



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities

**Implementation of the Convention on the Rights
of Persons with Disabilities**

**Initial reports submitted by States parties under article 35
of the Convention**

Costa Rica*

[23 March 2011]

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

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Abbreviations and acronyms

CASED	Advisory and Service Centre for Students with Disabilities
CCSS	Costa Rican Social Security System
CENARE	National Rehabilitation Centre
CENAREC	National Resource Centre for Inclusive Education
CENREP	National Liaison Commission for Vocational Rehabilitation
CIAES	Inter-university Commission on Access to Higher Education
CIF	International Classification of Functioning, Disability and Health (ICF)
CIMAD	Institutional Commission on Accessibility and Disability
CNE	National Commission on Emergencies
CNREE	National Council on Rehabilitation and Special Education
COMAD	Municipal Commission on Accessibility and Disability
CONAPAM	National Council for Older People
CONARE	National Council of Rectors
CTP	Public Transport Council
DH	Ombudsman's Office
EBAIS	Basic Comprehensive Health Care Team
FODESAF	Social Development and Family Allowance Fund
FONABE	National Scholarship Fund
ICODER	Costa Rican Sports Institute
ICT	Costa Rican Tourist Institute
IFAM	Institute for Municipal Promotion and Support
IMAS	Inter-Agency Institute for Social Assistance
INA	National Training Institute
INAMU	National Institute for Women
INEC	National Statistics and Census Office
INS	National Insurance Institute
INVU	Institute for Housing and Urban Development
ITCR	Technological Institute of Costa Rica
JICA	Japan International Cooperation Agency
JPS	Social Protection Board
LESCO	Costa Rican Sign Language
PANACI	National Foundation for the Blind
PANARE	National Foundation for Rehabilitation

PANI	National Child Welfare Agency
PLANOVI	National Plan on Violence against Women
PONADIS	National Disability Policy
RBC	Community-Based Rehabilitation (CBR)

I. General information

A. Scope of the report: process and methodology applied

1. The following is an initial assessment of implementation by the State of Costa Rica of the provisions of the Convention on the Rights of Persons with Disabilities (Act No. 8661). The present report was prepared on the basis of data, assessments and information supplied by various public authorities of Costa Rica.

2. To prepare the report, an instrument was developed grouping articles of the Convention (from 1 to 33) into thematic areas in order to conduct assessments based on economic, social and cultural rights as well as other rights and areas that were considered relevant, such as monitoring and international cooperation. The areas evaluated were the following:

- (a) Access to justice, liberty and security of person;
- (b) Health;
- (c) Education
- (d) Work and employment;
- (e) Adequate standard of living and social protection;
- (f) Participation in political and public life;
- (g) Participation in culture, recreation, leisure and sport;
- (h) International cooperation;
- (i) Monitoring / advancement of implementation.

3. Once the areas to be evaluated had been defined, State institutions were identified which by their nature should supply the information about compliance with provisions of the Convention. To that end, it was determined that the report should take shape on two levels: one relating to State institutions of a national character and another relating to local governments, also called municipalities. Instructions and a matrix for compiling the required data were developed and supplied to each of the institutions (see annexes 1 and 2).

4. Preparation of the report took place in three stages. In the introductory stage, meetings were held with various actors involved at different levels (national and local), explaining the scope of the Convention, guidelines and instructions for development of the report and responding to questions about its design. The second stage involved putting together the preliminary report, compiling the information requested from the various leaders of local governments and institutions, preparing the report and submitting what had been reported by different institutions regarding implementation of the Convention for analysis and consultation with representatives of persons with disabilities. Finally, the last stage was the preparation of the final report, including the assessments of representatives of persons with disabilities regarding what had been reported by the State.

5. With regard to local governments, in view of their nature and scope of action, reference was made to only three of the nine areas evaluated, namely: adequate standard of living, participation in political life and public affairs, participation in culture, recreation, leisure and sport. For other governmental institutions, areas were divided according to affinity with the subject.

B. Participation of civil society in preparing the report

6. Concerning civil society's participation in preparing the report, further to paragraph 3 of article 4 and articles 33 and 35 of the Convention, the National Council for Rehabilitation and Special Education (CNREE) held a consultation on 29 October 2010, issuing written and telephone invitations to 93 organizations of and for persons with disabilities. Information on the date, place and purpose of the consultation was published in a national circulation daily and facilities for transport and lodging were offered for persons unable to afford the expenses (see annex 3).

7. Regarding the response to the call issued by CNREE as the lead entity on disability issues and as the entity responsible for developing the report, records show that there was participation by 44 persons representing different organizations of and for persons with disabilities, hailing from points throughout the national territory (see annex 4).

8. So that the process would be accessible to all, a participatory method was used, initially setting forth the results obtained in the report and then working in groups which analyzed the information provided by State institutions that had responded during the consultation by providing the information requested. On that basis, participants gave their views about the information, based on their personal life experience and their own reality. For this purpose, they were provided with necessary materials, including details of the methodology, guides, the Convention and the report as developed at that point, in print and in Braille, as well as digital materials for those requesting them. Services were contracted with the Costa Rican Sign Language (LESCO) Interpreter Service in order to make the information available to the deaf population, and transport subsidies were made available to persons with disabilities and their aides coming from remote areas to the consultation venue.

9. Further, once face-to-face consultation meetings had been held, and at the request of the organizations present, an on-line forum was organized for two weeks on the CNREE website and the documents that had been used were uploaded in order to make them available to more people, including those who had not attended the consultation.

C. Considerations concerning the report

10. The report was prepared taking into account all aspects indicated in the Committee's guidelines, for which purpose all the institutions involved were asked to refer to the articles identified in the forms used to collect information, providing available budgetary and statistical data.

11. Regarding the information supplied, it should be recalled that the budgetary and statistical data requested are not always available as requested by the lead agency for disability in accordance with the guidelines, because in most cases financial budgetary resources do not include a specific item for dealing with matters related to the situation of the population with disabilities in accordance with the Convention, but rather are included within the overall consolidated budget of the institutions. An example is the question of investing in accessible physical spaces, which is included within the item for general construction and remodelling. Similarly, the source of budgetary information sometimes refers to what was budgeted and not always to what was actually done.

12. Still with regard to State investments, the currency used to specify amounts is the Costa Rican colon and the United States dollar; to that end the exchange rate used was that indicated by the Central Bank of Costa Rica on 21 October 2010: 504.91 colones per dollar.

13. In regard to specific population statistics, the situation is further complicated by the fact that the country does not have a uniform system to record data on the situation of people with disabilities

14. The budgetary and statistical data provide an approximate picture of what has been invested and of the population being served, without detracting from the reliability of the information supplied, since they offer an important initial diagnosis that will serve as a basis for refining details in regard to the next report and, more importantly, in regard to adjustments that the Government will need to make in order to comply with the Convention in all respects.

15. Finally, the information encompasses both data compiled by Government institutions of national scope and data of local scope, specifically from local governments, also called municipalities, which, depending on their nature, had to refer to three specific areas, namely: adequate standard of living and social protection, participation in political and public life, and participation in recreation and culture.

II. Results of evaluation in State institutions at the national and local levels

A. Access to justice, liberty and security of person

16. In the area of justice and security, the Costa Rican Government has several lead institutions in the field, i.e. there is no single institution that encompasses all those responsible for order, security and the law; rather, they are divided into the three branches of government. For the present purpose, the institutions that were taken into account to conduct the analysis of this area are: the judiciary, the Ombudsman's Office, the Ministry of Justice and Peace, and the Ministry of Public Security, Governance and Police. The information collected is from these institutions; however that of the Ministry of Justice could not be submitted for consultation because the transmission of the information occurred after the consultation took place. The articles of the Convention in terms of which the issues were addressed were articles 13 and 14 relating to access to justice, liberty and security of person, as basic articles. Articles considered related to these were: articles 5 (Equality and non-discrimination); 9 (Accessibility); 10 (Right to life); 15 (Protection against torture and other cruel, inhuman or degrading treatment or punishment); 16 (Protection against exploitation, violence and abuse); 17 (Protection of personal integrity); and paragraph 2 of article 33 (National implementation and monitoring).

1. Action taken and resources applied

17. The State of Costa Rica, being a social State under the rule of law, has endeavoured to secure access to justice, freedom and security for all persons, and its action has basically been geared to creating a framework of rules that provides legal certainty with respect to people's rights. This legal framework includes the Costa Rican Constitution, the laws of the Republic, international treaties signed, and specific policy guidelines directed to safeguarding the human rights of all Costa Rican men and women.

18. An important tool available to the State to ensure respect for human rights of persons in general is the Constitutional Chamber of the Supreme Court, whose purpose is to monitor and safeguard the provisions of the Costa Rican Constitution. To that end it may make use of the remedy of *Amparo*, whereby any citizen may file a complaint alleging violation of a right guaranteed by the Constitution. Decisions of the Constitutional Chamber are binding and compliance with them is mandatory.

19. During the period 2008–2011, there were 141 decisions of the Constitutional Chamber directly relating to matters or rights covered by the Convention. A breakdown of these reveals that two decisions pertain to tourism, 48 pertain to issues of local governance, 79 pertain to the national public sector and 12 pertain to the private sector. The majority relate to the following categories: civil and political rights, followed by economic, social and cultural rights, with priority groups or situations being markedly in the minority. Finally, the large majority were complaints regarding lack of accessibility and infrastructure for mobility, particularly regarding sidewalks, ramps, access to parking lots or public and private facilities (see annex 9).

20. A measure in keeping with equality and non-discrimination is the Act to Ensure Reserved Spaces for Persons with Disabilities at Public Events. Other important pieces of legislation are the Act on Equal Opportunities for Persons with Disabilities and its Regulations (Act No. 7600), the Act Establishing the National Council on Rehabilitation and Special Education, which is currently the lead entity on disability, the Act Establishing the Office of the Ombudsman, and the General Police Act (arts. 10, 16 and 17).

21. Still in the context of ensuring access to justice, between 2008 and 2010 institutions have pursued actions aimed primarily at training and accessibility. For example, where training is concerned, there have been 14 socio-educational activities aimed at male and female officials of institutions involved in the area of justice in different parts of the country. These activities included workshops, lectures, conferences and courses, including the following: validation workshop on the guidelines to avoid re-victimization of children, adolescents and seniors with disabilities; workshop for the development of atypical precautionary measures to handle cases of violence against older persons and persons with disabilities; workshops on gender perspective, accessibility, human rights and administration of justice; lecture series on accessibility and disability addressed to the judiciary and civil society; awareness workshop for regional managers on disability and accessibility aimed inter alia at improving the service provided to users with disabilities.

22. Where accessibility is concerned, the focus has been essentially on two areas: access to physical spaces and access to communication and information through acquisition of technologies. There were, for example, achievements by the judiciary with construction projects in 12 of the 15 judicial circuits, including remodelling in areas intended for the public, washrooms, building of ramps, and installation of lifts. At nine police stations, the Ministry of Public Safety carried out remodelling work, and 10 other projects have been built following the parameters laid down in the Act on Equal Opportunities for Persons with Disabilities.

23. Regarding access to communication and information, investments have included technologies such as the Jaws screen reading software, the Audiotesti 3.2 text-to-voice MP3 converter, Omnipage Pro (which converts printed documents into PDF electronic files that can be searched and shared), extra-large-type keyboards, earphones, scanners and other devices that have been implemented in the Judicial Library.

24. Similarly, a signage project begun in 2010 entitled “Replicable Model of Signage for the Second Circuit Judicial Building in Goicochea” is in keeping with universal signage based on available information and the provisions of Act No. 7600 on Equal Opportunities for Persons with Disabilities, which includes a combination of signage and information to facilitate access to court services for persons with disabilities. That project was promoted by the Commission on Accessibility and included installation of carpets with identifiable textures for blind users and users with visual impairments, photoluminescent signage and sound signals in places such as emergency exits, offices that serve the public, priority accessways, stairs, and lifts. Volumetric models were also placed within the building for orientation.

25. Other specific institutional endeavours include the Policy on Accessibility for Persons with Disabilities in the Judiciary, as well as guidelines, circulars and administrative protocols. These include Circular No. 5-09 addressed to regional administrations, the offices of the Department of Justice (Ministerio Público), and legal offices; the Executive Directorate disseminates Rules for the Payment of Honoraria for LESCO Interpreters; the protocol entitled “Work Re-assignment Model” (“Modelo de Reubicación Laboral”) which lays down procedures to be followed when a civil servant suffers a temporary or permanent disability; and the “Protocol for installation and use of magnifying lamps for users with visual impairments” addressed to the regional administrations and other administrative offices that have need of that equipment.

