that they are lawful on procedural grounds and in terms of the merits, thereby harmonizing standards and setting precedents.

136. The First Chamber, for example, hears appeals on points of law and applications for judicial review of the facts of the case in ordinary or summary proceedings relating to civil, commercial and administrative disputes. It also functions as a court of third instance for agricultural matters and gives effect to judgments handed down abroad.

137. The Second Chamber is responsible for appeals on points of law and applications for judicial review of the facts of the case in ordinary or summary proceedings relating to family and inheritance matters. It also acts as a court of third instance for labour matters.

138. The Third Chamber hears appeals on points of law and applications for judicial review of the facts of the case in criminal matters and in proceedings against government officials.

139. Between 2000 and 2017, in sum, the First Chamber heard a total of 19,281 cases, the Second a total of 22,010 and the Third a total of 24,687.

140. The Supreme Court's Fourth Chamber is the Constitutional Chamber. The Constitutional Chamber is governed not only by the Constitution but also by Act No. 7135 of 11 October 1989. Its role is to guarantee the supremacy of constitutional rules and principles and of the international or community law in force in Costa Rica, the uniform interpretation and application of those rules, principles and laws, and the fundamental rights and freedoms enshrined in the Constitution or international human rights instruments in force in the country.

141. The Constitutional Chamber, which is located on the first floor of the Supreme Court building in San José, provides continuous service 24 hours a day, year-round, so that applications can be received at any time.

142. Between 2000 and 2017, the Constitutional Chamber handled a total of 292,304 applications, including applications for *amparo*, writs of habeas corpus and unconstitutionality actions.

143. Persons residing in Costa Rican territory may submit applications for writs of habeas corpus or a remedy of *amparo*. In accordance with article 48 of the Constitution and articles 15 to 28 of Act No. 7135 of 11 October 1989, the Constitutional Jurisdiction Act, habeas corpus is used to guarantee a person's right to freedom and safety when that right is violated or threatened by illegitimate restrictions, acts or omissions on the part of the authorities or by unlawful or incommunicado detention. Its scope includes freedom, bodily integrity, freedom of movement, the right of residence in the country and the right of entry and exit.

144. Anyone may file an application for a writ of habeas corpus; no legal adviser or lawyer is needed. The applicant may file the application on his or her own behalf or on behalf of another person.

145. In vote No. 0878-97, the Constitutional Chamber stated that the remedy of habeas corpus is not a measure designed solely to order the restoration of the applicant's freedom but a genuine constitutional process whose purpose is not only to safeguard the rights of personal freedom and integrity in the future but also to establish violations in the past and to require the authority responsible for any such violation to compensate the victim for damages and pay the applicant's costs.

146. Within the framework of the Constitution and the Constitutional Jurisdiction Act, the remedy of habeas corpus is (a) a means of redress: this type of remedy is used to provide redress to or restore the freedom of persons who have been illegitimately deprived thereof because of a failure to proceed in accordance with domestic legislation; (b) preventive: here its purpose is to prevent threats of deprivation of liberty, including arbitrary threats; (c) corrective: here its purpose is usually to change a prisoner's place of detention, either because it is not suited to the nature of the crime or because the prisoner is being subjected to improper treatment; and (d) injunctive: here its purpose is to put an end to the unwarranted persecution of an individual by the judicial or administrative authorities or to the obstruction of his or her access to public or private premises.

147. Seen in this way, the broad scope of the legislation enables the Constitutional Chamber to exercise full oversight over any act or omission that, currently or in the future, may restrict or threaten to restrict any of the rights protected by the Constitution.

148. It has been argued in this connection that habeas corpus has evolved in Costa Rica from a means of protecting freedom of movement (restorative habeas corpus) to a guarantee of the principle of criminal defence, which now also functions as a means of preventing possible violations of liberty (preventive habeas corpus).

149. Statistics from the judiciary indicate that, over the last decade, the Constitutional Chamber has managed to reduce the time taken to resolve cases from 19 days in 2008 to 16 in 2017.³

150. Under article 48 of the Constitution and articles 29 to 72 of the Constitutional Jurisdiction Act, *amparo* proceedings may be brought against a private or public party with a view to maintaining or restoring enjoyment of the other rights enshrined in the Constitution and the fundamental rights established in the international human rights instruments in force in Costa Rica.

151. The scope of this remedy therefore includes such rights as the right to life, honour, equality, the freedoms of opinion, thought, information, worship and association, and rights related to the family, childhood and the environment.

152. *Amparo* may be invoked against any provision or decision and, in general, against any action, omission or simple physical act not based on a valid administrative disposition, committed by public servants or public bodies, and that has violated, violates or threatens to violate any of those rights, as well as against arbitrary actions and acts or omissions based on misinterpreted or improperly applied regulations.

153. *Amparo* is also used to safeguard the human rights recognized in international law in force in Costa Rica. This is an important innovation, for there are fundamental rights enshrined in international treaties which are not expressly recognized in the Costa Rican Constitution, such as the right of correction or reply.

154. Under article 57 of the Constitutional Jurisdiction Act, an action for *amparo* may also be brought against "acts or omissions by subjects of private law when they are acting or should be acting in the exercise of public functions or powers or when they find themselves de jure or de facto in a position of power against which the ordinary legal

³ Data provided by the Statistics Office of the Costa Rican judiciary's Planning Directorate.

remedies are clearly insufficient or too slow to guarantee the fundamental rights and freedoms referred to in article 2 (a) of the Act”.

