



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
2 August 2011

Original: English

**Committee on the Elimination of
Discrimination against Women**
Forty-ninth session
11-29 July 2011

Concluding observations of the Committee on the Elimination of Discrimination against Women

Costa Rica

1. The Committee considered the combined fifth and sixth periodic reports of Costa Rica (CEDAW/C/CRI/5-6) at its 978th and 979th meetings, on 11 July 2011 (see CEDAW/C/SR.978 and 979). The Committee's list of issues and questions is contained in CEDAW/C/CRI/Q/5-6 and the responses are contained in CEDAW/C/CRI/Q/5-6/Add.1.

A. Introduction

2. The Committee expresses its appreciation to the State party for its combined fifth and sixth periodic report, although its structure did not follow the Committee's guidelines for the preparation of reports. The Committee regrets the long delay in the submission of the report and the outdated information contained therein. The Committee expresses its appreciation to the State party for its oral presentation, the written replies to the list of issues and questions raised by its pre-session working group and the further clarification provided in response to the questions posed orally by the Committee.

3. The Committee commends the State party for its high-level delegation, headed by the Executive President of the National Institute for Women, which included representatives from the Ministry of Health and the Supreme Court of Justice. The Committee appreciates the constructive dialogue that took place between the delegation and the members of the Committee.

B. Positive aspects

4. The Committee notes with satisfaction the adoption of the National Gender Equality and Equity Policy for 2007-2017 and its five-year plan of action for 2008-

2012 aiming to improve the status of women and to ensure equality of treatment for them in areas such as employment, family responsibilities, access to health services and education.

5. The Committee commends the State party for its measures to increase the participation of women in political life, including a comprehensive reform to the Electoral Code in 2009. It particularly welcomes the fact that, for the first time, a woman has been elected President, that a woman judge has been appointed as Vice-President of the Supreme Court of Justice, that 9 out of the 21 ministries are headed by women and that women represent 38.6 per cent of National Assembly members.

6. The Committee commends the State party for the adoption of laws aimed at protecting women from violence, in particular, the Domestic Violence Act (No. 7586), the Criminalization of Violence against Women Act (No. 8589/2007) and the amendment to it (Act No. 8929/2011), and the Witness and Victims Protection Act (Act No. 8720/2009).

7. The Committee notes with appreciation that the State party has accepted the amendment to article 20, paragraph 1, of the Convention, relating to the meeting time of the Committee.

C. Principle areas of concern and recommendations

8. **The Committee recalls the obligation of the State party to systematically and continuously implement all the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on the actions taken and results achieved in its next periodic report. The Committee calls upon the State party to submit the present concluding observations to all relevant ministries, to the parliament and to the judiciary, so as to ensure their full implementation.**

National Assembly

9. **While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of Government and invites the State party to encourage its National Assembly, in line with its procedures and where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations and the next reporting process under the Convention.**

Visibility of the Convention and the Optional Protocol

10. While taking note of the information provided by the State party on measures in place, such as distribution of materials and training, to disseminate the Convention and its Optional Protocol among lawyers, other professionals and the population at large, the Committee is concerned that these measures have not given

sufficient visibility to either instrument. It is particularly concerned that women themselves are not sufficiently aware of their rights under the Convention, or of the complaints procedure under the Optional Protocol, and thus lack the capacity to claim the full promotion, protection and fulfilment of their rights on an equal basis with men.

11. The Committee urges the State party to implement measures to create awareness of and adequately disseminate the Convention, its Optional Protocol and the Committee's general recommendations among all stakeholders, including Government ministries, parliamentarians, the judiciary and law enforcement officers, so as to create awareness of women's human rights. The Committee further urges the State party to undertake awareness-raising campaigns targeted at women to enhance their awareness of their human rights and to ensure that they can avail themselves of procedures and remedies for violations of their rights under the Convention.

