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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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SUMMARY RECORD OF THE FIRST PART (PUBLIC)^{*} OF THE 35th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 7 November 2007, at 10 a.m.

Chairperson: Mr. TEXIER

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

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Second to fourth periodic reports of Costa Rica (continued) E/C.12/CRI/4; E/C.12/CRI/Q/4 and Add. 1; HRI/CORE/1/Add.104)

1. At the invitation of the Chairperson, the members of the delegation of Costa Rica resumed their places at the Committee table.

Articles 13 to 15 of the Covenant (continued)

2. The CHAIRPERSON invited the delegation to reply to the questions posed at the previous meeting.

3. Ms. UBEDA (Costa Rica) said that primary education was compulsory and available free to all. Ninety-three per cent of primary schools were public, and although teaching material was not free, a programme for poor pupils entitled “Programme to promote equity in education”, which for years had been carried out in conjunction with the United Nations Development Fund (UNDP), governed inter alia the award of scholarships by the National Grants Fund (FUNABE). Some 60 to 70 per cent of pupils had access to school cafeterias. Wage disparities between teachers in public and in private schools were negligible, apart from the case of teachers working in private secondary schools for the upper strata of society. However, teachers in rural areas, who retired earlier than elsewhere, often worked subsequently in private schools and thus had two sources of income.

4. The illiteracy rate estimated at 95 per cent in paragraph 1050 of the State party’s report applied only to 22 towns, or about 40,000 persons, in inaccessible towns such as Cordillera de Salamanca, where the inhabitants spoke their own language and where it was not easy to find bilingual teachers. Whereas the State party had had little success in improving education for indigenous persons, the latter had every opportunity to attend school. Budgeting for education amounted to six per cent of the country’s GDP. The National Development Plan referred to a US\$ 30 million World Bank loan, contracted in 2007, to improve the quality of education for indigenous persons, the population of African origin, migrants and very poor indigenous persons living on the borders with Panama and Nicaragua. The latter had priority for the construction of infrastructures and were urged to be actively involved in those initiatives so as to preserve their culture and language. To that end, the bilingual classes to which they were entitled must first be taught in their language and only later in Spanish, and that required trained teachers. Another aspect of the infrastructure programme was the elaboration of teaching material geared to the culture of those communities and the establishment of a satellite Internet connection linking them together.

5. With regard to the creation of schools for Costa Ricans of all origins, including of African and indigenous background, who mainly inhabited Limón, pupils at the secondary schools of that province and of Cartagena district already constituted a cross-section of the entire national

population; thus, coexistence between communities did not encounter any difficulties. The real problem was that of investments needed at local level – in regions in which the standard of living was lower than in the capital or in the centre and the school drop-out and repeater rates were higher – and the attention which must be given to those areas. School abandonment had reached record levels in the second half of secondary school, which was due not only to socio-economic conditions but also to the form of traditional teaching, which was based on what were often repellent forms of punishment. The goal was to adopt a new approach focusing on literature, moral values and learning to live together and based on pupil involvement and greater teacher awareness.

6. A legal framework ensured that children with disabilities had access to specialized schools. The efforts needed to improve those infrastructures and to enrol all such children included training of specialized teachers and an increase in the number of specialized schools, particularly in rural areas. Economic assistance for poor persons with disabilities, who were particularly vulnerable, took a number of forms, including subsidies granted to 1,600 recipients, more than half of whom were minors. A programme had recently been set up to assess the living conditions of very poor families with a disabled person. English and French were taught as second and third languages. A number of textbooks had been revised to avoid perpetrating stereotypes about women and ethnic communities. Violence in school and the accompanying drug addiction and prostitution were addressed through a programme conducted in conjunction with the Institute to Combat Alcoholism and Drug Dependence (IAFA) and through another, carried out under the auspices of the Ministries of Justice and of Education and the Inter-American Institute of Human Rights. The National Development Plan alerted young people to the risks of substance abuse and, together with the IAFA and the Ministry of Health, it envisaged the construction in 2008 of a reception centre with a capacity of 1500 children at risk which could take in more than one hundred addicted children. A treatment centre provided those children with counselling and a social reintegration service. Information campaigns on drug addiction were also conducted at secondary schools.

8. The right to work, including for asylum-seekers, was an inalienable right embodied in article 19 of the Constitution, but with the growing number of applications for asylum, there was an increasing backlog of applicants waiting to receive permission to work. In response to the unexpected inflow of Colombian refugees, which had followed waves of immigration from Nicaragua and Guatemala, a refugee protection programme had been introduced in 2000 which had shortened the review period for applications for refugee status. The programme, conducted jointly with the General Directorate of Migration and Foreigners, the University of Costa Rica, the Office of the United Nations High Commissioner for Refugees (UNHCR) and one non-governmental organization (NGO), had made it possible to reduce average review time to 15 days. Another initiative, to analyse the degree of integration of Colombian refugees, sought to ascertain to what extent they could really exercise their right to work, an area in which difficulties persisted.