155. Statistics from the judiciary indicate that over the past decade, the Constitutional Chamber has managed to reduce the time it took to resolve an action for *amparo* from two months and one week in 2008 to one month and one week in 2017.

156. In addition to the courts, Costa Rica has administrative authorities whose legal and administrative responsibilities include the human rights matters that are discussed in this report.

157. Several State institutions are responsible for matters that fall within the scope of the International Covenant on Economic, Social and Cultural Rights. These include the judiciary, the Ministry of Culture, Youth and Sports, the Ministry of Education, the Ministry of Labour and Social Security, the Ministry of Health, the Costa Rican Social Insurance Fund, the National Insurance Institute and the Inter-Agency Institute for Social Assistance.

158. State institutions with judicial and administrative powers are competent to deal with matters related to the International Covenant on Civil and Political Rights. These include the judiciary, the Supreme Electoral Tribunal, the Constitutional Chamber of the Supreme Court, the Ministry of Justice and Peace, the Ministry of Labour and Social Security, the Ministry of Public Security and other institutions.

159. With regard to matters that fall within the scope of the Convention on the Elimination of All Forms of Discrimination against Women, it should be noted that the National Institute for Women, established in 1998, is an autonomous institution responsible for the protection of women’s rights enshrined in international declarations, conventions and treaties as well as in Costa Rican law. It is also responsible for promoting gender equality and ensuring that women can enjoy their human rights fully, on an equal and equitable basis with men.

160. In addition to the services provided by the Institute, there are legal aid services for women overseen by Women’s or Gender Equity Units in both public and private enterprises. They provide technical and legal assistance and information.

161. Matters falling within the scope of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are dealt with by the Prison Service of Costa Rica, which is regulated by Act No. 4762 of 8 May 1971. That Act established the Directorate General for Social Rehabilitation. Since the Act came into effect, major transformations have taken place and new legal instruments have been adopted and updated to regulate institutional practice and the operation of the prison system.

162. The National Child Welfare Agency, which was established in 1930, is responsible for safeguarding the rights and well-being of children and adolescents, including the rights enshrined in the labour-related provisions of the Convention on the Rights of the Child of 1989. It has the power to investigate reports of child abuse, offers protection to abused children and administers various hospices and institutional shelters for children at social risk, homeless children or children removed from their homes.

163. Most public institutions, including the Ministry of Education, the Ministry of Health, the Ministry of Justice and Peace, the Ministry of Culture, Youth and Sports, the Ministry of Labour and Social Security and the National Directorate for Community Development, have teams specializing in children and adolescents. The officials who make up these teams are also responsible for coordinating and liaising with other institutions, such as the forum that monitors compliance with the Code on Children and Adolescents, the National Agenda for Children and Adolescents, the Council on Teenage Mothers and the Technical Committee for the Eradication of Child Labour. This additional responsibility has made it possible for officials to specialize in child and adolescent affairs and has also had an impact on the work of each institution.

Case law

164. The Chambers of the Supreme Court have made human rights case law in which the international instruments described in annex 2.A have played an important role in resolving cases heard in their respective jurisdictions.

165. The Constitutional Chamber, for example, has ruled on the scope of funding for social programmes and the provisions of the International Covenant on Economic, Social and Cultural Rights. In decision No. 2007-02216 of 20 February 2007, the Chamber rejected the request for a hearing made by the chief executive of the Costa Rican Social Insurance Fund, as it was of the view that the hearing was unnecessary, and noted that the comments of the Committee on Economic, Social and Cultural Rights referred only to the minimum that could be required of States parties to the International Covenant on Economic, Social and Cultural Rights, article 5 (2) of which provides that: “No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.” In addition, the Chamber noted that the word “possible” was not included in article 10 (1) – the article equivalent to article 12 (1) of the Covenant – of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, a difference that had major implications for the basic scope of the right to health that had been built on in constitutional case law.

166. Years later, in decision No. 15968-2011 of 23 November 2012, the Chamber maintained, by majority vote, that budgetary law was not bound by ordinary law except in cases of constitutionally earmarked funds and funds intended to finance social programmes. The obligation with regard to the former funds, the Chamber stated, was established by the Constitution. The obligation with regard to the latter funds arises because the framers of the Constitution opted for a social State governed by the rule of law, a decision that bound the public authorities to that legal and social reality. In the latter case, according to the Chamber, the executive authorities were therefore obliged, revenue permitting, to finance social programmes with a view to preserving and solidifying the social State governed by the rule of law. In both the International Covenant on Economic, Social and Cultural Rights (art. 2) and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (art. 1), the Chamber noted, those rights are made subject to the availability of resources, with a view to achieving progressively, in accordance with domestic legislation, their full realization. “In view of the current financial situation”, the Chamber held that “it is materially impossible to allocate all the funds that should be allocated to the National Child Welfare Agency or to include the transfers to the Costa Rican Social Security Fund resulting from the Fund having taken over responsibility for health programmes from the Ministry of Health”. The Chamber consequently concluded, by majority vote, that the omissions indicated by the parties who had requested the review were not unconstitutional.