Principle of equality

12. While taking note of the explanation provided by the delegation, the Committee reiterates its concern over the fact that, while the Convention refers to the concept of equality, in the report of the State party the terms "equality" and "equity" are mentioned when referring to different plans and programmes.

13. The Committee urges the State party to take note of the fact that the Convention is directed towards eliminating discrimination against women and ensuring formal and substantive equality between men and women. The Committee therefore recommends that the State party expand the dialogue between public entities and civil society in order to ensure that its plans and programmes are in line with the Convention and the Committee's general recommendations No. 25 (2004) on article 4, paragraph 1, of the Convention on temporary special measures and No. 28 (2010) on the core obligations of States parties under article 2 of the Convention.

National machinery

14. While the Committee appreciates the information provided by the delegation regarding the budget and human resources allocated to the national machinery, it regrets the decision of the State party to discontinue according ministerial rank to the Executive President of the National Institute for Women. The Committee believes that this decision could be interpreted as a lack of political commitment to ensuring that the national gender mechanism is provided with full authority and capacity to promote the advancement of women and gender equality and to effectively mainstream gender into all activities of governmental departments at the national, provincial and canton level.

15. The Committee urges the State party to consider reassigning ministerial rank to the Executive President of the National Institute for Women with a view to making the Institute more visible and effective, enhancing its capacity to influence the formulation, design and implementation of public policies and strengthening its coordination role at all levels of government, in particular at the ministerial level.

Temporary special measures

16. While taking note of the use of special measures with respect to the participation of women in political life, the Committee notes with concern the insufficiency of temporary special measures in other areas, in accordance with article 4, paragraph 1, of the Convention.

17. The Committee recommends that the State party take further steps to expand the understanding of the concept of temporary special measures and the use of these measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25, as part of a necessary strategy towards the achievement of women's substantive equality, in particular for disadvantaged groups of women, in fields such as health, education and employment.

Stereotypes

18. While noting the measures in place at schools and in the media aimed at eliminating traditional gender roles in the family and in society at large, including in areas such as political participation, employment, education, access to health services and access to justice, the Committee is concerned at the persistence of discriminatory traditional attitudes and the prevailing negative influence of some religious beliefs and cultural patterns in the State party that hamper the advancement of women's rights and the full implementation of the Convention, in particular sexual and reproductive rights. The Committee is also concerned that the content of article 75 of the Constitution may have an impact on the persistence of traditional gender roles in the State party.

19. The Committee recommends that the State party strengthen its efforts in conducting awareness-raising and public educational campaigns addressing the population at large and in particular political and religious leaders and government officials, with a view to bringing about changes in traditional attitudes associated with discriminatory gender roles in the family and in society at large, in accordance with articles 2 (f) and 5 (a) of the Convention.

Violence against women

20. While acknowledging that the State party has adopted a legislative framework to protect women from domestic violence and that in 2008 it also established a national response and prevention system on violence against women and violence within the family, the Committee is concerned at the 52,103 cases of domestic violence which were brought before specialized courts in 2009 and which represent a 13.2 per cent increase in such cases since 2007. It is also concerned that even though 4,969 of the alleged perpetrators were convicted, no information is provided in the report about the types of offences they committed, the sanctions imposed on them, their relationship with the victims or the type of reparations, if any, granted to the victims. The Committee is further concerned at the limited number of shelters (three) available for women victims of domestic violence and their children in the country.

21. The Committee calls upon the State party to:

(a) Study the impact and effectiveness of the national response and prevention system on violence against women and violence within the family,

with the aim of enhancing coordination among all institutions providing assistance and support in cases of domestic violence;

(b) Ensure that a sufficient number of State-funded shelters are available to women victims of domestic violence and their children;

(c) Continue its efforts to improve its system for the regular collection of statistical data on violence against women, disaggregated by sex and type of violence and by the relationship of the perpetrators and victims;

(d) Undertake educational and public awareness programmes through the media to convey the message that all forms of violence against women, including domestic violence, are unacceptable, taking into account the Committee's general recommendation No. 19 (1992) on violence against women.