26. Finally, it should be noted that two bills have been submitted to the Legislative Assembly. One is the Bill Reforming Exceptions to the Copyright Law, which contemplates a variety of matters including exceptions to the law relating to persons with disabilities, information and education. This undertaking was supported by validation workshops. Another is the Bill on Personal Autonomy of Persons with Disabilities, developed jointly with stakeholder institutions, with the aim of implementing the United Nations Convention and promoting autonomy among persons with disabilities to enable them to make their own decisions in keeping with their special circumstances. This bill envisaging the repeal of the institution of Guardianship was submitted to the Legislative Assembly in 2009.

27. With respect to the State’s investment in this area, the data available are from the judicial branch and pertain specifically to the purchase of furniture and therapeutic equipment for internal users, together with the sum appropriated for LESCO interpretation services, totalling 83,262,200.00 colones, equivalent to \$164,905.03.

2. Pending actions, limitations and corrective measures

28. Pending actions include those that are aimed at improving the quality of services through accessibility of services in general and the updating of data on services currently offered. Specifically, a need has been identified to continue adaptations of the physical environment, training of personnel in the use of Costa Rican Sign Language in order to provide better service to the population needing it, approval by the Supreme Court of the draft regulations governing the functions of interpreters, translators, experts and agents of the judiciary, as well as adaptation or purchase of police vehicles to provide suitable transport for persons with disabilities.

29. The limitations that hamper implementation of the Convention’s provisions include lack of human and material resources to carry out the activities and adaptations required, as well as matters of organizational culture. For example, with regard to human resources, the judiciary has a shortage of security personnel who are required by law to provide protection to persons with disabilities, and the Human Resources service does not have the technical expertise and experience in accessibility matters that it needs to incorporate these into the Human Resources Management Policy. With regard to material resources, there is an institutional restriction on the use of transport resources for field research, which lengthens the time needed to conduct assessments and thus to issue expert opinions. The Ministry of Public Security, for its part, avers that it does not have an organizational culture or climate that lends itself to an easy educational process aimed at bringing about this inclusive vision of accessibility for all, so that in recent years those issues have not been in the foreground and there has also been a lack of financial resources to sustainably address matters of accessibility.

30. As regards measures proposed to overcome the limitations encountered, the judiciary reports that it is continuing the activities under way such as awareness raising and training campaigns, establishment of strategic partnerships with other institutions,

optimization and prioritization of budgetary resources earmarked for actions to improve physical accessibility, and efforts aimed at ensuring that some of the protection staff planned can begin their duties as of September 2010. The Ministry of Public Security, for its part, proposes to reactivate the Institutional Commission on Disability so that necessary efforts at improvement can be channelled through it.

3. Comments by civil society

31. In regard to action taken by the State to ensure access to justice, liberty and security of person, participants consulted stressed the fact that most such activities focus on aspects of infrastructure or accessibility of physical space, leaving aside many other aspects that are very important to real and effective access to justice and the institutions active in that area, such as considerations relating to access to information in various formats, whether physical or digital, and the use of technological tools providing access to it.

32. Similarly, it is pointed out that in the justice domain there is no organizational unit dealing with human resources that can train civil servants to provide services to persons with disabilities, and there is a need for more coordinated institutional processes, for instance by oversight offices, to ensure that the right to equality and non-discrimination is not violated. In that regard, it has been said that there are situations that violate the rights of vulnerable groups within the community of persons with disabilities, namely women, children, migrants and indigenous persons; for that reason, there is a need to recognize persons with disabilities as citizens so that their rights will be respected, and it is urged that the provisions of the Convention be respected and that a stronger effort be made to influence the news media in order to help more people understand what action needs to be taken to comply with Act No. 7600 and the Convention itself. Stress is also laid on the importance of technical help to promote the freedom and independence of people in various settings.

33. Regarding activities to ensure public safety and security, the perception is that they are insufficient and that this is one of the most problematic issues for the country, a situation which affects the population of persons with disabilities and corresponds to a structural problem of the social situation of Costa Rica that is reflected in the same way in that vulnerable population.

B. Health

34. The area relating to the right to health has its basis in article 25 of the Convention and contemplates articles 5 (equality and non-discrimination), 9 (accessibility), 10 (the right to life), 26 (habilitation and rehabilitation) and 28 (adequate standard of living and social protection). The State institutions involved are the Ministry of Health, which is responsible for health, the Costa Rican Social Security System (CCSS), which is the principal service provider in the country and in charge of State hospitals and clinics, and the National Insurance Institute (INS) whose focus is on commercialization of insurance and rehabilitation services aimed at people with disabilities resulting from workplace accidents. It should be noted that information for this report was obtained only from the Ministry of Health, the National Rehabilitation Centre (CENARE), which belongs to the CCSS, and the National Insurance Institute. As regards the latter, for purposes of the present report only matters relating to the health area were taken into account and the commercial sphere was not considered.

1. Action taken and resources applied

35. With regard to policies and strategies, the country has the National Health Policy, the 2010–2021 National Health Plan and the 2010–2015 National Strategic Health Plan, which includes the area of disability, as well as a 2006–2010 National Strategic Plan for HIV and AIDS and the 2006–2015 National HIV and AIDS Policy, whose guiding principles are respect for diversity and difference (sexual, ethnic, cultural, disability, inter alia) and a guarantee of access to populations in vulnerable situations (aimed at the whole population but with special emphasis on vulnerable populations such as persons with disabilities). A National Plan on Violence against Women (PLANOVI) has also been designed, which includes coverage of the issue of women with disabilities as a vulnerable group. Similarly, a National Plan of Physical Activity is being developed which incorporates the population of persons with disabilities as a priority group, and a national policy on sexual and reproductive health rights is being designed which incorporates disability as a cross-cutting theme.

36. Institutional legislation recognizes and protects the right to life and survival of people with disabilities on an equal basis with others; however not all such laws specifically refer to persons with disabilities; rather reference is made to groups in situations of vulnerability.

37. Accessibility initiatives have focused mainly on accessibility of physical space in facilities, such as remodelling or new construction. For example, remodelling has been carried out in the National Rehabilitation Centre and 34 new buildings have been built for the Ministry of Health. The remodelling projects include adaptation of sanitary facilities and construction of ramps, signage, lifts with technology useable by persons with disabilities and other works that permit accessibility by persons with disabilities. Likewise, as part of the 2010–2021 National Health Plan, equal access is being advanced for safe physical infrastructure or universal design that is needed to have an impact on other factors influencing the health and quality of life of the population. Other actions related to accessibility are implementation of programmes to provide information about services via audio, as well as a centre for information and documentation of the National Insurance Institute with some specialized equipment such as a Braille printer, a book reader, image enlargement equipment and Jaws software. There are also five units for provision of accessible transport, of which two have a ramp and three have a built-in stretcher.

38. Among the main activities reported regarding direct services, due to the nature of the reporting institution, the focus is basically on habilitation and rehabilitation, where actions have been geared to servicing people at the 25 regional medical centres, the 208 workplace medical clinics (companies) and 7,209 house calls made throughout the country by employees of the Department of Regional Medical Centres of the insurance area of the National Insurance Institute. For its part, the National Rehabilitation Centre through the National Liaison Commission for Vocational Rehabilitation takes care of persons with disabilities, providing them with vocational training enabling them to find work, through a programme unit that is part of the projects pursued under the Chile-Japan-Costa Rica Cooperation Agreement of 2006.

39. In cases where they are needed, INS provides orthopaedic appliances, as well as the maintenance thereof, with the aim of providing the beneficiaries with improved quality of life. Moreover, depending on the disability, the dwelling of the disabled person is inspected and if it does not meet minimum standards of accessibility the person is given economic assistance to make adjustments according to his new needs. Developmental help is also provided as needed both for the home and for re-entering the labour market by learning new trades. Similarly, CENARE implements a workshop comprising technical assistance and interdisciplinary work to produce orthopaedic appliances that were previously purchased from third parties. The aim of the workshop is to improve quality in requirement

specifications, evaluations and production of appliances for upper limbs, as well as giving users an opportunity to access services with more personalized consultations with specialists, with the aim of improving their quality of life. In the year 2008 alone, 516 appliances were produced for outpatient consultations and 114 for hospitalized patients, while in 2009, 584 were produced for outpatient consultations and 128 for patients hospitalized at the National Rehabilitation Centre.

40. In connection with habilitation and rehabilitation there are activities designed to ensure an adequate standard of living and social protection to people with disabilities: based on the system of workplace risks (according to Title IV of the Labour Code) a person with a disability due to work-related causes is provided with all paid medical and health services, rehabilitation and money payments due to him. This is done through compensation for the loss suffered, the amount of which varies according to the type of disability (short-term, minor, permanent, permanent partial, permanent total and extreme disability).

41. With regard to activities aimed at awareness-raising (art. 8), since 2008 the Ministry of Health has conducted training activities for public employees at three levels of management. The main topics of training have been: Learning Costa Rican Sign Language (179 people); Workshop on Service to Users with Disabilities (37 employees); and a four-hour workshop on Act No. 7600. In addition to training activities there are Institutional Commissions on Accessibility and Disability, which monitor and promote inclusion of persons with disabilities in the different State institutions.

42. With regard to investment by the State to ensure access to health for persons with disabilities, it should be clarified that this does not include information relating to the Costa Rican Social Security System. Therefore the data refer only to what is provided by the Ministry of Health and the National Insurance Institute, so that State investment in regard to this area is significantly skewed. Based on the data obtained, it appears that the main items of investment have been geared to enhancing accessibility of physical space and purchasing medical equipment related for rehabilitation services, with the period 2008–2010 showing a total of 1,477,289,469.00 colones, equivalent to approximately \$2915,533.12.

2. Pending actions, limitations and corrective measures

43. Among the principal pending actions in this area is the inclusion of disability as a cross-cutting dimension with specific activities under the 2010–2015 National Strategic Plan aimed at disabled persons with HIV-AIDS, while the 2010–2015 National Plan for HIV-AIDS is being updated, for which reason incorporating indicators referring to disability is a pending task.

44. With respect to awareness-raising, a goal yet to be fulfilled is sensitizing and training institutions on the development of the new model of care, making the staff of health services and the population aware of the development of the new model for dispensing mental health care at the community level, in addition to expanding coverage of training endeavours both in terms of the number of participants and in terms of geographical area, so that different regions of the country will be covered.

45. Concerning accessibility, a pending task is the realization of activities dealing with the physical environment (56 buildings of the Ministry of Health) and with information, carrying out the required remodelling of infrastructure and incorporating materials for dissemination of messages on health, signage of buildings, Braille and sign language communication systems, in addition to providing users with the technical assistance needed to facilitate reading, and ensuring that printed matter such as books and booklets are printed in keeping with standards for facilitating reading.

46. The following are some of the measures being considered to overcome limitations and fulfil pending tasks:

a) Issuance of a Ministerial Directive to the Institutional Marketing Unit and to the Health Marketing Directorate designed to ensure that every dissemination campaign by the Ministry of Health includes Braille reading and writing systems for printed matter and sign language for visual materials (television broadcasts, videos) either by incorporating closed captioning or by including a Costa Rican Sign Language interpreter in order to comply with the right of access to information and communication (2010, 2012);

b) Earmarking of resources needed to implement the information campaign for 2011. To that end, disability-related aspects seeking to overcome limitations should be incorporated in a cross-cutting manner in Annual Operational Plans and Institutional Projects;

c) Completion of pending remodelling projects. It is important to review and adjust technical standards and guidelines in order to identify and eliminate or address obstacles and barriers to access, including the private and public sector, and the existence of national plans.

3. Comments by civil society

47. The general perception among people with disabilities is that this area has been making more headway. Special mention is made of infrastructure projects, particularly Basic Comprehensive Health Care Teams (EBAIS) and some clinics, subject to the qualification that many of these activities are being conducted pursuant to Act No. 7600 and not so much the Convention itself.

48. Regarding awareness-raising, there is a different perception among persons consulted because they believe that more work is still needed in this area, especially with the different entities that provide services to persons with disabilities, specifically as to the manner in which they are treated and their use of services, including ambulances. They mention a lack of communication campaigns and economic and technical help for the different types of disabilities and say there is no comprehensive information. It is also felt that there are major differences in services offered from one place in the country to another (differences between rural and urban areas). Among the most serious problems cited is the lack of medical equipment for some people with disabilities that require specific treatments.