167. Other court decisions in which the Covenant has been invoked include: No. 8839-2011, No. 11586-2009, No. 3105-2011, No. 5483-2011, No. 266-2012 and No. 5594-2012 (Constitutional Chamber); No. 998-2015 (First Chamber); No. 404-2011, No. 230-2012, No. 1065-2014, No. 1148-2014, No. 286-2015, No. 946-2016 and No. 1207-2016 (Second Chamber); No. 1339-2005, No. 1067-2014 and No. 713-2018 (Third Chamber); No. 0567-2016, No. 9454-2016 and No. 1454-2016 (Criminal Court of Appeal, Second Circuit); No. 385-2017 (Criminal Court of Appeal, Third Judicial Circuit of Alajuela, San Ramón); No. 302-2008 and No. 323-2012 (Second Civil Court, Section I); No. 182-2016 (Criminal Court of Appeal of Cartago); No. 691-2007 and No. 399-2009 (Court of Cassation of San Ramón); No. 1611-2003, No. 2016-2004, No. 1087-2009, No. 23-2010, No. 260-2010, No. 382-2010, No. 940-2010, No. 522-2010, No. 589-2010, No. 592-2010, No. 917-2010, No. 1102-2010, No. 1314-2010, No. 1316-2010, No. 1355-2010, No. 1635-2010, No. 272-2011, No. 273-2011, No. 588-2011, No. 796-2011, No. 889-2011, No. 238-2012, No. 260-2012, No. 780-2012, No. 823-2012, No. 854-2012, No. -2010, No. 673-2010, No. 143-2015, No. 238-2015, No. 697-2015, No. 722-2015, No. 994-2015, No. 302-2016, No. 663-2016 and No. 727-2016 (Family Court); No. 761-2011, No. 796-2011, No. 1043-2011, No. 1121-2011, No. 16-2012, No. 311-2012, No. 417-2012, No. 467-2012, No. 500-2012, No.

56-2013, No. 112-2013, No. 259-2013, No. 308-2013, No. 511-2013, No. 557-2013, No. 418-2014, No. 249-2015, No. 307-2015, No. 449-2015, No. 6-2016, No. 101-2016, No. 314-2016, No. 409-2016, No. 189-2017, No. 240-2017 and No. 164-2017 (Family Court for Matters of Domestic Violence); No. 1167-2010 (Administrative Court); No. 175-2011 and No. 27-2015 (Administrative Court, Section VI).⁴

168. In matters related to the International Covenant on Civil and Political Rights, the Third Chamber of the Supreme Court, in decision No. 01440-2013, on the absence of unlawful behaviour, ruled that because Costa Rica had ratified the American Convention on Human Rights and had recognized the competence of the Inter-American Court of Human Rights, the courts were required not only to apply domestic law but also to verify its compatibility with international treaties in order to ensure that the international obligations taken on by the State were respected in domestic law provisions. A similar situation, according to the Third Chamber, arises with other international treaties, such as the Covenant, which was ratified by Costa Rica on 29 November 1968, and in which it is stipulated that each State party to the Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (art. 2 (1)). According to the Third Chamber, the Covenant was thus a core instrument for the protection of human rights and the general observations and jurisprudence of the Human Rights Committee, the body responsible for monitoring compliance with the obligations arising from that instrument, must be considered when analysing the practical scope of the international obligations taken on by the State party on ratifying it. Both the American Convention on Human Rights and the Covenant formed part of a comprehensive body of international law that was the hard core of protection of fundamental rights, which, in accordance with international human rights law, was binding on Costa Rica. However, given that the allegations in the appeal on points of law delimited the Chamber's decision, those international instruments were essential for resolving the matter at hand, especially with regard to article 8 (2) (h) of the Convention and article 14 (5) of the Covenant.⁵

169. In decision No. 00366-2010 of 11 November 2010, relating to a retrial, the Court of Cassation of Cartago ruled that, in vote No. 2010-068 of 24 February 2010, by which it had found the Public Prosecution Service's second appeal to be admissible and had proceeded to overturn the lower court's decision, it had violated the *doble conformidad* guarantee, whereby a decision confirming the acquittal of an accused person cannot be appealed, and, in so doing, the constitutional guarantee of due process (Constitution, art. 41), article 466 bis of the Code of Criminal Procedure, article 8 (1) of the American Convention on Human Rights and article 14 (1) of the International Covenant on Civil and Political Rights. The Court also stated that, given the lengthy delay in the proceedings caused by the overturned decisions – it had already been around three years since 19 December 2007, the date of the first overturned verdict, and 17 months since 4 June 2009, the date of the second – the decision to grant the Public Prosecution Service's appeal had also violated the right of the accused “to be tried without undue delay” or within “a reasonable time”, the constitutional guarantee of due process (Constitution, art. 41), article 8 (1) of the Convention and article 14 (3) (c) of the Covenant. The proceedings, in keeping with the theory advanced by Rivero Sánchez, were thereby dehumanized in circumstances where legal writings instead called for “justice with a human face”. The appeal therefore had to be granted by a majority vote, thereby overturning judgment No. 2010-068 of 11.27 a.m. on 24 February 2010 of the Court of Cassation (which had found the Public Prosecution Service's appeal admissible by a majority vote and had overturned the second acquittal resulting from the retrial) and the ensuing proceedings. That decision was taken under article 178 (a) of the Code of Criminal Procedure for violations of article 41 of the Constitution, article 466 bis of the Code of

⁴ Decisions compiled on the judiciary platform Nexus.Pj, on which it is possible to consult, free of charge, judicial and disciplinary precedents, the minutes of the Supreme Court, the High Council and the Council of the Judiciary, notices and circulars. Its location on the web is <https://nexuspj.poder-judicial.go.cr/>.