Trafficking and exploitation of prostitution

22. While noting the initiatives of the State party to address the issue of trafficking in women and girls and its transnational nature, including by establishing the National Coalition against the Smuggling of Migrants and Human Trafficking and by amending the Immigration Act (2010) to authorize the provision of temporary visas to victims of human trafficking, the Committee is concerned at the lack of human and financial resources to adequately combat trafficking and the exploitation of prostitution and to offer shelter and basic services to victims. The Committee is further concerned at the lack of statistics on the number of women and girls who are victims of trafficking for sexual commercial exploitation and at the low numbers of cases investigated and prosecuted and the low rate of convictions.

23. The Committee urges the State party to:

(a) Strengthen its efforts in anti-trafficking initiatives with a view to addressing fully and comprehensively the complexities of trafficking in women and girls and the exploitation of prostitution;

(b) Consider adopting a law on trafficking which fully complies with article 6 of the Convention;

(c) Ensure systematic monitoring and periodic evaluation, including the collection and analysis of data on trafficking and the exploitation of women in prostitution, and include such data in its next periodic report;

(d) Increase its efforts in international, regional and bilateral cooperation with countries of origin, transit and destination of trafficking to prevent trafficking through information exchange and to harmonize legal procedures aiming at the prosecution and punishment of traffickers.

Participation in political and public life

24. The Committee notes with satisfaction the amendment of the Electoral Code (2009) which changed the system of quotas for women's participation in political life to a system based on gender parity (50 per cent women and 50 per cent men). However, the Committee is concerned that the amendment only applies to posts elected under the system of proportional representation (National Assembly seats) and not to those elected under the majority system (executive posts), where most of the key decision-making posts are located. It is further concerned at the lack of

temporary special measures in place aimed at ensuring the participation in political and public life of disadvantaged groups of women, such as women with disabilities, indigenous women and women of African descent.

25. The Committee recommends that the State party:

(a) **Consider further amending the Electoral Code, in order to ensure the implementation of gender parity for posts elected under the majority representation system, in line with the Supreme Electoral Tribunal resolution No. 3671-E8-2010;**

(b) **Adopt, wherever necessary, temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004), in order to accelerate women's full and equal participation in public and political life, in particular with respect to disadvantaged groups of women, such as women with disabilities, indigenous women and women of African descent.**

Education

26. The Committee regrets that most of the information provided in the report regarding the measures taken by the State party to eliminate discrimination against women in the field of education is outdated and that some of the data provided is contradictory. The Committee also expresses its concern that gender stereotypes may have an impact on women opting for traditional social occupations, such as working in the food industry and crafts and textiles, and on their limited comparative advantage in the labour market, despite their remaining longer than men in the educational system and obtaining higher qualifications. The Committee is also concerned about the lack of a sexual and reproductive health and rights education programme in the State party, despite the fact that teenage pregnancy is one of the causes of girls dropping out of school.

27. The Committee calls upon the State party to:

(a) **Conduct a revision of its data on education and provide, in its next periodic report, accurate data and updated information on the measures taken to eliminate discrimination against women in the field of education;**

(b) **Enhance its efforts to provide gender training to teachers at all levels of the educational system throughout the country, with a view to eliminating gender bias in the attitudes and behaviour of teachers, as well as eradicating gender stereotypes from the curricula used in both formal and informal education;**

(c) **Introduce a comprehensive programme on sexual and reproductive health and rights education for both girls and boys as a regular part of the school curriculum.**

Employment

28. The Committee welcomes the measures aimed at closing the gender gap in the labour market, including the inspection of companies to ensure that employed women are receiving the minimum wage. However, the Committee expresses its concern at the unequal working conditions of women in both the formal and informal sectors of the economy, including for domestic workers; the persistence of

occupational segregation and the concentration of women in low-paid jobs; wage disparities between women and men in both the public and private sectors; and the limited availability of childcare services. The Committee is concerned that the new Immigration Act does not adequately cover the problems of migrant and refugee women in the labour market. It regrets the lack of concrete information regarding measures taken to analyse, prevent and follow up the possible negative impact of the Central American Free Trade Agreement for women employed in the formal sector.