49. Finally, another very important element is a lack of clear sexual information addressed to people with disabilities and reproductive aspects seen as fundamental rights.

C. Education

50. Protection of the right to education of persons with disabilities is based on article 24 of the Convention. The articles related to assessment of this area were article 5 (equality and non-discrimination), 9 (accessibility) and 26 (habilitation and rehabilitation). The State institutions involved are the Ministry of Public Education, which serves as lead agency for education, four State universities (Universidad de Costa Rica (UCR), Universidad Nacional (UNA), Universidad Estatal a Distancia (UNED) and Technological Institute of Costa Rica (ITCR)), the National Council of Rectors and the National Training Institute.

1. Action taken and resources applied

51. Among the Costa Rican Government's policies and strategies of a mandatory nature is the State Education Policy, which includes policies on access to education for students with special educational needs; in this regard, the Quality Education Centre serves as the

focal point for Costa Rican education, which translates into comprehensive, inclusive education, establishing that educational services to students with special educational *needs* should begin with early stimulation, followed by education in regular schools with the required support services and technical, material and human resources. The aim is to ensure equality and non-discrimination in accordance with article 5 of the Convention.

52. There is also a National Plan for Public Higher Education (PLANES) which includes the aspects of coverage and equity, through which projects are pursued aimed at fostering better conditions for persons with disabilities in universities, and the Inter-University Commission on Access to Higher Education (CIAES), which coordinates policies on access to higher education that include admission and retention processes to encourage equal access for the population with educational needs and/or disabilities. In addition, there are plans, guidelines, regulations and specific activities of the various training institutions, such as the Comprehensive Institutional Plan (2004–2011) of the National University and the Educational Support Regulations of the National Training Institute or the Institutional Commission for Equal Opportunity of the National Distance University.

53. In support of equality and non-discrimination in higher education, the Programme of Services for Students with Special Educational Needs (PSED) is under way. From 2008 to 2010, 92 students applied to the Inter-University Commission on Access to Higher Education (CIAES) for an admission examination with accommodation and were admitted to a State university; at present, follow-up is being provided to 216 students. Training is also being provided to officials of the Department of Admissions and Registrar on processing of applications for accommodations in admission examinations. Higher education institutions have offices to ensure that students of both genders, including persons with disabilities, are not discriminated against; among these is the Advisory and Service Centre for Students with Disabilities (CASED) of the National University, as well as the University Council, the Office of Legal Services, the Students' Ombudsman, the Office of Student Affairs, the Programme on Equity and Gender, and the Institutional Commission for Equal Opportunity of the National Distance University.

54. Still in regard to habilitation and rehabilitation, some higher education centres have acquired technical equipment for university libraries and are facilitating the use of communication and information technologies for desktop and laptop computers, equipping them with suitable programmes: Jaws screen reading software; Dragon Naturally Speaking speech recognition software; Magic image resizer; Digital Voice Editor digital voice recorders; the Goodfeel Braille Music Translation software; and text-to-Braille translation software – Duxbury among others.

55. On the foregoing point, the Ministry of Public Education offers support services for students enrolled in regular education and special education. These services are offered by resident or itinerant teachers specializing in hearing and speech, multiple disabilities, intellectual disability, learning difficulties, emotional traumas and behavioural disorders, visual impairments, and deaf-blindness. Most of them operate at the first or second level of general basic education; and a few, resident and itinerant, for students with visual impairment and auditory and speech impairment (deafness), operate in secondary schools. In addition, as a pilot project, attempts are being made to serve the population with intellectual disabilities at this level.

56. According to data supplied by the Ministry of Education, the total population enrolled in education (excluding universities) during the period from 2008 to 2010 was 1,061,047 people in 2008, 1,083,586 people in 2009, and 1,082,070 people in 2010; in relation to the total the population with disabilities represented 9.27 per cent, 9.8 per cent and 9.40 per cent respectively (see Annex 5).

57. Enrolled students provided with support services during the last three years were as follows: 82,986 students in 2008; 90,349 students in 2009; and 85,505 students in 2010.

58. Specific (direct) services at regular schools are offered by special education teachers who are responsible for attending to a specific group of students with disabilities. These services are provided in early education, levels I and II of general basic education, and level III of general basic education and secondary school. Enrolment reported in these services was as follows: 9,362 students in 2008, 9,731 students in 2009, and a total of 9,784 students in 2010.

59. At present there are 22 Special Education Centres located in different regions of the country. These centres are serving populations with different types of disabilities, aged between 0 and 21 years. The reported enrolment for the last three years was: 4,939 people during 2008, 5,063 people during 2009 and 5,165 people during 2010.

60. Similarly, the Centres for Comprehensive Service for Adults with Disabilities attend to people over age 18 who require prolonged and ongoing support for their personal, vocational or employment activities. These centres operate with a subsidy from the Ministry of Education to the NGO. At present there are 28 such centres. During the years 2008, 2009 and 2010, service was provided to 1,058, 1,107 and 1,308 people respectively.

61. The above information is relevant, if one takes into account that the total population of persons with disabilities, enrolled in the various areas of general basic education and diversified education is 100,454 students in 2010, whether they are receiving direct care or support services. In addition, there is a trend towards having a greater number of students with disabilities in regular services, which is indicative of a shift toward more inclusive practices in the national education system.

62. For its part, the National Training Institute, which is a technical training institution, reported that between 2008 and 2010, 2,050 of the 5,194 persons enrolled were disabled or reported having a specific support need in order to succeed in their educational programme.

63. Regarding activities aimed at ensuring accessibility of education, these are focused primarily on information technologies, facilitating access to websites with applications that permit people with poor eyesight to increase the size of fonts in order to see the information being provided.

64. With regard to accessibility of physical spaces, efforts have been concentrated on building ramps, adapting sanitary facilities and expanding entryways, and introducing auditory and visual alert systems to respond to emergencies, in addition to building lifts specifically at the National Distance University (UNED) and the Costa Rican Technical Institute (ITCR). In addition, the INA has been pursuing significant initiatives in the Regional Units, such as remodelling the Danilo Jiménez Veiga Auditorium. Along these lines, there have been construction projects in secondary educational centres specifically for persons with disabilities; during the last three years alone, 359 education centres have been built that meet the requirements to ensure access to physical space by students with disabilities.

65. Other important activities pertain to training for teachers, parents and persons with disabilities. In this regard, the National Resource Centre for Inclusive Education of the Ministry of Education has given 675 courses for teachers, parents and persons with disabilities during the period from 2003 to March of 2010, covering 65 different subjects. These courses fall into three categories: Inclusive Education, Disabilities, and methodological strategies, within which there are 57 subjects, and the third category, consisting of institutional activities such as seminars and workshops. Other institutions involved in the educational sector have also been conducting activities aimed at training

their personnel in Costa Rican Sign Language and attending to the specific needs and care of the population of persons with disabilities.

66. The total investment for the period 2008 to 2010 was 44,800,468,595.09 colones, equivalent to \$86,881,544.84, counting only the investment directly related to the articles pertaining to education (arts. 5, 9, 26 and 24). Accordingly, the information used as a basis was that provided by the Ministry of Education, principally with respect to: training of personnel working with persons with disabilities; accessibility of physical space in public educational centres; social programmes for people with disabilities; acquisition of technical assistance; and contracting of human resources to provide services to people with disabilities.

67. In addition to the investment reported by the Ministry of Education, an investment of approximately 9,856,149,612.35 colones, equivalent to \$19,520,606.87, was reported which includes the data supplied by the National Council of Rectors, the National Training Institute and the public universities. This investment is estimated separately because the data supplied were more general and it was not always possible to verify the investment in disability specifically. Considering both categories, the total earmarked for ensuring access to education by the population of persons with disabilities is 54,656,618,207.44 colones, equivalent to \$108,250,219.26.

2. Pending actions, limitations and corrective measures

68. The information supplied by the institutions involved indicates that the main activities pending with respect to access to education are:

a) To improve the statistical system in the educational sector and among those involved in it so that systematic country information will be available about services for people with disabilities in the educational system;

b) To improve inter-agency coordination in the educational system in order to produce greater linkage of national plans with strategic and organizational plans in the various educational institutions at different levels (primary, secondary and higher education) and to maximize resources devoted to addressing the needs of the population with disabilities throughout the educational sector;

c) To improve accessibility of education mainly in three ways: access to information; access to physical spaces; and provision of the minimum help needed for the population of persons with disabilities to make headway in the socio-educational process.

d) To improve and increase training for teaching and administrative personnel in the education sector as well as for people with disabilities themselves and their families, particularly on matters such as promoting a positive image of persons with disabilities and their rights;

e) To extend support services to secondary schools, for students with disabilities who are attending regular school, and to bolster those services in rural areas.

69. The major constraints that have been noted in achieving full implementation of the Convention point to the following factors:

a) Lack of statistical information about people with disabilities in the educational system;

b) Difficulty in bringing about adequate inter-agency coordination among the different entities of the educational sector;

c) Lack of a clear understanding of disability that would enable decision-making authorities to understand it more as an issue of inclusion than as one relating to people's ability to function;

d) As a result of the foregoing, the approach to the population with disabilities is not given priority;

e) General persistence of attitudinal barriers against the inclusion of people with disabilities.

70. Finally, among actions proposed by institutions responsible for protecting the right to education, the following may be noted: actions in the area of accessibility of physical spaces, and increases in budgets with specific actions to meet the needs of the student population with disabilities.

3. Comments by civil society

71. In reference to the right to education and State activities to guarantee that right, civil society observes that there is a need to generate educational strategies consistent with the Convention's provisions regarding inclusion and non-segregation of persons with disabilities at educational centres.

72. Among the comments made on the activities of the State, civil society states that those activities are limited only to the construction of ramps; in that regard, the information presented by the institutions presents a picture that is only partially correct, since it lacks many elements relating to quality of education and the service provided to disabled people, in addition to lack of professionals with better training. Activities geared to accessibility of physical spaces do not take into account other aspects of accessibility, nor elements relating to inclusive development and universal design. Rather, these activities more properly reflect elements for compliance with Act No. 7600 rather than the Convention itself.

73. Although the activities reported by the State make reference to economic support for transport of persons with disabilities, the persons consulted consider that other transport support is not being provided, for example for students with disabilities. With regard to the different regions of the country, there are significant gaps in relation to the central valley, particularly with respect to IT options, especially if deficits in internet access are taken into account.

74. Finally, from the input of people who took part in the consultation, it appears that there is a lack of strategies at the university level to train professionals with an inclusive vision that is conducive to greater respect for other populations, especially persons with disabilities, and that there is insufficient education of parents to be an active part of the process of educating their children.

D. Work and employment

75. The State institutions that protect the right to work and employment (art. 27 of the Convention) are the Ministry of the Economy, Industry and Trade and the Ministry of Labour and Social Security. The articles considered in this area were article 26 (habilitation and rehabilitation) and article 9 (accessibility).

76. The existing legal framework designed to protect the right to employment of persons with disabilities includes: The Labour Code and Executive Decree No. 30391 creating the Equal Opportunities Unit for Disabled Persons. There is now an enactment known as the Act on Inclusion and Labour Protection for Disabled Persons in the Public Sector (Act No. 8862) and its corresponding regulations, now in the process of being published by the

Office of the President. In addition, through Directive No. 14 of the Ministry of Labour and Social Security of March 2007, an Inter-ministerial Technical Commission on Employability of Disabled Persons was created with the aim of developing actions for technical training and employability of persons with disabilities.

1. Action taken and resources applied

77. The main actions taken by the Government of Costa Rica as reported by the Ministry of Labour and Social Security refer to what is being done by the Equal Opportunities Unit of that ministry, mainly through consultancy and training of different social actors, such as high level authorities of the Ministry, for the definition and design of policies, strategies and/or activities regarding work and disability for employers, professionals, students and the public at large, regarding legislation on disability, tax incentives, equal opportunity, accessibility, labour rights, and workplace inclusiveness, inter alia.

78. Among the actions mentioned are: the training in 2008 of 196 people, including employers, professionals and students, on disability and work; and services delivered in person and by telephone to a population of 220 people with disabilities, providing advice on social and labour issues.