⁵ See <https://nexuspj.poder-judicial.go.cr/document/sen-1-0034-606675>.

Criminal Procedure, article 8 (1) of the American Convention on Human Rights and articles 14 (1) and 3 (c) of the International Covenant on Civil and Political Rights and for want of a higher court to overturn the judgment in question. Consequently, judgment No. 136-2010 of 1 p.m. on 8 June 2010 of the Trial Court of the First Judicial Circuit of the Southern Zone (Pérez Zeledón), in which the defendant had been found guilty as charged and sentenced to 5 years and 4 months in prison, should be overturned and the defendant acquitted.⁶

170. Other court decisions in which the International Covenant on Civil and Political Rights has been invoked include: No. 1150-2006, No. 452-2007, No. 764-2007, No. 3924-2007, No. 1381-2007, No. 2946-2007, No. 3043-2007, No. 3743-2007, No. 3909-2007, No. 6499-2007, No. 7643-2007, No. 8887-2007, No. 9582-2007, No. 1059-2007, No. 1129-2007, No. 11907-2007, No. 13503-2007, No. 1384-2007, No. 13817-2007, No. 16435-2007, No. 17226-2007, No. 17900-2007, No. 18646-2007, No. 18647-007, No. 566-2008, No. 3926-2008, No. 5029-2008, No. 5890-2008, No. 6035-2008, No. 8768-2008, No. 4721-2011, No. 6781-2011, No. 6782-2008, No. 8373-2008, No. 9487-2008, No. 7651-2007, No. 8205-2008, No. 8431-2008, No. 8760-2008, No. 9762-2008, No. 1075-2008, No. 11502-2008, No. 11922-2008, No. 12107-2008, No. 12114-2008, No. 12190-2008, No. 12197-2008, No. 12226-2008, No. 12566-2008, No. 12974-2008, No. 13007-2008, No. 13433-2008, No. 13981-2008, No. 14659-2008, No. 15749-2008, No. 16562-2008, No. 5993-2009, No. 2265-2009, No. 3427-2009, No. 5973-2009, No. 14384-2009, No. 11586-2009, No. 11710-2009, No. 1668-2010, No. 1925-2010, No. 5890-2010, No. 568-2011, No. 8724-2011, No. 8984-2011, No. 9631-2011, No. 1966-2012, No. 15294-2012, No. 10404-2013, No. 4035-2014, No. 4635-2014, No. 7454-2014, No. 12703-2014, No. 6109-2015, No. 15737-2015, No. 3941-2016, No. 807-2016, No. 1030-2016, No. 1899-2016, No. 2069-2016 and No. 9525-2016 (Constitutional Chamber); No. 19-2006 (Second Chamber); No. 540-2005, No. 1264-2005, No. 1268-2005, No. 218-2006, No. 1080-2006, No. 94-2007, No. 171-2007, No. 588-2007, No. 284-2008, No. 1142-2009, No. 1158-2009, No. 429-2011, No. 570-2011, No. 586-2011, No. 608-2011, No. 612-2011, No. 632-2011, No. 675-2011, No. 1440-2013, No. 1579-2013, No. 840-2014 and No. 981-2014 (Third Chamber); No. 320-2008 (Family Court); No. 329-2010 and No. 366-2010 (Criminal Court of Cassation of Cartago); No. 1332-2006, No. 607-2008, No. 437-2009, No. 392-2010, No. 566-2010, No. 253-2011, No. 371-2011, No. 730-2011, No. 923-2011, No. 1098-2011, No. 1146-2011, No. 1371-2011 and No. 1055-2015 (Criminal Court of Cassation of San José); No. 1883-2012, No. 675-2013, No. 1707-2013, No. 2866-2013, No. 727-2017 and No. 760-2017 (Court of Criminal Appeal, Second Judicial Circuit of San José); No. 589-2017 and No. 259-2018 (Criminal Court of Appeal of Cartago); No. 50-2011 (Criminal Court of Cassation of San Ramón); No. 302-2008 (Second Civil Court, Section I); No. 136-2015 and No. 177-2014 (Administrative Court, Section VI) and No. 85-2011 (Court of Appeal for Administrative and Civil Tax Matters).⁷

171. For example, in decision No. 02802-99 of 20 April 1999, the Constitutional Chamber, in a matter falling within the scope of the International Convention on the Elimination of All Forms of Racial Discrimination, resolved an appeal on grounds of unconstitutionality against Act No. 6154 of 25 November 1997, the Campesino Housing Titling Act. The Chamber ruled that the procedure for awarding titles under the Act was unconstitutional by default and that it violated, simultaneously, a major group of fundamental rights, such as the rights to due process, access to justice and fair compensation, the principles of equality before the law and the inviolability of private property and the right to enjoy a healthy and stable environment (Constitution, arts. 33, 39, 41, 45 and 50). There was thus a violation not only of article 45 of the Constitution but also of article XXIII of the American Declaration of the Rights and Duties of Man, article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination,

⁶ See <https://nexuspj.poder-judicial.go.cr/document/sen-1-0034-491431>.