9. The 2006 migrant act to which reference had been made was being amended, and there was a broad consensus on the new bill submitted to the Legislative Assembly, which made trafficking in migrants a criminal offence and provided for the establishment of monitoring bodies. In 2006, an international trafficking ring had been dismantled and its members indicted. The bill also amended a number of points in the legislation, for example with regard to the cessation or exclusion clause, and had added a sixth ground to the five enumerated in the Geneva

Convention for granting the status of refugee, namely persecution for reasons of gender. The bill also provided for the reimbursement of administrative costs and the termination of the annulment of such status for reasons of family reunification, and it stipulated that information concerning the entry of refugees into the territory was to be strictly confidential.

10. Costa Rica had signed the Central America-United States Free Trade Agreement (CAFTA) in 2007 after holding a referendum and numerous debates on its impact on the social security system. By and large, the Agreement was not expected to have an adverse effect on the social security system, especially since it would have a positive one on the country's economic growth, employment and the social affairs budget. The Government had assessed the social consequences of the Agreement and was putting measures into place to attenuate its impact. Legislation had been passed, including on the termination of the monopoly in the electricity, assurance and agriculture sectors. In the latter sector, the activity most in danger was the rice crop, but there was a twenty-year renewable time period for the gradual reduction of import duties. All in all, agricultural exporters should benefit from the Agreement.

11. Costa Rica had a large number of adolescent mothers (approximately 20 per cent of pregnancies in recent years). The associated problems were not usually linked to the pregnancy itself but to the conditions surrounding childbirth and also the future of those young women. The problem was real, but it should be noted that 95 per cent of childbirths took place in a hospital setting, often with the support of the social security system. Article 51 of the Constitution, pursuant to which the State must provide special protection for the mother and the child, was thus implemented in an effective manner. In keeping with the relevant international instruments, measures had been taken in the health-care sector to protect the reproductive health of adolescents. One of the most important national provisions to that end was article 2 of the health care act, which ensured adolescent mothers the right to information, assistance during childbirth and food relief. The Children's Code defined the obligations of the State and institutions responsible for providing food relief to young pregnant women. In 1998, an act had been passed to give priority assistance to adolescents in the areas of education, preventive medicine and reproductive health; a number of public bodies ensured its implementation in the framework of many individual programmes.

12. The phenomenon of commercial sexual exploitation was directly related to the growth of tourism, which was a dynamic sector in Costa Rica. Legislative measures had recently been passed to enhance the protection of victims of sexual exploitation, and the act on commercial sexual exploitation had been overhauled. Specifically, prescription was longer and must be between three and ten years (for offences involving minors, the trial began when the victim reached majority and was able to testify). For better protection of minors, in particular those under 13 years of age, the severity of the punishment varied according to the degree of vulnerability of the victim, and punishment was more severe in cases of physical abuse, intimidation or the use of force. Costa Rica had adopted a multidisciplinary plan of action for the period 2006-2010 to address the structural causes of sexual exploitation and focus on the protection of the victims. A commission on the exploitation of young people and children had been set up to conduct preventive work, implement the legal reform and care for the victims. A number of prevention campaigns carried out at national, regional and local levels had stressed the criminal nature of sexual relations with minors. Attempts had been made to ascertain where prostitution rings were operating from and to identify the various forms of sexual exploitation involved.

13. With regard to marital rape, it was of course more difficult to prove that such an offence had been committed, but it was punished by a sentence identical to that imposed for rape committed outside the marriage. The act making violence against women an offence had entered into force in 2006. Progress had been made in combating that form of violence, including through the adoption of a broader view of the phenomenon, which now concerned all members of the family. A specialized service had been put into place to assist the victims of family violence and was part of the Office of the State Prosecutor, which was responsible for attenuating the consequences of such offences. The services provided included social assistance, psychological counselling and the placement of victimized women and children in shelters.

14. Norms for the protection of children from corporal punishment were set out the Convention on the Rights of the Child, and article 143 of the Family Code stipulated that parents must show moderation when punishing their children. There was no rule specifically prohibiting corporal punishment, but provision was made for sanctions in the event of assault or excessive punishment. However, mentalities were evolving in society, which on the whole was increasingly opposed to corporal punishment, and thus teachers were more aware of the issue and were no longer so quick to strike their pupils. A bill which would prohibit corporal punishment was being considered in the Legislative Assembly. Two articles of the bill were designed to amend the relevant provisions so as to expressly prohibit such practices. In 2006, a media campaign had been conducted to discourage parents and teachers from resorting to such punishment.