79. In order to promote employment of disabled persons, coordination is taking place with the Dr. Humberto Araya Rojas National Rehabilitation Centre, conducting occupational evaluations of workers with disabilities to obtain profiles of users with a view to enhancing their future employment prospects, currently as part of Project Kàloie, executed by the National Council for Rehabilitation and Special Education and the Japan International Cooperation Agency in the southern part of the country, where efforts are being made to boost inclusion of the disabled population in the active labour force. In this respect the major achievement has been strengthening representation of the Ministry of Labour and Social Security at the regional level by more systematically including the participation of an officer from the Equal Opportunities Unit for Disabled Persons in project execution processes.

80. Another endeavour is a pilot plan for workplace inclusion of persons with disabilities in three companies, Medias Casino, Irex of Costa Rica and INYCO, the experiment being conducted by advising the company about disability and how to interact with this population, and provision of coaching for both managers and workers with disabilities on processes of induction and placement. Thanks to this, 32 people with disabilities were hired and a video was produced in which managers express their views about including workers with disabilities in the workforce; that video will in turn serve as an instrument to continue the process of awareness-raising among entrepreneurs and in other key sectors.

81. In addition to the aforementioned activities, efforts have been made through private initiatives in the framework of international cooperation and in coordination with the advisory services of different institutions of the Costa Rican State, specifically through the programme Opportunities for Employment through Technologies in the Americas (Project POETA). Because this is an international cooperation project, it will be taken up under item eight of this report relating to international cooperation projects on disability.

82. All of these activities, in addition to contributing to the placement of persons with disabilities in the labour force, constitute affirmative measures that strengthen the positive image of persons with disabilities.

2. Pending actions, limitations and corrective measures

83. Although the institutions involved did not mention pending actions, these are reflected in the various opinions expressed by people with disabilities during the consultations for the report.

84. The main constraints encountered in fulfilling the provisions of the Convention refer to internal structural characteristics of the Ministry of Labour and Social Security. For example, it seems, *inter alia*, that the scarce human, technological and financial resources available to the Equal Opportunities Unit are insufficient to meet current demand not only for services to the population but also for the definition, implementation and monitoring of the institutional policy regarding disability, as well as the development of protocols, registries, databases, and studies which could provide better inputs for decision-making. Another constraint is that institutional coordination for approaching the topic of work and disability is lacking, as are disaggregated statistics on provision of care, and there is a lack of estimates of the financial investment implied by earmarking human and financial resources for rights protection and social and employment services.

85. To overcome the constraints, the main actions proposed are:

- a) Inclusion in the requested budget of at least one post for the Equal Opportunities Unit for Persons with Disabilities;
- b) Strengthening of the Institutional Commission on Accessibility and Disability;
- c) Requesting the necessary consultancy to estimate the financial investments made by the Ministry of Labour and Social Security for the protection of labour rights and social and employment services.

3. Comments by civil society

86. In this regard, the Ministry of the Economy, Industry and Trade did not submit the information as requested and the Ministry of Labour and Social Security did not submit it on the date indicated by the lead agency for disability entrusted with preparing the report. Consequently, consultations were based on the following questions: (a) What is the situation of people with disabilities in regard to the right to work and employment?; (b) Do you believe that the provisions of Costa Rican law in this regard are being complied with?; and (c) What actions need to be implemented for there to be real access to work and employment? In view of the foregoing, the civil society stakeholders consulted were of the view that failing to send the corresponding information on time revealed a lack of interest on the part of the institutions.

87. The specific views about what has been accomplished in this area indicate not only that one should consider aspects directly linked to creating employment options, but that there should be improvements, for example, in public transport services to enable greater mobility for all people and a comprehensive vision of accessibility. In this regard, the situation of employment and unemployment is seen as very important for people with disabilities, since it gives rise to a cycle of poverty, discrimination and even a state of depression when one is unable to find work. Employment is one of the things that can lead this community to improve its quality of life, so that the State should work harder to improve the employability of persons with disabilities.

88. One point that is mentioned is that working conditions are not equal for persons with disabilities and that there is much discrimination, since persons with disabilities cannot compete on equal terms. A contributing factor in that regard is the lack of training in labour development, lack of necessary technical aids, and lack of awareness-raising in different settings to make it possible to generate greater inclusiveness in areas of work, which makes

this one of the most serious problems. In this regard, improved educational processes are needed that will enhance the employability of persons with disabilities throughout the country, not only in urban areas.

89. There are other factors that complicate access to the labour market:

- a) Lack of knowledge about technical aids and service animals and the right of persons with disabilities to bring them to their place of work;
- b) Lack of information for employers, and working conditions which, as to infrastructure and technical aids, do not enable people to find jobs and diminish quality of work;
- c) Lack of data about people with disabilities, employed and unemployed;
- d) With regard to the 5 per cent of jobs that need to be given to people with disabilities, the law should be made more specific, and for that purpose media campaigns are needed to raise awareness about discrimination for particular disabilities;
- e) Companies and the public sector are not taking advantage of the incentives that go hand in hand with hiring workers with disabilities in different areas, such as the incentive granted under Act No. 7092 which provides that expenditures by a company to improve accessibility so that persons with disabilities can perform their jobs are tax-free.

E. Adequate standard of living and social protection

90. The area referred to as Adequate Standard of Living and Social Protection involved governmental institutions at two levels, those at the national level, corresponding to the central Government, and those at the local level, relating to what is being done by municipalities (local governments). Of a total of nine State institutions that were asked for information, answers were received from only seven, namely: Inter-Agency Institute for Social Assistance; National Scholarship Fund; National Emergency Commission; Institute for Housing and Urban Development; Social Protection Board; National Council on Rehabilitation and Special Education; and National Child Welfare Agency. Of 81 municipalities that were asked for information, 37 provided information (45% of local governments). This area was based on article 28 of the Convention and contemplated articles 6 (Women with disabilities), 7 (Children with disabilities), 10 (Right to life), 11 (Situations of risk and humanitarian emergencies), 16 (Freedom from exploitation, violence and abuse), 17 (Protecting the integrity of the person), 19 (Living independently and being included in the community) and 23 (Respect for home and the family).

1. Action taken and resources applied

91. To ensure an adequate standard of living and social protection for people within the national context, the Constitution of the Republic of Costa Rica provides in article 51: "The family, as a natural element and foundation of society, is entitled to State protection. Mothers, children, the elderly, and the destitute and infirm are also entitled to such protection."¹ Similarly, Act No. 7092 on the Income Tax provides: "Five per cent (5%) of resources shall be appropriated to the National Council for Rehabilitation and Special Education to finance programmes of care, housing, rehabilitation or treatment of adults

¹ What the Constitution refers to as the infirm should be understood to mean persons with disabilities under the Convention. This is due to the fact that the Constitution dates from 1949 and therefore uses certain concepts that were proper to that time. However, it can be seen that the intent of the framers of the Constitution was to include all persons.

with disabilities, if those programmes are conducted by public or private institutions or entities.” (art. 15, subpara. (f))

92. Actions taken have been focused particularly on alleviating the situation of people with disabilities who must contend with poverty and neglect, principally through economic contributions (subsidies) provided by the State to cover different basic needs; to that end, there are social assistance programmes conducted by various institutions and with different sources of financing, such as those from Act No. 7972, which levies a tax on cigarettes and liquor for the Social Protection Plan, the Regular Budget of the Republic, the Fund for Family and Social Development Allowances, and the Social protection Board, inter alia, with the National Council for Rehabilitation and Special Education acting as the main executing agency.

93. These assistance programmes and activities, carried out by the Inter-Agency Institute for Social Assistance, require basic equipment for their management. The State also grants economic aid, providing economic subsidies to persons in poverty and by NGOs of and for persons with disabilities through the National Scholarship Fund to students in situations of poverty so that they can continue studying and not drop out of the educational system. Specifically, economic aid is provided to students with educational needs linked to a disability, such as subsidies for transport.

94. Still with regard to social assistance programmes aimed at the vulnerable population, the National Council for Rehabilitation and Special Education conducts a Poverty and Disability Programme which focuses on two areas: the Poverty Dimension, whose scope of action relates to people with disabilities in situations of poverty, through provision of monetary resources, and the Protection Dimension, which carries out activities for people with disabilities in situations of risk and neglect, through provision of economic resources to cover costs related to housing under the various existing modalities.

95. In addition to the foregoing, other needs are also covered, for which purpose the National Council for Rehabilitation and Special Education has established a basic basket for persons with disabilities which, in addition to basic consumption items, also includes a minimum of those necessary items that a disabled person might require as part of his/her basic basket. In the last three years, coverage of disabled persons in conditions of poverty has been 2,802 in 2008; 2,685 in 2009; and 2,526 in the first half of 2010. The number of people with disabilities aged 18 or older living under conditions of neglect who received services was 648 in 2008, 863 in 2009, and 1,009 in the first half of 2010.

96. With regard to accessibility, activities have focused on access to the physical environment and to information technologies, with the aim of enabling persons with disabilities to access those services.

97. With regard to estimating the amount of the investment made towards ensuring an adequate standard of living and social protection, the Ministry of Health contributes to improvement of the quality of life of persons with disabilities and their social protection through budgetary contributions to Government agencies responsible for that population. For that purpose, its budget in 2010 was 112,853,000 colones for the National Foundation for the Blind for operating expenses and 61,400,000 for the National Foundation for Rehabilitation for operating expenses.

98. In the year 2008, the Inter-Agency Institute for Social Assistance donated a total of 11,500,000 colones towards basic equipment of associations of persons with disabilities. Also in that year, 19,000,000 colones were donated to the Brunca Region Special Education School for remodelling of physical plant. In 2009, the Upala Association of Persons with Disabilities received 50,000,000 colones for the construction of a comprehensive care centre for adults with disabilities, and it has been proposed to allocate 3,443,800 colones in 2010 to the Salvation Army Association for basic equipment. Between 2009 and 2010,

the total invested by the National Council for Rehabilitation and Special Education in programmes providing care to people in situations of poverty, social risk and neglect was 4,117,275,543 colones.

99. In 2009 and 2010, the Social Protection Board invested 2,380,924,546 colones toward homes for persons with disabilities, made 315 grants of technical aid and provided managerial support to 21 centres for special education and 20 comprehensive care centres for adults with disabilities. Thus, the total State investment aimed at providing an adequate standard of living and social protection to people with disabilities exceeds 6,756,396,889 colones, equivalent to an investment of \$13,381,388.54.

100. Locally, the main activities being conducted by municipalities are providing economic support services, promoting accessibility of physical space and information, and advancement of persons with disabilities.

101. Regarding economic support services, these are aimed at addressing various needs, such as delivery of medications; provision of non-contributory pensions; housing vouchers for families of people with disabilities; provision of technical assistance; accessible housing design; granting of scholarships (school supplies, school uniforms, food assistance) to children with disabilities; care for elderly persons with disabilities in day centres; placing children of parents or mothers with disabilities in children's centres; construction of an accessible and safe children's emergency centre; improvements in the infrastructure of schools and county recreation areas; management support for community projects to ensure access to safe water; access to housing and social protection programmes; support in improving the infrastructure of schools and playgrounds. These activities are implemented through coordination with institutions such as the Inter-Agency Institute for Social Assistance, the Costa Rican Social Security System, NGOs and others.

102. Further, as regards accessibility of physical space and of information, some municipalities have implemented a platform of municipal services to provide priority care to populations that need it. In some cases, cantonal surveys and assessments have been done to gather data on needs and characteristics of the population of persons with disabilities. Regarding access to the physical environment, inspections are conducted to verify accessibility of public and private facilities, public places, community services and health and education services. Sidewalk improvements have been made.

103. Regarding the promotion of people with disabilities, identified actions related to: annual implementation of micro-enterprise fairs for women and training for mothers of disabled children and adults in entrepreneurial skills; support for associations of people with disabilities; recognizing athletes with disabilities; and campaigns promoting women's human rights. In addition, employment of persons with disabilities is facilitated and donations are made of computer equipment and software for the blind. Training activities have also focused on citizen participation, care of and prevention of violence against people with disabilities, and training of local Government staff on mainstreaming disability and gender in municipal management.

104. In addition to the foregoing, action has been taken to provide for the population of persons with disabilities in emergency situations. To that end, emergency plans have been implemented and in some cases disaster relief regulations have been prepared which give priority attention to people with disabilities in emergencies and direct attention to persons with disabilities and families who have gone through natural disasters.

2. Pending actions, limitations and corrective measures

105. At the national level, a major pending action is the development of protocols to take care of people with disabilities when emergency situations arise such as natural disasters,

abuse and/or violence, whether within the family unit or in alternative housing arrangements where people with disabilities live, especially those exposed to neglect.