⁷ Decisions compiled on the judiciary platform Nexus.Pj, on which it is possible to consult, free of charge, judicial and disciplinary precedents, the minutes of the Supreme Court, the High Council and the Council of the Judiciary, notices and circulars. Its location on the web is <https://nexuspj.poder-judicial.go.cr/>.

article 21 of the American Convention on Human Rights, article 5 (2) (d) of the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live and article 17 of the Universal Declaration of Human Rights. According to the Chamber, there also had to be what amounted to a violation of article 7 of the Constitution. It stated that articles 6 and 7 of the Campesino Housing Titling Act had to be declared unconstitutional.⁸

172. Other court decisions in which the International Convention on the Elimination of All Forms of Racial Discrimination has been invoked include: No. 11900-2004, No. 2267-2004, No. 3300-2004, No. 1538-2005, No. 14852-2006, No. 12395-2007, No. 7309-2008, No. 3402-2009, No. 8909-2009, No. 11350-2010, No. 13719-2010, No. 17907-2010, No. 19907-2010, No. 12455-2011, No. 13420-2011, No. 16153-2011, No. 7897-2012, No. 5251-2012, No. 5590-2012, No. 9064-2012, No. 12737-2012, No. 13102-2012, No. 17060-2012, No. 811-2016, No. 5178-2012, No. 28-2015, No. 5620-2016, No. 4861-2017 and No. 3841-2018 (Constitutional Chamber); No. 1367-2015 (Third Chamber); No. 592-2012, No. 663-2016 and No. 656-2017 (Family Court); No. 120-2013 (Administrative Court, Section IV).⁹

173. In decision No. 09631-2011 of 22 July 2011, on the use of handcuffs, the Constitutional Chamber stated that article 40 of the Constitution outlawed torture and cruel and degrading treatment and that, on adopting Act No. 7351 of 21 July 1993, Costa Rica had ratified the Convention against Torture, an instrument in which the terms “torture” and “cruel, inhuman or degrading treatment or punishment” had been defined. With regard to the enforcement of custodial sentences, however, there were, in the Chamber’s view, problems with the scope of those terms. Although depriving a person of his or her liberty as a criminal sanction was in no way positive and caused the person suffering, it could not, according to the decision, be considered torture; the nuisances or restrictions that resulted solely from that sanction or from legitimate precautionary measures or, as the case may be, that were inherent or incidental to them could not be considered torture, either. Thus, to consider that persons deprived of their liberty were subject to inhuman or degrading treatment, the treatment must entail suffering of particular intensity or humiliation greater than that entailed by the imposition of the sentence or the precautionary measure itself. For example, the duty of custody borne by the institutions responsible for persons deprived of their liberty, whether they were prisons or detention centres, included not only the duty to guarantee their physical safety but also the duty to provide them with food, health services etc. The duty of custody also entailed the great responsibility of preventing persons deprived of their liberty from escaping and ensuring that they complied with the order handed down by the courts. There were thus minimum security rules that, to that end, must be respected in those places and that, although bothersome to prisoners, did not constitute torture or cruel, inhuman or degrading treatment. That being the case, common sense dictated that even more security measures should be in place when persons in the custody of the Prison Service had to be escorted out of prison.¹⁰

174. In decision No. 16717-2016, on a habeas corpus case, the Constitutional Chamber also ruled that, while nothing could be more important than the need to ensure that detention centres were safe environments for prisoners, staff and the community, creating those conditions should not result in the commission of torture. In order to heighten acceptance of the prohibition of torture or cruel, inhuman or degrading treatment or punishment, the Convention against Torture obliges States and governments to investigate and punish such acts and to compensate victims of torture or cruel, inhuman or degrading treatment or punishment. Thus, the decision stated that, although the images recorded on 3, 10 and 17 August 2016 by the cameras in the maximum-security wings had been viewed, there was no record of any kind of attack by security officers on any detainee. The Chamber

⁸ See <https://nexuspj.poder-judicial.go.cr/document/sen-1-0007-193700>.

⁹ Decisions compiled on the judiciary platform Nexus.Pj, on which it is possible to consult, free of charge, judicial and disciplinary precedents, the minutes of the Supreme Court, the High Council and the Council of the Judiciary, notices and circulars. Its location on the web is <https://nexuspj.poder-judicial.go.cr/>.

¹⁰ See <https://nexuspj.poder-judicial.go.cr/document/sen-1-0007-353140>.

therefore found no evidence that the appellant had been subjected to punishment or cruel, inhuman or degrading treatment. The appropriate decision was therefore to reject that aspect of the action.¹¹

175. Other court decisions in which the Convention against Torture has been invoked include: No. 13496-2006, No. 3678-2006, No. 3684-2006, No. 7298-2006, No. 7617-2006, No. 6-2007, No. 777-2007, No. 1129-2007, No. 8194-2008, No. 557-2009, No. 8202-2009, No. 802-2010, No. 10124-2010, No. 18209-2010, No. 10580-2011, No. 9631-2011, No. 11546-2011, No. 15385-2011, No. 670-2012, No. 5100-2012, No. 14630-2012, No. 14657-2012, No. 6920-2014, No. 8482-2014, No. 12947-2015, No. 14258-2015, No. 19582-2015, No. 12824-2006, No. 16717-2016, No. 9131-2007 and No. 9619-2017 (Constitutional Chamber); No. 1061-2008 and No. 670-2012 (Third Chamber); No. 247-2008 (Juvenile Criminal Court of Appeal, Second Judicial Circuit of San José).¹²

