



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of  
Discrimination against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention**

**Seventh periodic report of States parties to be submitted in 2015**

**Costa Rica\***


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## Contents

|   | <i>Page</i> |
|---|-------------|
| Acronyms .....  | 3           |
| I. Introduction .....   | 4           |
| II. Methodology .....   | 4           |
| Application of the articles of the Convention .....   | 6           |
| Articles 1 and 2. Discrimination and equality .....   | 6           |
| Principle of equality .....   | 7           |
| Legislative measures .....  | 10          |
| Women migrants .....  | 11          |
| Article 3. Guarantee of basic human rights and fundamental freedoms .....   | 12          |
| Article 4. Special measures aimed at accelerating equality between men and women in other fields .....  | 14          |
| Indigenous and Afro-descendent women .....  | 14          |
| Women deprived of their liberty .....   | 15          |
| Older adult women .....   | 16          |
| Women in conditions of poverty .....  | 16          |
| Employment .....  | 17          |
| Article 5. Modification of cultural patterns .....  | 17          |
| Article 6. Traffic and exploitation of prostitution of women .....  | 19          |
| Article 7. Adopt appropriate measures to eliminate discrimination against women in the political and public life of the country .....         | 21          |
| Article 8. Representation .....   | 22          |
| Article 9. Nationality .....  | 23          |
| Article 10. Education and training .....  | 23          |
| Article 11. Employment .....  | 24          |
| Promotion of women's business activity and entrepreneurship .....   | 24          |
| Women migrant domestic workers .....  | 24          |
| Sexual harassment at work .....   | 24          |
| Insurance .....   | 25          |
| Article 12. Women's health .....  | 26          |
| Article 13. Other areas of economic and social life: social benefits, recreational activities, sport and other aspects of cultural life ..... | 28          |
| Sport and recreation .....  | 29          |
| Article 14. Rural women .....   | 29          |
| Articles 15 and 16. Equality before the law and elimination of discrimination in marriage and family relations .....                          | 31          |
| Article 15. Real equality before the law .....  | 31          |

## Acronyms

|           |  |
|-----------|--|
| CCSS      | Costa Rican Social Security Fund   |
| CEDAW     | Convention on the Elimination of all Forms of Discrimination against Women       |
| CEEAM     | Temporary Care and Shelter Centres for Women                                     |
| CIAD      | Institutional Commission on Accessibility and Disability                         |
| CONAPAM   | National Council for Older Persons   |
| CONATT    | National Coalition to Combat Illegal Smuggling of Migrants and Human Trafficking |
| ECLAC     | Economic Commission for Latin America and the Caribbean                          |
| ENSSR     | National Survey of Sexual and Reproductive Health                                |
| ERI       | Immediate Response Team  |
| FOMUJERES | Development Fund for Women's Productive Activities and Organization              |
| HIV       | Human immunodeficiency virus   |
| IACW      | Inter-American Commission of Women   |
| IFED      | Institute for the Formation of Democracy   |
| ILO       | International Labour Organization  |
| IMAS      | Joint Social Assistance Institute  |
| INA       | National Apprenticeship Institute  |
| INAMU     | National Institute for Women   |
| INEC      | National Statistics and Census Institute   |
| INFOCOOP  | National Cooperative Promotion Institute   |
| IOM       | International Organization for Migration   |
| IVF       | In vitro Fertilization   |
| LGBTI     | Lesbian, gay, bisexual, transgender and intersex                                 |
| MAG       | Ministry of Agriculture and Livestock  |
| MEIC      | Ministry of Economic Affairs, Industry and Commerce                              |
| MEP       | Ministry of Public Education   |
| MIDEPLAN  | Ministry of National Planning and Economic Policy                                |
| MINSA     | Ministry of Health   |
| MTSS      | Ministry of Work and Social Security   |
| OAS       | Organization of American States  |
| OPANAL    | Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean |
| PANI      | National Child Welfare Agency  |
| PANIAMOR  | Non-governmental organization that advocates for children's rights               |
| PIEG      | National Policy on Gender Equality and Equity                                    |
| PLANОВI   | National Plan for the Care and Prevention of Domestic Violence                   |
| REDCUDI   | National Child Care and Child Development Network                                |
| SIDA      | Swedish International Development Cooperation Agency                             |
| SUMEVIG   | Unified System of Statistics on Gender Violence in Costa Rica                    |
| TSE       | Supreme Electoral Tribunal   |
| UNFCCC    | United Nations Framework Convention on Climate Change                            |
| UNFPA     | United Nations Population Fund   |

## I. Introduction

1. Costa Rica is a signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It ratified the Convention by Act No. 6968 of 2 October 1984, which was published in the *Diario Oficial* on 11 January 1985. The instrument was deposited with the United Nations Secretariat on 4 April 1986.