106. Among the main constraints mentioned in ensuring an adequate standard of living for people with disabilities are budgetary limitations and the lack of human resources to attend to the many needs that arise. It is stated that a welfare mentality still persists which leads to isolated and dispersed efforts among public institutions, in addition to the presence of barriers to accessibility in infrastructure and in public services.

107. Regarding adoption of boys and girls with disabilities, it is reported that there are NGOs that do not accept persons with disabilities.

108. With respect to urban development, there are limitations in the Regulations for National Oversight of Urban Developments and Subdivisions. Specifically, the regulations provide that there may be restricted-use streets whose dimensions must be seven meters wide with a five metre roadway and sidewalks one meter wide, and this needs to be modified to provide for sidewalks 1.20 metres wide and a street width of 7.40 metres. In addition, with respect to condominiums, there are no regulatory specifications for the population of persons with disabilities. Consequently, there is a regulatory gap in the present provisions which restricts the accessibility of physical space in public thoroughfares.

109. Regarding the right to marriage, family planning and keeping children in the family, Costa Rican law does not contain specific provisions pertaining to people with disabilities; however, since these are fundamental rights, the State must protect their full exercise by all persons.

110. Among the measures to overcome limitations that should be considered for subsequent implementation is the articulation of an overall national system of protection, incorporating temporary and permanent means of protection, public and private, in such a way that the rules will apply alike to NGOs and to public institutions (National Child Welfare Agency, Ministry of Education, Comprehensive Child Nutrition Centre of the Ministry of Health).

111. Another measure is to train staff working in programmes to assist people living in poverty and social risk, as well as direct care, so that disability is understood not as a purely functional matter, but from a perspective of inclusion and human rights that will give rise to alternatives for improving the quality of life of people with disabilities. In addition there is a need to make relevant changes to current legislation, as appropriate and in agreement with the institutions involved.

112. At the local level the main pending actions are: mitigating poverty among people with disabilities and their families; ensuring equality in scholarship and economic aid programmes; implementing the Municipal Accessibility Plan; creating specialized spaces for the care of persons with disabilities; socio-economic studies to evaluate the socio-economic situation of people with disabilities and their families; creating accessible transport; introducing accessible information in municipal services; inspecting public buildings for accessibility; and introducing accessibility improvements in municipal buildings.

113. Also, in line with the foregoing, specific initiatives are needed to generate jobs by incorporating people with disabilities into working life in the canton and to coordinate with universities in implementing digital employment systems for the population of persons with disabilities.

114. Other pending actions concern: accessibility of information through use of accessible language; generating a database identifying the number of people with disabilities who have access to social services, who need other services, and persons with

disabilities in situations of risk due to natural disasters and other emergencies; and formulation of a policy of job inclusiveness in the public sector.

115. Action should be taken to address the care of people with disabilities in emergency situations. To that end, the plan should include the care of persons with disabilities in the Cantonal Emergency Care Plan; training of municipal personnel in caring for people with disabilities in disaster situations; identifying locations for family housing for people with disabilities; identifying risks within the canton.

116. Municipal oversight and supervision need to be strengthened so that enterprises engaged in urban development projects will assign the first houses to persons with disabilities and establish links between the Local Emergency Commission, the Fire Department and the Red Cross for relocation of persons with disabilities.

117. The most significant limitations and measures to overcome them that have been mentioned relate to the shortage of financial and human resources at the municipal level. This makes it difficult to address the needs of the population in timely fashion. Regarding human resources, more training of public employees in human rights and in dealing with the situation of persons with disabilities is needed.

118. Lack of accessible spaces continues to be a limitation for persons with disabilities, which, combined with bureaucratic red tape and rigidity of regulations in social assistance programmes, hampers access to services by persons with disabilities.

119. Other limitations mentioned are: deficient inter-agency coordination, especially with regard to identifying and dealing with situations of exploitation, violence and abuse; poor communication with entities sharing responsibility for ensuring accessibility at the cantonal level; and poor knowledge of laws.

120. In the legal arena there is a lack of clarity among some municipalities regarding the monitoring of accessibility in the granting of permits and licences; topography of cantonal territory is fairly irregular; and in many cases there is a lack of political will to include the topic of the needs of people with disabilities among the priority tasks to be addressed by local Governments.

121. There is a lack of registries at the cantonal level containing information about the place of residence, needs and other characteristics of people with disabilities that are necessary to plan support services and improve their quality of life.

122. The proposed measures to overcome the limitations encountered correspond more to identified initiatives than to concrete actions; however, they are mentioned in order not to obscure possible lines along which actions could be pursued.

123. These are among the main initiatives mentioned:

- a) Mainstreaming the accessibility and disability perspective in municipal regulations;
- b) Coordinating with competent institutions and productive sectors to promote employment of people with disabilities and services to families of people with disabilities facing conditions of poverty;
- c) Increasing municipal budgets;
- d) Analysis and harmonization of rules and regulations that protect the rights of people with disabilities;
- e) Awareness-raising and training aimed at authorities and personnel of municipalities;

- f) Study of characteristics and needs of people with disabilities of all ages, including availability and requirements of services at the cantonal level;
- g) Promoting the rights of the population with disabilities;
- h) Studying the housing supply with a view to relocating people with disabilities;
- i) Managing the contracting of professionals specialized in providing for the needs of these population groups;
- j) Managing of accessible spaces for training and preparation of human resources;
- k) Mapping the relationships between points of risk and locations of disabled people's housing;
- l) Training different actors in political, philosophical, legal and operational aspects of compliance with the rights of persons with disabilities.

124. Further plans include carrying out awareness-raising campaigns focused on primary health care; support for accessibility commissions by municipal governments and boards; giving effect to the Act on Devolution of Executive Powers to Municipalities.

125. Plans also include the pooling efforts with Government entities responsible in one way or another for ensuring full development of people with disabilities; budget allocation; identifying needs of people with disabilities and promoting their involvement in matters affecting them.

126. The following are also proposed: reactivating the Municipal Commissions on Accessibility and Disability and reviewing the administrative organization of the municipalities; implementing the Act on Devolution of Executive Powers to Municipalities; intervention of an entity to monitor compliance with the rules in force concerning the rights of persons with disabilities; creation of a Municipal Office for Social Development, which would work in coordination with the National Child Welfare Agency, the National Institute for Women, the National Commission on Emergencies and the National Commission on Rehabilitation and Special Education, among others.

127. Finally, mention is made of the presentation of the project to the Municipal Council with a view to obtaining due political and economic support, as well as the formation of strategic partnerships in order to channel other resources.

3. Comments by civil society

128. In reference to activities carried out in order to ensure that people with disabilities have an adequate standard of living and social protection, comments were made which indicated that in some areas there is a lack of citizen participation by people with disabilities, that the use of budgetary resources is not the best, and that much of the help supplied was not reaching the people who really needed it. In addition, actions are needed to provide tools that permit people with disabilities to exercise their right to live independently.

129. Accessibility of physical space is an element that cuts across all areas evaluated, and in the specific case of adequate standard of living it is extremely important in order for State services to reach the most vulnerable people with disabilities, in light of their socio-economic circumstances. In that regard, it is indicated that a great deal of work remains to be done on accessibility of buildings and also on environmental issues at the municipal level. Moreover, emergency plans for accidents or situations of risk do not include the population of persons with disabilities. There is a lack of coordination between different

municipalities in the country. Among the main demands being put forward in this connection is the complaint that due account is not being taken of population groups that are doubly vulnerable, namely migrants with disabilities.

130. Another element to consider is that the very people who took part in the consultation say that more training is needed for persons with disabilities at different levels; they urge making more extensive use of remote links as a way to facilitate work for people with disabilities, and bolstering monitoring and oversight to ensure fulfilment of what is proposed.

131. Despite the foregoing, mention is made of an especially effective effort by the National Council for Rehabilitation and Special Education, which has had success in providing tools to enable people with disabilities to achieve greater independence.

F. Participation in political and public life

132. The State institutions that were taken into account in addressing the right of people with disabilities to participate in political and public affairs are: the Supreme Electoral Tribunal, the National Council for Rehabilitation and Special Education, the Ministry of Science and Technology, the National Statistics and Census Office, and the National Council of Rectors. The latter three were included here due to their research function, which is fundamental for generating information that enables the population to take an informed view of matters on which decisions are needed in political and public affairs. The relevant articles in the analysis of this area are articles 29 (Participation in political and public life), 9 (Accessibility), 12 (Equal recognition before the law), 18 (Liberty of movement and nationality), 20 (Personal mobility), 21 (Freedom of expression and opinion, and access to information), and 31 (Statistics and data collection). Of the institutions consulted, information was received from only three: National Council for Rehabilitation and Special Education, National Statistics and Census Office and Supreme Electoral Tribunal.

133. To ensure the full participation of people with disabilities in political and public life the State has undertaken several actions involving rules to safeguard the freedom of movement and nationality and freedom of expression. In regard to freedom of movement and nationality, the Constitution of Costa Rica provides: "Every Costa Rican may move about and stay anywhere within the Republic or abroad, provided he is free from any liability, and return whenever it may be convenient to him. No requirements can be demanded of Costa Ricans in order to prevent their entrance into the country." (Art. 22). As regards freedom of expression, articles 28 and 29 of the Constitution provide as follows: "No one may be disturbed or persecuted for the expression of his opinions or for any act which does not infringe the law" and "Every person may communicate his thoughts verbally or in writing and publish them without prior censorship; but he is liable for any abuses committed in the exercise of this right, in such cases and in such manner as established by law."

1. Action taken and resources applied

134. To ensure full participation by people with disabilities in national political and public life, the State has carried out a number of activities such as: (a) improving conditions for participation in electoral processes by persons with disabilities; (b) enhancing the political impact of people with disabilities; (c) expanding and improving mechanisms for collection of statistics regarding persons with disabilities.

135. With regard to ensuring participation by persons with disabilities in processes related to presidential elections, activities have been focused on: accessibility of information, training, and monitoring of presidential elections.

136. Regarding access to information, beginning in 2010 the Supreme Electoral Tribunal decided that all identification documents should bear distinctive Braille markings which would facilitate their recognition by people with some form of visual impairment. Similarly, it prescribed various supporting materials for presidential elections to meet the needs of people with disabilities, which included: printing of Braille templates to read election ballots, printing of booklets for use by people with diminished eyesight, acquisition of letter-size magnifying sheets, clips and other office and computing supplies to be used by people with some degree of disability in Polling Boards.

137. With regard to training, during the presidential elections of February 2010, Costa Rica updated and applied its second edition of *The Electoral Process Accessible to Adults with Disabilities*, jointly developed by the National Council for Rehabilitation and Special Education and the Supreme Electoral Tribunal, for the programme “Equal Conditions for the Exercise of the Franchise, July 2009” which “is based on the need to inform and provide guidance about indispensable changes that must take place in the Costa Rican electoral process with the aim of helping to eliminate any barrier that is conducive to discrimination based on disability or age in the electoral process and, by so doing, to discharge the responsibilities assigned to both institutions.”

138. In order to increase access to voting, training was provided to 57 civil servants, 93 election advisors and 70 advisors of the Supreme Electoral Tribunal on how to deal with various needs of people with disabilities with regard to exercising the right to vote.

139. Another important aspect related to the electoral process was the monitoring of that process, for which purpose there was active participation by people with disabilities, who took part as observers authorized by the Supreme Electoral Tribunal. To perform that monitoring function, the National Council for Rehabilitation and Special Education (CNREE) trained people to whom an observer credential was issued on how to use the instruments developed to evaluate accessibility of physical spaces at polling places and on observing to ensure that the rights of persons with disabilities were respected when they were exercising the right to vote. A total of 78 people received training, of whom 40 were CNREE officials and a total of 38 people with disabilities and representatives of NGOs of and for people with disabilities.

140. With regard to enhancing the political impact of people with disabilities, the CNREE as lead agency on disability has pursued activities along two lines: (a) participation by the population in shaping the 2010–2011 Public Policy on Disability; and (b) promoting citizen participation and effective observance of rights.

141. Regarding the process of shaping a public policy, it is important to stress that people with disabilities at the national level participated both in the process of updating the policy and in consultations about it. To that end, eight focus groups were formed, each of which had 12 people from the eight regions that make up the CNREE (Brunca, Chorotega, Central Pacific, Central, Central East, Central West, Huetar North and Huetar Atlantic). The focus groups comprised six people with disabilities, three people from NGOs of and for the disabled, and three members from the community. In total, there was participation by 96 people, of whom 46 were people with disabilities, 24 were members from NGOs and another 24 were members from the community. Subsequently, a consultation was conducted with 40 public institutions and 74 invited institutions, which were represented by members of the Institutional Commissions on Accessibility and Disability.