176. There have been three decisions involving matters falling within the scope of the Convention on the Rights of the Child. The first is decision No. 17401-2008 of the Constitutional Chamber, on an application for a writ of habeas corpus. In that case, the Chamber ruled that, in view of the situation, it should consider both the requirements for the issuance of exit permits for minors and the best interests of the child provided for in the Convention on the Rights of the Child, adopted by Costa Rica by Act No. 7184 of 1990. Under the Convention, the best interests of the child should serve as a guiding principle for the consideration of cases that were brought before the administrative authorities, which, in practice, should be resolved in such a way as to promote the full enjoyment of the children's rights. It was noted in the decision that, although the law clearly set forth official requirements for an exit permit for a minor, those official requirements had to be understood in context in the case in question. Note must therefore be taken of the fact that the girl had a Canadian passport and was going to leave the country with both parents and grandparents, with whom she was going to her place of residence. In view of the particularities of the specific case, the Chamber was of the view that there was no evidence to suggest that the child could be in danger if she left the country. It was therefore in the best interests of the child for the Chamber to find that the contested action had violated the child's fundamental rights and to grant the application for a writ of habeas corpus.¹³

177. The second case, decision No. 01314-2010 of 21 September 2010 of the Family Court, concerned a judicial declaration of abandonment. The decision stated that, as was well known, the Convention on the Rights of the Child consolidates, at least at the formal and normative level, the doctrine of comprehensive protection. It includes the general principles of the framework for the protection of persons under 18 years of age and the special principles applicable to those who, because they have been neglected or abandoned by their parents, have been victims of privation (it was noted in the decision that Family Court vote No. 1568-05 of 10.10 a.m. on 12 October 2005 should be seen in that regard).¹⁴

178. The third decision is No. 2009-00246 of 26 June 2009 of the Criminal Court of Cassation of the Third Judicial Circuit of Alajuela, San Ramón. The Court ruled in that decision that, as it had noted, in adopting the Convention on the Rights of the Child, a human rights instrument, Costa Rica had undertaken to ensure that, in its constitutional system, the decisions of the administrative or judicial authorities responsible for conducting proceedings in which the rights of a minor were directly or indirectly involved gave primary consideration to the best interests of the child. Those circumstances appeared to be unrelated to the specific situation, however, since there could be an indirect violation of fundamental rights; namely, the violation facilitated by the omission on the part of the extraditing authorities. In the case under judgment, it was impossible to separate, as the

¹¹ See <https://nexuspj.poder-judicial.go.cr/document/sen-1-0007-684903>.

¹² Decisions compiled on the judiciary platform Nexus.Pj, on which it is possible to consult, free of charge, judicial and disciplinary precedents, the minutes of the Supreme Court, the High Council and the Council of the Judiciary, notices and circulars. Its location on the web is <https://nexuspj.poder-judicial.go.cr/>.

¹³ See <https://nexuspj.poder-judicial.go.cr/document/sen-1-0007-428922>.

¹⁴ See <https://nexuspj.poder-judicial.go.cr/document/sen-1-0034-534384>.

judge whose decision had been appealed had done, consideration of the request for extradition made based on the international abduction of a minor from the situation of K, the mother subject to extradition, and her children – the girl T.Z.G.K. and the boy A.P.K., both Costa Rican by birth – including the domestic violence that had been reported, which had to be assessed in accordance with the general principles that governed the democratic rule of law and helped form the basis of constitutional law.¹⁵

179. Other court decisions in which the Convention on the Rights of the Child has been invoked include: No. 937-2007, No. 3702-2007, No. 8863-2007, No. 15476-2007, No. 8262-2008, No. 1226-2008, No. 9251-2008, No. 12217-2008, No. 17401-2008, No. 15461-2008, No. 16420-2008, No. 1301-2009, No. 1675-2009, No. 7113-2009, No. 9965-2010, No. 587-2011, No. 5015-2011, No. 5269-2011, No. 5914-2011, No. 12458-2011, No. 14665-2011, No. 10711-2013, No. 6703-2013, No. 811-2016, No. 1692-2016, No. 4349-2016, No. 8537-2016, No. 14893-2016 and No. 15127-2016 (Constitutional Chamber); No. 273-2007, No. 219-2009, No. 977-2010, No. 1112-2010, No. 587-2011, No. 897-2011, No. 454-2013, No. 286-2015, No. 1027-2015, No. 1194-2015, No. 341-2016, No. 657-2016, No. 820-2016, No. 448-2017, No. 503-2017, No. 773-2017, No. 776-2017 and No. 965-2017 (Second Chamber); No. 16-2008, No. 1735-2009, No. 1210-2010, No. 474-2013, No. 727-2013, No. 840-2014 and No. 883-2015 (Third Chamber); No. 610-2005, No. 858-2010, No. 1314-2010, No. 1153-2011, No. 1192-2011, No. 767-2012, No. 773-2012, No. 145-2014, No. 428-2014, No. 974-2014, No. 92-2015, No. 99-2015, No. 143-2015, No. 452-2015, No. 754-2015, No. 850-2015, No. 372-2016, No. 406-2016, No. 1019-2016, No. 1061-2016, No. 8537-2016, No. 214-2017, No. 427-2017, No. 757-2017, No. 1014-2017, No. 287-2018, No. 620-2018, No. 743-2018 and No. 765-2018 (Family Court); No. 557-2014, No. 143-2015, No. 268-2015, No. 361-2015, No. 94-2016, No. 103-2016, No. 120-2016, No. 297-2016, No. 374-2016, No. 449-2016, No. 520-2016, No. 117-2017, No. 11-2017, No. 111-2017, No. 247-2017, No. 332-2017, No. 518-2017 and No. 304-2018 (Family Court for Matters of Domestic Violence); No. 246-2009 (Criminal Court of Cassation of San Ramón); No. 518-2007 (Second Civil Court); No. 439-2010 (Notarial Court).¹⁶