29. The Committee urges the State party to take all the necessary steps to ensure better implementation of its labour legislation, to address pay gaps and to encourage women to take up employment in non-traditional fields. It encourages the State party to take measures in order to provide affordable and accessible childcare services to enable women to balance their work and family responsibilities. The Committee also urges the State party to strengthen its efforts to ensure adequate protection of migrant and refugee women as regards work permits and work opportunities. The Committee reiterates its request to the State party to include in its next periodic report information on the results of activities aimed at neutralizing the negative effects of free-trade agreements on female employment and the quality of life of women. The Committee also invites the State party to ratify the International Labour Organization (ILO) Convention (No. 189) concerning decent work for domestic workers.

Sexual harassment in the workplace

30. While acknowledging the amendment to the Act on Sexual Harassment in the Workplace and Schools which contains provisions aimed at preventing sexual harassment, the Committee is concerned about its insufficient implementation and limited impact and more especially about information received, which indicates that a large number of sexual harassment complaints filed before the Ombudsperson or the Labour Inspectorate of the Ministry of Labour were dismissed and that a large number of cases failed because alleged women victims of harassment did not want to pursue their complaints.

31. The Committee recommends that the State party take measures to:

(a) Ensure that women who file complaints against sexual harassment have the legal right to remain in their jobs and that perpetrators are prosecuted and punished;

(b) Conduct awareness-raising campaigns, targeting, in particular, working women, to break down the culture of silence surrounding sexual harassment and, as recommended by the ILO Committee of Experts on the Application of Conventions and Recommendations, to provide the competent authorities with specific information to identify and address cases of sexual harassment.

Health

32. The Committee expresses its concern about the inadequate recognition and protection of sexual and reproductive rights in the State party. It is concerned that women do not have access to legal abortion because of the lack of clear medical guidelines outlining when and how a legal abortion can be conducted. The Committee is also concerned about women's difficulties in access to and availability

of the safest and most technologically advanced contraceptive methods, including emergency contraception. It is further concerned at the limited assisted reproductive services available for women, including in vitro fertilization, which is banned in the State party as it was declared unconstitutional by the Supreme Court of Justice in 2000.

33. The Committee urges the State party to:

(a) **Prioritize the adoption of the amendment to the General Health Act, which envisages the introduction of a chapter devoted to sexual and reproductive rights, in accordance with article 12 of the Convention and the Committee's general recommendation No. 24 (1999) on article 12 of the Convention (women and health);**

(b) **Consider lifting the ban on in vitro fertilization and adopting legislative measures aimed at facilitating and expanding women's right to decide freely and responsibly on the number of their children in accordance with article 16 (e) of the Convention, and ensure access to assisted reproductive services, including in vitro fertilization, in line with the recommendations of the Inter-American Commission on Human Rights in 2010;**

(c) **Elaborate clear medical guidelines on access to legal abortion and disseminate them widely among health professionals and the public at large;**

(d) **Consider reviewing the law relating to abortion, with a view to identifying other circumstances under which abortion could be permitted, such as abortions in cases of pregnancies resulting from rape or incest;**

(e) **Take measures aimed at making accessible and available technologically advanced contraceptive methods to women.**

Rural women

34. The Committee reiterates its concern at the disadvantaged position of women in rural and remote areas, which are the most affected by poverty, difficulties in obtaining access to health and social services and a lack of participation in decision-making processes at the community level.

35. The Committee calls upon the State party to take the necessary measures to increase and strengthen the participation of women in designing and implementing local development plans and to pay special attention to the needs of rural women, in particular women heads of household, by ensuring that they participate in decision-making processes and have improved access to health, education, clean water and sanitation services, fertile land and income-generation projects.