142. An outcome of the work done and described in the foregoing paragraph was a National Disability Policy based on human rights, focused on aspects such as inclusive

development, gender equity and results-based social management. The policy seeks to be universal, inclusive, coordinating, participatory strategic, integrating and adaptable, and it has five areas of focus: (a) democratic institutions; (b) health; (c) education; (d) work and employment; (e) persons, organizations and inclusive environment. A decree making the policy official will be signed by the President and by the heads of the respective ministries.

143. In regard to promoting citizen participation and effective observance of rights, citizen training is being conducted on observance of rights. Training and consultancy activities have taken place on the political impact of persons with disabilities, such as the "Citizen Audits" in which some 200 people from the eight regions of the country previously mentioned participated. There is also a process of promotion of citizen participation by persons with disabilities which, inter alia, aims to increase the capacities and knowledge of disabled people and their families and organizations to engage in citizen participation and in ensuring observance of rights, and to train trainers in that field. There are 200 people participating in this effort at the national level in the eight regions where CNREE has an institutional presence.

144. Meetings have also been held with legislators of the various parties represented in the current Legislative Assembly, mayors, and the political authorities who take decisions having a national or local impact on placing the various needs of persons with disabilities on the political agenda; however, although this action is mentioned here, it will be more fully addressed under the heading of monitoring and implementation.

145. With regard to expanding and improving the machinery for collection of statistical data relating to this population, the Experimental Pilot Census for 2011 (see annex 8) included a question seeking to identify people with disabilities and to ensure the right to freedom of expression and opinion, including the right to collect, receive and share information and ideas under equal conditions with other people.

146. Investment on ensuring the right of people with disabilities to participate in political and public life was approximately 21,200,000 colones, equivalent to \$41,987.68. However, this figure does not take into account what was invested on actions carried out by CNREE, since in general terms and given the nature of that institution, its entire budget is geared to promoting and guaranteeing the various rights of people with disabilities.

147. In the local sphere, it is more specifically reported by local governments that actions have been carried out in the following areas: promotion of citizen participation, accessibility, policies, standards and procedures, and training and promotion.

148. With regard to promoting citizen participation, efforts have been made to include people with disabilities in Municipal Councils formed after the electoral process in the country in February 2010, on municipal commissions on accessibility, and in civil society organizations.

149. Similarly, activity is reported regarding training on the political impact of women with disabilities; promotion of participation by people with disabilities in hearings to approve bus fares; in the process of developing a cantonal human development plan; in mayoral elections; in validation of cantonal assessments of accessibility; and finally in municipal commissions on accessibility and disability and cantonal organizations.

150. In regard to accessibility, the following are reported: building of ramps around schools, parks, basic health care facilities, day care centres, churches, clinics; audible street signals; construction of accessible municipal buildings; municipal library building; installation of accessible computer programmes at library.

151. With regard to policies, standards and procedures, a Municipal Policy on Accessibility has been created and is incorporated into the Municipal Development Plan. Out of 81 municipalities and eight district councils in the country, at present 58 have

established their respective municipal commissions on accessibility and disability and 31 have not yet done so (see annex 10), pursuant to an amendment to the article of the Municipal Code making those commissions standing bodies. Before this decision, the commissions were not standing bodies. In addition, work is getting under way on the inclusion of the disability and accessibility perspective in the granting of commercial licences.

152. Regarding training and promotion, the following may be noted: training of municipal personnel on disability; dissemination of Act No. 7600; training of municipal personnel in sign language and Braille.

153. Other actions being taken have to do with support for foreign persons with disabilities; compilation of a database on economically active people with disabilities in the municipality; and municipal information instruments with indicators of disability for its identification.

2. Pending actions, limitations and corrective measures

154. The main pending actions and constraints encountered at the national level in ensuring participation in political and public life are those related to access to information, access to physical space and personal mobility, all of them closely interrelated. With respect to access to information, there is a need to conduct a national survey on disability, for which financial support will need to be sought from some international cooperation entity, as realization will be costly and the resources to carry it out are not available. Such a survey would provide reliable data from a human rights perspective on the situation of people with disabilities in Costa Rica, which would foster the formulation of comprehensive policies and initiatives based on a single source of information. Another element to consider is the lack of sanctions when news media and institutions fail to comply with the regulations of Act No. 7600 regarding the use of sign language in their news programming and with the principles of accessibility of internet websites.

155. According to the results of the inspection of the presidential elections of 2010 in regard to access to physical space, it was found that polling stations are not accessible, because they have significant architectural barriers in the immediate environment of the polls – e.g. sidewalks, pedestrian crossings, lack of parking for people with disabilities, inaccessible bathrooms – which limit the exercise of suffrage by people with disabilities. It should be noted that the polling stations are public schools. Likewise, the lack of mandatory rules issued by the lead agency on disability that clearly define the parameters of access to physical spaces and public transport prevents proper monitoring, since there is no official standard.

156. Regarding personal mobility it should be noted that public transport and the condition of sidewalks remain a factor limiting the ability of people with disabilities independently to exercise their right to mobility. As noted at the end of 2009, only 1,862 of 4,544 public transport units had ramps, representing 41 per cent. (cf. Report of the Public Transport Board – DE 2010–1416). However, under Act No. 7600 the percentage of accessible units should be 45 per cent. It also remains to be verified whether all of the units reported are in good condition.

157. At the local level, pending action identified was: strengthening coordination with public and private entities responsible for guaranteeing accessible public transport, accessibility and signage along public thoroughfares; improving coordination of the Municipal Commissions on Accessibility with people with disabilities; as well as establishing coordination with the Supreme Electoral Tribunal and promoting reforms of the Municipal Code that facilitate participation of people with disabilities in elected office at the municipal level.

158. Regarding training and promotion, information and promotion campaigns should continue on Act No. 8661 and Act No. 7600 and on the rights of people with disabilities in general, aimed at the disabled population, relatives, students and the community as a whole, as well as training municipal personnel on accessible information and communication such as LESCO sign language and Braille, and promoting active involvement by persons with disabilities in furtherance and defence of their rights.

159. Accessibility requires work on three fundamental aspects, namely access to transport, access to physical spaces, and access to information. On the first two, the need is to promote accessible public transport and to ensure that polling places are 100 per cent accessible; with respect to information, it is necessary to set up means to make voter information accessible, to ensure that council members with disabilities have accessible equipment and documentation to carry out their duties, creating accessible formats for the whole population and contracting Costa Rican Sign Language (LESCO) interpreters for forthcoming public activities. With respect to LESCO, it is important to note that there is a vacuum regarding how that language is learned that complicates the training of interpreters, the reason being that there has been no research on the subject.

160. In municipal facilities the needs generally include: installing accessible technologies as part of the platforms in service, introducing one-stop windows with adequate technology; adapting bathrooms; and continuing to improve the physical environment, e.g. by installing lifts.

161. With regard to policies, standards and procedures, there is a need to formulate and implement municipal accessibility policies and plans and to constitute and reactivate Municipal Accessibility Commissions.

162. Regarding monitoring, it is necessary to monitor polling stations (schools) to ensure that they are accessible; to publish notices by the municipalities to public and private entities present in the canton regarding individual and group responsibilities for ensuring accessibility to all persons; and to carry out due habilitation of specialized services in Costa Rican sign language and Braille.

163. Other actions pending for local authorities relate to aspects of health and information: regarding health, specifically, the promotion of specialized services in different health areas; regarding information, there is a need to develop cantonal censuses identifying the population with disabilities in the cantons, their characteristics and needs, relying on a database that identifies legal mandates relating to accessibility and the rights of persons with disabilities.

164. Still at the local level, among the main limitations noted for fulfilling the provisions of the Convention are: the geographical location of polling stations, which are very dispersed; lack of data processing technology to make information about the electoral process accessible to the blind; failure by cantonal leaders to take into account the perspective of people with disabilities; and poor inter-agency coordination.

165. Other limitations for municipalities are: scarcity of financial resources; absence of implementation of standards; lack of political will by municipal authorities to ensure proposals are applied; lack of a policy making Act No. 8661 practicable; and the fact that the devolution law transferring executive power to municipalities operates within limited scope, namely health, security, maintenance of road infrastructure and maintenance of school buildings.

166. Finally, the cost of transport is extremely high and disproportionate, which limits participation by disabled persons who live in poverty. There is a lack of planning to carry out work in real time. Other problems are lack of interest by key actors and lack of knowledge of the law.

167. At the national level, the National Council for Rehabilitation and Special Education, as the main measures to overcome limitations, proposes that the following be implemented in the next elections:

(a) Within the same communities, seek another infrastructure that is more accessible;

(b) Coordinate with administrators of Ministry of Education schools to improve conditions of accessibility of the schools;

(c) The Supreme Electoral Tribunal should establish strategies to help correct information to reach voters, as voters have called for more training for the people at the tables and for the guides who participated this time;

(d) Regarding the voting public and those to be given assistance, the National Council on Rehabilitation and Special Education recommends in its reports to the Supreme Electoral Tribunal that all voters – with or without disabilities – be given an explanation and allowed to decide how they wish to vote;

(e) The National Council on Rehabilitation and Special Education, as lead authority, should review and redesign the instruments applied for monitoring accessibility of physical spaces at polling places in order to optimize the monitoring process and improve the quality of the data obtained for further analysis;

(f) Finally, inspection of accessibility of the physical space of polling places should be done before the election, not on the same day, as happened with the elections of 2010.

168. At the local level, proposals aim at: increasing budgets; greater coordination with the population of persons with disabilities; evaluating available options for creating an open forum relating to the regulatory scheme; dissemination campaigns on the rights of persons with disabilities; promotion of citizen participation by the disabled population; and follow-up of activities carried out.

169. It is proposed to establish a policy originating from municipalities in their position as the local authority in order to enforce compliance with the items falling under the heading of legality, with the new law on devolution; coordination and partnerships with the private and institutional sector to obtain more resources, in addition to building consensus on giving effect to that law.

170. It is also proposed to improve efficiency and effectiveness in collecting municipal resources; to assign part of the regular and extraordinary budget to improvement of accessibility in the canton; to raise community awareness about the importance of respecting reserved spaces in public transport for persons with disabilities; and to give priority attention to public service institutions, parking lots, and other places.

171. The accessibility and disability perspective should be incorporated into plans, such as the Strategic Plan and the Municipal Development Plan, and into the formulation of municipal policies for equality and non-discrimination against people with disabilities.

3. Comments by civil society

172. Regarding participation in political life, the participants in the consultation have said that, in principle, a good job has been done by both the Supreme Electoral Tribunal with regard to the electoral process and by the National Council for Rehabilitation and Special Education with regard to monitoring and supporting that process. However, they stress that much data still remains to be gathered regarding people with disabilities, so that the topic needs to be included in the 2011 census to be conducted by the National Statistics and Census Office, and greater participation is needed by different community groups and

associations to empower their participation in political groups and in social and community life.

173. Regarding access to information, there is a need for more accessibility in documentation, in legal and juridical tools, as well as a need to work harder for the media to comply with current legislation. By the same token, information should be accessible throughout the process, not only at the end. There is a need more vigorously to monitor advertising and to ensure that the media facilitate freedom of expression, which is one of the areas where there has been the least progress for people with disabilities. On the issue of personal mobility, it is necessary to improve public transport services, a fundamental element for people to achieve social, cultural and political participation.

174. Another aspect highlighted by people with disabilities in the consultation is the need for following what is done by the Commissions on Accessibility and ensuring that they are fulfilling the tasks entrusted to them, in addition to ensuring that they are encouraging citizen participation.

175. It is noted that there is a lack of awareness among institutions regarding the importance of political participation by persons with disabilities and that the National Council for Rehabilitation and Special Education should be given more tools in order to achieve more control over different State bodies and also to generate processes that have an impact on the news media in order to make news accessible.