Remedies

180. In general, persons resident in Costa Rican territory have access to the public services, which are free of charge, in the State institutions to which complaints or requests for assistance may be submitted in the event of a violation of the provisions of the instruments discussed in this report.

181. The remedies available include applications for unconstitutionality actions, applications for *amparo* and applications for writs of habeas corpus to the Constitutional Chamber, appeals to any courts of law and administrative appeals for compliance with administrative provisions, in particular to inspectorates of the respective institutions.

182. Costa Rica has no specific system of redress, compensation or rehabilitation for victims of violations of the human rights enshrined in the instruments discussed in this report. The courts of law, however, determine the forms of redress, compensation and rehabilitation to which victims of human rights violations are entitled.

Supervisory body

183. In Costa Rica, the courts are responsible for the application of legal rules and principles in the special case of human rights and in the resolution of conflicts. In addition, the State's public institutions are responsible for giving effect to human rights as part of their work through policies, plans and programmes or in the steps that they take to protect and monitor those rights.

¹⁵ See <https://nexuspj.poder-judicial.go.cr/document/sen-1-0034-445368>.

¹⁶ Decisions compiled on the judiciary platform Nexus.Pj, on which it is possible to consult, free of charge, judicial and disciplinary precedents, the minutes of the Supreme Court, the High Council and the Council of the Judiciary, notices and circulars. Its location on the web is <https://nexuspj.poder-judicial.go.cr/>.

184. The Costa Rican State does not currently have sufficient information to determine the human and financial resources allocated to the promotion of and training in the human rights covered in the instruments discussed in this document.

185. There is nonetheless the Inter-Institutional Commission for the Monitoring and Implementation of International Human Rights Obligations, a body with a mandate to promote strong consensus on human rights among State agencies, academia and civil society.

186. In other words, its purpose is to fulfil the international human rights obligations arising from the universal and regional human rights systems – for example, by developing proposals for national and institutional policies, plans and measures.

Regional human rights mechanism

187. At the regional level, Costa Rica is a member of the regional human rights mechanism provided for in the American Convention on Human Rights, adopted by Act No. 4534 of 23 February 1970 and ratified on 8 April 1970.

188. Within the framework of this mechanism, the competence of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights with respect to matters relating to the fulfilment of the provisions of the Convention, was accepted.

189. On the date of this report, the Court had three cases involving Costa Rica that were at the monitoring stage, one that had been closed and one in which a judgment was pending.

Framework within which human rights are promoted at the national level

190. The national legal system incorporates the main international human rights treaties and optional protocols discussed in this report, which, in accordance with article 7 of the Constitution, constitute national law.

191. On becoming law, these instruments must be respected by all persons residing in Costa Rica and organizations of all kinds.

192. Insofar as they are mandatory law, these instruments are accessible to the country's residents in Spanish and reproduced in different media, both in print and on the websites of public institutions such as the Official Gazette, the Costa Rican Legal Information System and the Legislative Assembly.

193. In accordance with the legality principle, State institutions must also undertake to guarantee and promote the enjoyment of the human rights that Costa Rica has recognized.¹⁷

194. Although Costa Rica does not have specific information on national allocations for the promotion and dissemination of the main international human rights and other treaties and optional protocols, it can be said that they are addressed in a comprehensive and general manner.

195. Over the past year, the General Directorate for the Civil Service of the Ministry of the Office of the President, the directorate responsible for public service matters, has provided training in human rights to officials from different State institutions.

196. In 2018, for example, there were promotional activities such as a course on the Sustainable Development Goals in Costa Rica and implementing them in institutional plans (October), a workshop on inclusion and meeting the needs of the indigenous population in public institutions (October), a course on human rights, diversity and integration in a multi-ethnic and multicultural country (March and September), a workshop on awareness-raising processes for spaces free from discrimination based on sexual orientation or gender identity

¹⁷ The legality principle, laid down in article 7 of the Constitution and article 7 of the Public Administration Act, requires the civil service and public officials to act in accordance with the country's laws.

(July) and a workshop on persons of African descent and human rights, diversity and integration in a multi-ethnic and multicultural country (March).

Common core document submission process

197. The preparation of the report was overseen by the Inter-Institutional Commission for the Monitoring and Implementation of International Human Rights Obligations, which brings together 21 bodies of the executive branch (ministries and autonomous institutions) and representatives of the judiciary, the Supreme Electoral Tribunal, the Office of the Ombudsman and the Legislative Assembly as observers with a duty to provide information.

198. The Commission was set up in 2011 as a permanent consultative body of the executive branch attached to the Ministry of Foreign Affairs and Worship to ensure follow-up to and compliance with international human rights obligations and the coordination of international human rights initiatives.