15. With regard to the right to decent housing and the situation of the poor in that regard, construction programmes had been started for that category of the population. In 1986, the State had set up a policy to address the housing shortage, and some 400,000 units had been built between 1986 and 1990. In 1992, the Joint Social Welfare Institute had launched a housing subsidy programme for the poor which had provided assistance to several thousand families. A programme begun in 1993 had focused more particularly on promoting better living conditions. Initiatives were also in place to help disadvantaged populations, such as the elderly, people with disabilities and indigenous persons. Those numerous and varied measures were usually carried out with the participation and collaboration of the communities concerned. A ruling by the Constitutional Chamber of the Supreme Court of Justice had made the right to housing enforceable, and anyone who considered that his or her right had been violated in that regard could invoke it in an appeal before the competent courts.

16. The authorities sometimes carried out compulsory evictions or expropriations in the context of regional planning or the construction of roads or of port or airport facilities, and an inter-agency commission had been set up to help with resettlement. The commission sometimes took action upstream to identify the populations affected, meet with community leaders to find a solution before eviction or expropriation took place, define the legal status of the lands concerned and any right of way or other easement, and determine which groups were entitled to financial aid from the State.

17. Generally speaking, the road network was not in very good condition, above all on account of the crisis of the 1980s, which had forced the Government to freeze all investments in that area. Moreover, the torrential rains of October 2007 had caused flooding throughout the country, damaging national and communal roads and destroying many bridges. The State party planned to improve the national road system and to increase appropriations earmarked for that purpose.

18. Indigenous reservations were protected. They covered the ancestral lands of populations, which passed them on from generation to generation, and the law prohibited the ceding of indigenous lands outside the indigenous community concerned. Some of the reservations had been created by decree by the Constitutional Chamber of the Supreme Court, based on deeds presented by indigenous persons.

19. With a human development indicator close to that of developed countries (Costa Rica ranked forty-eighth worldwide), the authorities intended to consolidate their achievements. To that end, they had conducted a number of health care and educational programmes in cooperation with the World Health Organization (WHO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). For example, they had equipped all public schools with computers, including in rural areas, and had set up introductory courses in the information technologies for indigenous persons in the same way as for the rest of the population. However, the fact that it was a country with a “high” human development meant that Costa Rica did not benefit from the assistance given to developing countries by the international community, apart from support for programmes promoting environmental conservation or for joint initiatives with other countries of the region.

20. In 2003, 75 per cent of the population had stated that they did not have access to the irrigation network. That did not mean that Costa Rica had limited water resources, but that they were poorly distributed. For that reason, the objective had been set to upgrade the water supply system and to improve sewage treatment.

21. In a country that obtained much of its revenue from tourism, introducing environmental protection policies presupposed encouraging towns with large numbers of tourists to observe a number of basic principles. Towns that had made efforts to prevent pollution were awarded a blue flag, which they must defend every year by demonstrating that they had implemented so-called “sustainable” tourism projects aimed at conserving protected areas, which covered 25 per cent of the national territory.

22. Ms. BONOAN-DANDAN, pointing out that it was up to the State party to ensure that the rights embodied in the Covenant were respected by all companies, both public and private, noted that, according to the International Confederation of Free Trade Unions, complaints had been lodged by trade unions in Costa Rica following lay-offs at a banana growing company. She also enquired about the degree of independence of the Costa Rican Electricity Institute (ICE), which seemed to be very active and competent.

23. Ms. UBEDA (Costa Rica) said that the Government was fully aware of its international obligations, which it had no intention of evading. When she had indicated that the banana growing company which had laid off employees was private, it was simply to make clear that the State had not carried out any dismissals in the civil service. She assured Ms. Bonoan-Dandan that the trade unions had not lodged any complaint on that matter with any national authority.

24. The ICE was responsible for putting into place electricity and telecommunications services at national level, and it often preferred to invest in initiatives to provide wider coverage rather than in profitable projects. It was a public body, but was somewhat independent in the sense that it had its own budget and resources.

25. The consideration of her country's report had been an enriching experience which would certainly help the Government better address the challenges confronting it, such as the improvement of infrastructures, the protection of vulnerable population groups, parity, and migration, and she hoped that the next periodic report would provide an opportunity for Costa Rica to show that great strides had been made in those areas.

26. The CHAIRPERSON welcomed the openness of the delegation and thanked it for its oral replies and for the written replies of the Government to the list of issues, which the State party had submitted in Spanish and in English. The Committee had thus completed consideration of the second to fourth periodic reports of Costa Rica.

27. The delegation of Costa Rica withdrew.

The public part of the meeting rose at 12.15 p.m.