G. Participation in cultural life, recreation, leisure and sport

176. The area of participation in cultural life, recreation, leisure and sport by people with disabilities, contemplated in article 30 of the Convention, is also supported by article 9 (Accessibility) and 20 (Personal mobility) since both are necessary to ensure citizen participation. The institutions involved in addressing this area are the Ministry of Culture and Youth, the Costa Rican Sports Institute, the Costa Rican Tourist Institute, the Ministry of Public Works and Transport, the Institute for Municipal Promotion and Support, the National Child Welfare Agency and the National Institute for Women. However, only the Costa Rican Sports Institute, the Institute for Municipal Promotion and Support and National Child Welfare Agency responded.

1. Action taken and resources applied

177. The main activities carried out to promote effective participation by people with disabilities in cultural life, recreation, leisure and sport are conducted by the Costa Rican Sports Institute and the Costa Rican Tourist Institute. Among the activities carried out by the Sports Institute is the Festival of Opportunities project, fostering participation by people with disabilities in recreational activities, with one festival conducted in each of the 10 regions covered. For its part, the Tourist Institute has developed training schemes for personnel focusing on access to information, and the development of an informational tourism brochure on Costa Rica in Braille began in 2010.

178. Other activities of the Costa Rican Tourist Institute are aimed at monitoring accessibility in tourism enterprises that offer services in Costa Rica. There were plans to monitor 80 per cent of those enterprises in 2010 and fulfilment of that goal as of July of that year was 41.01 per cent, with 121 inspections.

179. Institutional policies have been developed and approved on accessibility of physical space, and activities along those lines have been carried out both at buildings where the offices of these institutions are housed and in places of leisure and recreation, such as the construction of bathrooms for persons with disabilities at the Parque de la Paz, the

remodelling of bathrooms and locker rooms at the national gymnasium (first and second floor), adapting it for use by people with disabilities, and minor repairs in existing spaces to permit access by persons with disabilities. In addition, a cabin suited to people with disabilities is being built in Fraijanes Park.

180. In regard to the foregoing, the activities that were carried out for the building of the new National Stadium, whose design and construction were intended to meet all requirements for accessibility, are worthy of note. The National Council for Rehabilitation and Special Education held two meetings with the architect of the Costa Rican Sports Institute and representatives of the construction company in order to make recommendations on the accessibility of the stadium. The building blueprints were reviewed together, and comments were made. After construction and before inauguration, two inspections of the physical plant took place, which prompted observations about the accessibility of the building and corrective actions to be taken. Work with the stadium administration will continue, since there is yet a second phase, and the observations made will be followed up. These activities fall under the work of the National Council for Rehabilitation and Special Education as the lead entity for disability; however, they are reported here in order to facilitate understanding of the report.

181. With regard to investment for the implementation of these actions, funds were transferred to the Special Olympics Sports Association, an organization that develops sports programmes for people with intellectual disabilities and for participation in international tournaments; the resources are used for overseas transport and purchase of sports uniforms.

182. Costa Rica took part in the Central American Games for Students with Disabilities, a programme supported by the Central American Isthmus Council on Sports and Recreation. At the first games, in Guatemala in 2007, there was a delegation of eight people. At the second games, in Nicaragua in 2008, there was a delegation of 35 people, prior to which play-off games had taken place to define a participating contingent of 80 students. The third games are planned for November 2010 in Panama.

183. In general terms, the approximate investment in ensuring participation of people with disabilities in cultural, recreational, leisure and sport activities is in excess of 152,300,000 colones, equivalent to a total of \$301,637.92.

184. Regarding participation in cultural, recreational, leisure and sports activities at the local level, local governments report few actions carried out, the most significant ones being promoting participation and accessibility of physical space.

185. Concerning promotion of participation of persons with disabilities, activity has focused on organizing cultural events through disabled persons' associations, cantonal sport committees, and in some cases facilitating transport of persons with disabilities to participate in Golden Games and Special Olympics. However, there are no data on how many activities have taken place or on how many people with disabilities have participated.

186. Access to physical space is an important factor in inclusiveness and participation by people with disabilities in various contexts; in that regard, work has been proceeding on adapting public areas (theatres, amphitheatres, parks, museums, public libraries, community centres ("Casas del Pueblo"), cycle paths, multi-use sports fields, boulevards) and conducting inspections to check that those areas meet criteria for accessibility of physical space. In that regard, municipalities sometimes apply accessibility standards in issuing building permits for projects relating to community sports and recreation facilities. Support has been provided for some improvements to ensure accessibility in school and sport infrastructure.

2. Pending actions, limitations and corrective measures

187. Pending actions at the national level include the construction of additional bathroom facilities in the seven recreational parks of the Costa Rican Sports Institute and a transfer of resources for the Special Olympics Association for 2010. The latter is subject to receipt of resources by the Social Development and Family Allowance Fund, the completion of the National Stadium, and the development of a more systematic, long-term project to open up areas of participation for people with different kinds of disabilities.

188. The Institute for Municipal Promotion and Support needs to approve a plan of action that will make it possible to implement an accessibility policy by its Governing Council, to coordinate with the National Council for Rehabilitation and Special Education on training and consultancy for the Institutional Commission on Accessibility and Disability, to build a bathroom for persons with disabilities on each floor of the building, to install a sensor-equipped automatic door-opening system on the building entrance, to complete required signage for accessibility, to adapt and build access ramps for the building, to adapt at least one lift to make it accessible, and to maintain updated information regarding accessibility in keeping with standards and regulations.

189. Regarding accessibility of information, the website of the Institute for Municipal Promotion and Support must incorporate technology allowing access by all members of the public, coordinate with the interconnectivity project that is executing the project Strengthening Municipalities, transcribe into Braille the informational material about the institution, upon request from interested users, coordinate with the State Distance University and the internal training committee regarding Costa Rican sign language training for officials, and provide training regarding accessibility to the persons in charge of press relations, directors, department heads and members of the Editorial Committee.

190. Among pending actions at the local level, more concrete actions are needed to promote participation by people with disabilities in cultural activities, through inter-agency coordination with the Cantonal Sport Committees.

191. The approach to accessibility should not be reduced to physical space alone but should include other areas such as information, transport, and information technology. In that respect, a pending task is installing accessible signage in structures where these types of activities take place, as well as formulating plans of action to mitigate accessibility problems that exist in sports and recreation facilities in the various cantons.

192. Another task to be undertaken is promoting accessible tourism, especially in areas where there is the greatest demand for that service, and providing advantages to tourism companies that afford opportunities for enjoyment to people with disabilities.

193. The limitations to fulfilling the Convention include budgetary and human resource limitations, as well as training in this specific field. To overcome those limitations, it has been proposed that specific activities be included in institutional operational plans, that budgetary allocations be made for the next implementation period, incorporating them into the programming of works, coordinating the corresponding training events with the National Council on Rehabilitation and Special Education and defining budgetary and institutional priorities in order to formulate specific items on accessibility.

194. There is inadequate planning, with a lack of actions and budgetary content geared to accessibility projects; this is in many cases directly related to a lack of political will by municipal authorities to give priority to the needs of the population with disabilities.

195. There is a lack of information about the rights of persons with disabilities and the applicable rules on accessibility and disability among organizations involved with leisure and sport as well as among local Government officials.

196. An important limitation on fulfilment of the Convention, specifically as regards article 30, has been the publication of Decree 35479-MP-MEICH-H-TUR of September 29, which allows hotels not to make all of their rooms accessible, thus violating points already established in Costa Rican legislation, such as the obligation that all facilities should have the characteristics laid down by article 154 of the Regulations of the Act on Equal Opportunities for Persons with Disabilities (Act No. 7600).² This measure represents a shift from requiring 100 per cent accessibility to requiring it only for a small number of rooms. For example, a hotel which has from 1 to 25 rooms will have the obligation to make only one room accessible; a hotel with 26 to 50 rooms will have to have two accessible rooms; in hotels with 400 rooms, only eight must be accessible; and in those which have from 501 to 1,000 rooms, only 2 per cent of the total must be accessible.

197. The measures proposed at the local level fall more into the category of general ideas or initiatives to be implemented; thus, they should more properly be included under pending actions than under measures to overcome limitations. However, they are placed in this section in deference to what has been reported by local governments. Among the main “measures” proposed are the following.

198. Measures should be addressed to local populations and to administrations of local governments designed to eliminate architectural and attitudinal barriers; there should be follow-up in matters of accountability by the municipalities; public-private partnerships should be formed with the aim of arousing public awareness about the rights of people with disabilities; the resource problems encountered should be mitigated; an Inter-agency Coordinating Council should be created to permit incorporating and developing observance of the rights of people with disabilities in the agendas of the cantons.

3. Comments by civil society

199. Comments by civil society were based on what was reported by the Costa Rican Sports Institute and local governments; it excludes aspects related to the Costa Rican Tourism Office because information from that institution was remitted outside the consultation period.

200. The main comments received point to a need to open up greater access to culture, particularly in communities remote from the centre of the country, where such access is scarce; incentives are also needed to prompt people with disabilities to develop their cultural expressions through in some form of defined artistic expression.

201. Actions should be initiated and improved to promote accessible tourism, for example through incentives for employability of persons with disabilities, more inclusive spaces, and providing incentives for people with disabilities to develop their own tourism projects.

202. Where policies are concerned, it appears that the country does not have an inclusive sport policy, and the Special Olympics focus only on a particular set of people with disabilities.

203. Regarding information and dissemination of activities promoting participation by people with disabilities in culture and recreation, it appears that there is a lack of information about the activities taking place in that sphere and a need to promote physical spaces for recreation for people with disabilities. Local sports committees should therefore seek to ensure that activities are inclusive of people with disabilities, and efforts are needed to include these matters as a basic aspect of social development for people with disabilities.

² The lead agency for tourism shall ensure that all rooms in hotels and like facilities are accessible. They shall also comply with the other regulations prescribed herein (art. 154 of Regulations).

H. International cooperation

204. To address the area of International Cooperation, information was requested of the Ministry of Planning and Economic Policy and the Ministry of Finance, specifically with regard to articles 32 (International cooperation) and 9 (Accessibility). However, information was received only from the Ministry of Planning and Economic Policy.

1. Action taken and resources applied

205. Under this heading, the only actions noted are those that the National Council for Rehabilitation and Special Education has conducted specifically in regard to the project entitled Limón Port City (“Proyecto Limón Ciudad Puerto”), which receives funding from the Interamerican Development Bank and through Project Kàloie conducted jointly with the Japan International Cooperation Agency, as well as a private initiative through the Project POETA, which was discussed in the section of this document relating to labour issues.

206. The purpose of Project Limón Port City is the economic, social and cultural development of Limón through construction and remodelling of different strategic points in the area, taking the ports as the central focus in both commercial and tourism terms. This project is of great importance to the population with disabilities inasmuch as there has been a successful effort to consolidate joint endeavours with those in charge of the initiative in order to ensure accessibility in all the works that are to be carried out. The focus on accessible tourism, combined with all the benefits inherent for the whole disabled population, are two of the elements that are helping to make the project a model of accessibility and, above all, an engine of development for the whole area.

207. The scope of the project makes it one of the major strategies for bringing development to the area. If the completed project manages to apply standards of accessibility and comply with the various laws and requirements, it will be a benchmark for future strategies of this kind, for it can certainly benefit any country or region in various ways.

208. Project Kàloie, being carried out in the southern part of the country, is executed by the National Council for Rehabilitation and Special Education with cooperation from the Japan International Cooperation Agency. Its main aim is to strengthen the system of support for social participation by persons with disabilities through comprehensive rehabilitation in the region of Brunca, and the activities pursued have focused on achieving five outcomes:

- (a) Strengthening inter-agency and inter-sectoral coordination and exchange of information;
- (b) Strengthening rehabilitation services;
- (c) Broadening options for employment of people with disabilities;
- (d) Promoting the Community-Based Rehabilitation Strategy;
- (e) Fostering empowerment of people with disabilities.

209. To that end, training sessions have been conducted in Japan and other countries, as well as training in Costa Rica, with participation by officials of the various State institutions at the national and local level belonging to the Brunca Region, where the project is taking place.

210. The workshops in Japan have been focused on topics such as policy and disability, rehabilitation, training for employment, strengthening NGOs, training leaders with disabilities, inter-secotral coordination, and public policy. At workshops in other countries,

such as those in Colombia, Mexico, Honduras and Argentina, the topics addressed were community-based rehabilitation, rehabilitation policy, public policy, independent living, and applications of the International Classification of Functioning, Disability and Health (ICF).