Disadvantaged groups of women

36. The Committee takes note of the adoption of the Paid Domestic Work Act (2009) and also of measures taken to address the situation of women migrant domestic workers, in particular Nicaraguans, in the State party. However, it regrets the lack of information regarding the extent of protection provided by the act and other legislation relevant to women migrant domestic workers.

37. **The Committee recommends that the State party conduct a review of the legal protection afforded to women migrant domestic workers under the Paid Domestic Work Act and other relevant legislation and to include the results of the review in its next periodic report. It encourages the State party to establish a mechanism for monitoring the implementation of the Paid Domestic Work Act. It further recommends that the State party take measures to protect women migrant domestic workers, prevent the activities of illegal employment agencies, ensure that women are provided with adequate information on safe migration before departure and conclude bilateral agreements with receiving countries.**

38. While acknowledging initiatives such as the celebration of the first forum of indigenous women in 2007 aimed at improving the status of indigenous women, the Committee notes with concern that indigenous women continue to have limited opportunities and restricted access to quality education, health care and legal aid services. The Committee is further concerned about the limited information provided by the delegation regarding measures to improve the status of women of African descent in the State party.

39. **The Committee encourages the State party to adopt concrete, targeted measures to accelerate the improvement of conditions of indigenous women and women of African descent in all spheres of life. It calls upon the State party to ensure that both groups of women have full access to education, health services and credit facilities and can fully participate in decision-making processes. It requests the State party to include in its next periodic report information and data on the situation of indigenous women and women of African descent and on the impact of measures taken to overcome multiple discrimination against them.**

40. The Committee takes note of the establishment of regulations aiming to respect the identity of transgender women in the identity photograph cards issued by the Civil Registry Office. However, it expresses its concern about discrimination in the State party against lesbian, bisexual, transgender and intersex women in access to education, employment and health-care services. The Committee is also concerned at information received indicating that some of these women are victims of abuse and mistreatment by health service providers and law enforcement officials.

41. **The Committee calls on the State party to provide effective protection against violence and discrimination against women, in line with the recommendation under the universal periodic review (A/HRC/13/15 and Add.1) accepted by the State party. In this regard, the Committee urges the State party to intensify its efforts to combat discrimination against women based on their sexual orientation and gender identity, including by launching a sensitization campaign aimed at the general public, as well as providing appropriate training to law enforcement officials and health service providers, in order to avoid abuse and mistreatment of these women.**

Beijing Declaration and Platform for Action

42. **The Committee urges the State party, in the implementation of its obligations under the Convention, to fully utilize the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention and**

requests the State party to include information thereon in its next periodic report.

Millennium Development Goals

43. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

Dissemination

44. The Committee requests the wide dissemination in Costa Rica of the present concluding observations in order to make the people, government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure formal and substantive equality of women, as well as the further steps that are required in that regard. The Committee recommends that its concluding observations should also be disseminated at the local community level. The State party is encouraged to organize a series of meetings to discuss progress achieved in the implementation of these observations. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

Ratification of other treaties

45. The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Costa Rica to consider ratifying the treaties to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the International Convention for the Protection of All Persons from Enforced Disappearance.

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

Follow-up to concluding observations

46. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 15 and 33 above.

Preparation of next report

47. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next report, and to consult a variety of women's and human rights organizations during that phase.

48. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its eighth periodic report in July 2015.

49. The Committee invites the State party to follow the "Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents" (HRI/MC/2006/3 and Corr.1), approved at the fifth inter-committee meeting of the human rights treaty bodies, in June 2006. The treaty-specific reporting guidelines adopted by the Committee at its fortieth session, in January 2008, must be applied in conjunction with the harmonized reporting guidelines on a common core document. Together, they constitute the harmonized guidelines on reporting under the Convention on the Elimination of All Forms of Discrimination against Women. The treaty-specific document should be limited to 40 pages, while the updated common core document should not exceed 80 pages.