199. Executive Decree No. 36776-RE, which established the Commission, also created the Permanent Body for Consultation with Civil Society, through which a dialogue with civil society has been developed in the overall context of the preparation of reports. The general dynamics of the meeting and the discussion of aspects relating to the implementation of human rights obligations have facilitated the institutional consideration of the effectiveness and efficiency of the work under way and its intrinsic relation to the exercise of human rights for persons in Costa Rica.

200. Lastly, this common core document is the result of inter-institutional consultations for the collection of input and information on planned indicators and for the review of the final version of the draft.

Follow-up to the concluding observations of human rights treaty bodies

Information on non-discrimination and equality and effective remedies

201. The principle of non-discrimination and equality, a general postulate in human rights, is recognized at the constitutional level and used as a building block in all national legislation, barring the exceptions provided for by law.

202. Article 33 of the Constitution in force since 7 November 1949 provides that everyone is equal before the law and that there may be no discrimination that is an affront to a person's dignity. This constitutional guarantee covers all persons residing in Costa Rica.

203. At the constitutional level, there are two limitations to the guarantee. The first relates to foreign nationals. Article 19 of the Constitution provides that foreign nationals have the same individual and social rights and duties as Costa Rican nationals, with the exceptions and limitations provided for by the Constitution and applicable laws.

204. In order to explain the extent of this distinction at the constitutional level, the Constitutional Chamber of the Supreme Court, the highest jurisdiction for review of constitutional matters, ruled that the Constitution recognized that Costa Rican and foreign nationals were equal in terms of duties and rights, with the exceptions and limitations provided for by the Constitution and applicable laws. The exceptions provided for by the Constitution included prohibiting foreign nationals from intervening in the country's political affairs (art. 19) and holding certain public positions (arts. 108 (national lawmakers), 115 (President of the Legislative Assembly), 131 (President and Vice-President of the country), 142 (government ministers) and 159 (magistrates)). The Chamber also stated that there were many more exceptions to the principle of equality in non-constitutional legislation, such as those in legislation regulating and restricting the entry and exit of foreign nationals, and those established in labour law to ensure that Costa Ricans enjoyed priority access to employment in certain circumstances (Labour Code, art. 13). In that respect, the Chamber had already pointed out that the phrase "with the exceptions and limitations provided for by this Constitution and applicable laws" did not establish a blanket authorization; rather, it enabled lawmakers to make logical exceptions, based on the

very nature of the difference between citizens and foreign nationals, in such a way that no differences posing a threat to the principle of equality enshrined in the Constitution could be established.¹⁸

205. Based on this constitutional mandate, domestic legislation incorporates the principle of non-discrimination in a wide range of laws and executive decrees relating to areas such as discrimination against indigenous peoples, discrimination in employment, discrimination against lesbian, gay, bisexual, transgender and intersex persons, discrimination against women, children and adolescents, older persons and persons with disabilities, homophobia, gender identity in health care, child labour and HIV/AIDS.

206. The National Policy for a Society Free from Racism and Xenophobia (2014–2025) covers the public administration, autonomous and semi-autonomous institutions, State-owned companies and private companies that provide public services, all of which may use the Policy as a frame of reference for the promotion of a society free from racism, racial discrimination and xenophobia.

207. The country is also implementing the National Gender Equality and Equity Policy (2018–2030), which outlines the long-term commitments made by Costa Rica to advance equality of opportunity and equality of rights for women and men. Private sector actors have been included in the implementation process.

208. The National Disability Policy (2011–2021), whose objectives are the effective promotion, respect and guarantee of the rights of persons with disabilities, takes a supportive and systematic approach to eliminating all forms of discrimination and exclusion to which such persons, their families and their organizations are subjected.

209. The country's Policy for the Prevention and Management of HIV and AIDS (2014–2019) meets national and international standards by serving as an umbrella policy for the provisions, initiatives, principles, procedures and public guidelines and directives that the relevant State agencies must follow in guiding the national response to HIV and AIDS.

210. Also in place is the National Policy for Children and Adolescents (2009–2021), which establishes the strategic direction of the State for the effective promotion, observance and guarantee of the human rights of all children and adolescents, including those with disabilities, those from an indigenous background, those who have been abandoned, those from a migrant background and others.

211. Lastly, there is the National Policy on Ageing and Older Persons (2011–2021), which the country has embraced the challenge of implementing by adopting the necessary measures in all areas and sectors and, in addition, by undertaking to promote and protect the human rights and fundamental freedoms of older persons. Costa Rica has also undertaken to eliminate all forms of discrimination, including age discrimination. It recognizes that, as they age, people should enjoy full, healthy and safe lives and participate actively in the economic, social, cultural and political life of society.

Effective remedies

212. Costa Rican legislation establishes guarantees, in both the judicial and the administrative spheres, of the possibility to request the assistance of the competent national authorities in the event of any violation of the human rights recognized, included and provided for in Costa Rican law.

213. The remedies available include applications for unconstitutionality actions, applications for *amparo* and applications for a writ of habeas corpus to the Constitutional Chamber, appeals to any court of law and administrative appeals for compliance with administrative provisions, in particular to inspectorates of administrative institutions or officially accredited personnel, depending on the public institution and its purview.

¹⁸ See decision No. 03076-2011 of 9 March 2011 at the following address: <https://nexuspj.poder-judicial.go.cr/document/sen-1-0007-506591>.