211. Among the main training events conducted in Costa Rica, the following are noted: international seminars addressing topics relating to application of the ICF, community-based rehabilitation, job placement, movement of people with disabilities, administrative and policy issues relating to persons with disabilities, talks with Japanese experts on experiences of movement and disability policy, community-based rehabilitation workshops, training of persons with disabilities for independent living (lecture delivered by the study team on independent living of disabled persons), regional seminars on community-based rehabilitation (strengthening NGOs, training of leaders with disabilities, experiences of community-based rehabilitation, movement of disabled people, building social networks), among others.

212. To date, as a result of the activities conducted in 2010, there are three communities that are pursuing the community-based rehabilitation strategy, and as a result of trainings and traineeships a group of 11 trainers has been formed by people with disabilities who have developed various training courses to promote their rights and independent living.

213. Similarly, within the framework of the project, a sharing tool has taken shape known as the Basic Nucleus, which is based on the International Classification of Functioning, Disability and Health and which aims to compile data on the disabled population in order to gather information about their situation from a more comprehensive perspective.

214. The figure arrived at with regard to investment is approximately 196,774,646.10 colones, equivalent to \$389,722.72, referring exclusively to the execution of Project Kàloie, specifically to the contribution of the Japan International Cooperation Agency to training, operating costs and investment on experts.

215. Finally, regarding Project Partnership in Opportunities for Employment through Technology in the Americas (POETA) it should be noted that its executing entity was the Trust for the Americas Foundation of the Organization of American States (OAS) with support from the United States Labor Department, Microsoft and the Costa Rica-United States Cooperation Foundation. The project had a duration of 24 months (September 2008 to September 2010); its purpose was on-the-job training for persons with disabilities through three main components: employability, intermediation, and awareness-raising.

216. The project enjoyed broad participation from various sectors, public and private. Private-sector involvement included: the Business Association for Development (AED), which formed the Costa Rican Network of Inclusive Companies; Santa Paula University, which provided for the management of the website created; Empleo.com, which provided technical web support and an on-line job board; the Omar Dengo Foundation, Visión Mundial ("Global Vision"), the S.O.S. Foundation for Universal Peace, the central organ of the Movement of Costa Rican Workers (Central del Movimiento de Trabajadores Costarricenses (CMTC)), and the National Foundation for the Blind, with which six POETA Centres were established. The State's input was the role played by the National Council for Rehabilitation and Special Education as lead entity on disability, contributing three specialists to give specific talks on topics such as Disability Paradigms and Management of Disability, Analysis of Policies, Standards and Procedures, geared to employers, and Legal Framework on Employment and Disability, geared to local organizations providing employment brokerage services.

217. The main activities have been geared to training, advising, providing occupational evaluations, creating databases, promoting employment of people with disabilities, studies on educating the private sector on the hiring of persons with disabilities and development

and publication of printed literature on inclusive labour practices, as well as cooperation with the Ministry of Labour and Social Security, the Inter-Agency Institute for Social Assistance, the State Distance University, and the Costa Rican Technical Institute on evaluation of eligible applicants with disabilities by the Project's occupational therapist.

218. Some of the main results obtained are: creation of the Costa Rican Network of Inclusive Companies; creation under the POETA programme of six training centres, which have trained 750 people with disabilities; 35 local organizations trained on issues of labour intermediation; 61 people with disabilities helped to achieve occupational and educational inclusion; construction of a database with 250 people with disabilities registered and eligible for employment; and construction of a web page which contains an on-line job board to facilitate hiring people with disabilities by the employer sector, in partnership with Santa Paula University (web administrator). The total investment has been \$513,950.

219. Other activities conducted with international cooperation have been directed toward training public sector employees. An example has been the training organized by the National Council for Rehabilitation and Special Education jointly with the Ibero-American Intergovernmental Network for Technical Cooperation on different topics such as compilation of information on the situation of the population of persons with disabilities, an activity that was conducted in 2008; more recently, in 2010, a workshop was held on how to approach the situation of persons with disabilities in a comprehensive way, entitled "International Classification of Functioning, Disability and Health – Changing View of Disability and New Perspectives". Training was provided to 35 professionals from different fields, such as psychology, social work, physical therapy and medicine who worked on attending persons with disabilities in different institutions, including the National Council for Older People, the National Child Welfare Agency, the National Council for Rehabilitation and Special Education, the Ministry of Health, and the Ministry of Education.

2. Pending actions, limitations and corrective measures

220. This area is one of the weakest at country level. To date, as indicated by the Ministry of Planning and Economic Policy, "Costa Rica does not have a legislative provision regarding international cooperation that guarantees what is prescribed by the Convention, in view of the fact that the National Planning Act (Act No. 5525), article 11, dates from 1974. The recent decree enacting regulations under article 11 of said law also does not contemplate any provision to that effect, since it was only a few months ago that we became aware of the Convention and what article 32 provides in reference to cooperation."

221. Another point that emerges from the report submitted by the Ministry of Planning is that disability is rarely understood as a matter of inclusion and human rights, which makes it difficult to frame concrete proposals for improvement.

222. Among the activities to be carried out, the lead agency for disability will need to continue throughout the quadrennium to work more closely with the Ministry of Planning and the Ministry of External Relations in order to formulate concrete proposals that permit the inclusion of measures favouring people with disabilities.

I. Implementation and monitoring

223. To address what has been done in this area, the basis used was article 33 of the Convention (National implementation and monitoring) and the State agency requested to report was the National Council for Rehabilitation and Special Education (CNREE).

1. Action taken and resources applied

224. Activities aimed at promoting and monitoring the implementation of the Convention are reported only by CNREE, which is currently the focal point for promoting, protecting and overseeing the rights of persons with disabilities. Consequently, what is reported pertains to what was done in relation to paragraphs 1 and 3 of article 33 of the Convention.

225. In relation to the paragraphs cited above, the main activities have been in the area of securing the rights of persons with disabilities in political and public life and, to that end, activities have focused on monitoring, evaluating and overseeing the 2010 electoral process. With regard to monitoring, several people were trained to be observers authorized by the Supreme Electoral Tribunal. That activity proceeded along two tracks: accessibility of the physical space of polling places and observation to ensure that the rights of persons with disabilities were respected when they came to vote; prior to the monitoring, a training programme was conducted throughout the country for all the people who had been issued observer credentials. The process as a whole had the participation of 38 people with disabilities from all around the country.

226. Similarly, as was mentioned in the section on participation in political and public life, another activity conducted by the lead agency has been focused on political authorities which take decisions with a national and local impact (Legislators of the different parties represented in the current Legislative Assembly, senior officials of the various Ministries, mayors, and candidates to those posts) with a view to having the various needs of the population with disabilities included in the political agenda.

227. The effort has sought to have a direct influence on those actors, and the Convention on the Rights of Persons with Disabilities has been one of the central points of reference in the meetings that have taken place. Not only has it been given in hard copy to participants but they have been told about its scope, keeping as a central focus advocacy of the rights of the disabled and the need to carry out and foster actions to improve the quality of life of all citizens.

228. As previously noted, these activities are aimed at different levels of the national political spectrum, trying to reach as many groups as possible in order to increase their awareness of disability issues. This is fundamental, in view of how little disability appears on the political agenda. Hence the importance of the Convention as an element that engenders State responsibilities.

229. Among the results achieved at these initial stages of meetings, the following may be mentioned: placing the topic of disability among the various initiatives being discussed in the Legislative Assembly; direct impact on the National Development Plan; strengthening of the leadership of the CNREE; direct work with decision-makers and identification of disability as a cross-cutting theme with respect to national projects; formulation and institutional pursuit of specific tasks for the benefit of people with disabilities. In addition, there has been a significant effect on the media, having an impact on the citizenry and helping the theme to be seen as one that should be present on the national political agenda.

230. It is important to mention, with regard to monitoring observance of the Convention, specifically with regard to article 33, that Costa Rica is about to adopt a decree which confirms the CNREE as the lead agency to perform monitoring and prepare country reports relating to this Convention.

231. Also regarding article 31 and access to information, a major achievement in Costa Rica was the ratification of the decree creating the National Registry of Statistics on Disability, approved in February of 2011. By this means the country seeks to create a statistical tool suited to the Convention on the Rights of Persons with Disabilities and the International Classification of Functioning, Disability and Health (ICF). The instrument is

based on people's capacities, which will improve their inclusion in society. With this provision there will be an improvement in the quantity and quality of information available concerning the population with disabilities, which clearly supports the aims of the Convention.

2. Comments by civil society

232. The main point emphasized by non-governmental organizations representing civil society is the need to strengthen the leadership function of CNREE as a way to improve the oversight process it performs in the country, given the lack of monitoring regarding organizations' needs and actions by national institutions and municipalities. It is noted that CNREE has been performing an important leadership function but lacks all the necessary support to achieve compliance with the Convention and monitoring thereof.

233. It is hoped that by advancing in this manner institutions will see better monitoring with regard to respect for and dissemination of the Convention and the rights of persons with disabilities.

III. General conclusions

234. Given the relevance of the results obtained in the report, it was felt appropriate to leave the general conclusions within the document rather than placing them in an annex; accordingly, some of the conclusions are given below.

235. Generally speaking, various institutions of the Costa Rican State have made significant efforts to comply with the norms on disability and to improve the living conditions of people with disabilities. However, those efforts continue to be geared more to fulfilling aspects relating to accessibility of physical space, and to a lesser extent information, whereas other fundamental elements of the Convention are being left aside. This is due to the fact that activities have been designed to comply with the provisions of the Act on Equal Opportunities for Persons with Disabilities (Act No. 7600), which dates from 1996 and not so much to fulfil Act No. 8661 which corresponds to the Convention. This means that there persists a medical perspective on disability, viewing the situation of people with disabilities in terms of the functioning of the individual without considering other implications having to do with national and institutional policies for inclusion based on diversity and universal design given its full expression.

236. The greatest strides are in education, health and justice. However, where education is concerned, a complete overhaul of the educational system would be needed based on diversity more than uniformity, strengthening the abilities and potentials of the individual, which implies a gradual development of education as a system to educate the human person in a holistic perspective.

237. There is an evident lack of data on the real situation faced by people with disabilities and their needs both in general terms and in specific areas such as employment, health, and economic and social situation, among others. This is reflected in a lack of information from most institutions concerning activities aimed at the population with disabilities seen in terms of disability, age and gender. It also highlights the need for the country as a whole to invest resources to carry out a survey on disability which may obtain data and information making it possible to prepare a better projection over the short, medium and long term in addressing the situation of the population with disabilities.

238. It is necessary to achieve greater involvement with the families of persons with disabilities because, generally, if a disabled person is suffering from exclusion, so is the family. Thus, actions intended to improve the quality of life of the disabled person should

contemplate the person's immediate environment, beginning with the nuclear family, from a holistic perspective focused on the person, so that economic help given to a disabled person in poverty will provide the minimum needed to develop independently.

239. The data provided by the various State entities of Costa Rica indicate that services are reaching people with disabilities but their positive impact on that population has not brought development and inclusion to that sector of the population. For example, from 2008 to 2010 the State's investment on addressing the situation of people with disabilities was 65,456,888,764.04 colones, equivalent to \$129,004,895.57. However, during the same period the percentage of the Costa Rican population in poverty rose from 21 per cent to 24 per cent. Considering the direct links that exist between disability, exclusion and poverty, it may be concluded that this population is more vulnerable and more severely affected.

240. In light of the foregoing, it follows from the results of the report that the present situation of people with disabilities is being affected by three factors: (a) The lack of an approved national disability policy with a rights perspective, less oriented to social welfare and encompassing specific policies (health, employment, education) complicates the implementation of actions geared to comprehensive development, improvement of quality of life and inclusion of people with disabilities; (b) There is a major disconnect between implementation of actions in different sectors, which hinders their positive impact on development and quality of life of the disabled; and (c) Although the position of CNREE as the lead agency on disability has been enhanced in the last two years, its internal organizational structure needs to be strengthened further, as its mandate exceeds its installed operational capacity to monitor, advise on and coordinate actions for the development and inclusion of people with disabilities in a timely and effective manner when the institutions and the population require it.

241. Finally, the process carried out for civil society to participate and to review and analyze the information provided by different agencies in the preparation of this report has been fundamental, especially because it enabled the process to be transparent but also because it provided important inputs regarding the situation lived by people with disabilities in terms of their experience and their realities, which is often complex and difficult to identify and quantify because of the many factors involved. This input provides a sense of direction that makes it possible not only to validate the impact of the State on the situation of people with disabilities but also to gauge the quality of the State's forms of involvement in creating a more inclusive society, as well as providing guidelines that may serve as a basis for future initiatives.