2. Pursuant to the obligation defined in article 18 of the Convention, Costa Rica is now submitting its seventh report, covering the period between March 2010 and March 2014.

3. In view of the guidelines specified for the presentation of periodic reports, this document focuses particularly on efforts to fulfil recommendations issued by the Committee in the review made at its 49th session, in June 2011, in which the combined fifth and sixth periodic reports were evaluated (CEDAW/C/CRI/Q/5-6). Consideration has also been given to the review submitted by the rapporteur on follow-up, Ms. Barbra Bailey, to the Republic of Costa Rica in December 2014, in relation to the follow-up report submitted in January of that year (CEDAW/C/CRI/Q/5-6/Add.1).

4. As a starting point for the presentation of this report, the Costa Rican Government recognizes that significant cultural, social and economic obstacles persist, which have hindered decisive progress in fulfilling several of the Committee's recommendations, and, consequently, the obligations defined in the Convention. In this regard, and as will be explained in greater detail in the methodology section, the Government has decided to embark on a process of reflection, collective construction and articulation, with a view to dismantling structural causes that perpetuate discrimination against women and prevent their rights from being fully guaranteed. The Government views the presentation of this report, and particularly its preparation and subsequent dialogue with the Committee, as an opportunity to evaluate progress and retrogression in a critical and purposeful way, with a view to honouring its international obligations and redoubling efforts to strive towards substantive equality.

## II. Methodology

5. The preparation of this report has been viewed as an opportunity to promote a process that articulates action strategies with key actors to make headway on issues in which the greatest deficiencies have been identified in guaranteeing women's human rights, creating capacities and institutional strengths, while at the same time imposing accountability on the State; and in particular, making progress in reducing disparities between formal equality, which is broadly recognized in our laws, and substantive equality.

6. As a first line of work, coordinated actions were undertaken through a previously agreed upon methodology to enable the State institutional framework to understand and appropriate the Convention in greater depth so that the commitments defined therein can be integrated into the daily work of each entity in constructing operational plans and budgetary planning, naturally including inter-agency articulation.

7. To that end, an inter-agency platform was set up in 2012, in which all Government institutions with mandates and commitments arising from the Convention were affiliated (roughly 35 institutions) (annex 2).

8. As part of the platform's work, the National Institute for Women (INAMU), as the national mechanism for the advancement of women and coordinating entity of the process, has worked bilaterally with each entity — through institutional links designated to conduct the process — to jointly construct data collection, monitoring and evaluation instruments, and at the same time strengthen institutional technical capacities to generate actions that ensure fulfilment of the Convention, and construct monitoring and evaluation mechanisms in accordance with each entity's mandates.

9. The working methodology aimed to seek an adequate, articulated and systematic follow-up to the issued recommendations. This involved the following tasks:

- Identify progress and difficulties in implementing each recommendation;
- Promote involvement of key actors in the public institutional framework, linked to the issues targeted in the recommendations;
- Convene women's and human rights organizations with a history of work on the prioritized topics, to obtain suggestions, criticisms and contributions;
- Involve political and technical mechanisms of United Nations agencies that are accompanying the issues highlighted at the national level;
- Consult women from different sectors on substantive changes that need to be included in the Government's response to address their needs and recommendations;
- Strengthen institutional capacities to lead the process and obtain technical assistance needed to achieve genuine and effective incorporation of actions to fulfil the Convention.

10. As the lead agency in the process, INAMU set up a discussion and analysis mechanism for representatives of women's organizations and movements (attended by roughly 80 organizations), with the aim of discussing the main challenges facing the Costa Rican State in fulfilling the Convention, and jointly constructing strategies to address them (annex 3).

11. The dialogue with organizations began by recognizing that our society harbours and reproduces gender stereotypes that sustain discriminatory practices, which, despite the actions undertaken thus far, continue to obstruct progress on crucial aspects of the Convention and are justly reflected in the Committee's recommendations. In this connection, work was based on three fundamental pillars: gender violence; sexual and reproductive health; and employment and social security. These topics form the basis for discussion of the main stereotypes that underlie discriminatory practices, not only in private life but in the actions of institutions, which sometimes tend to assume that vulnerability is inherent to women, instead of a social construction, and in the loopholes and omissions that make it difficult to improve the results of the actions deployed. The information was systemized to design strategies to more creatively and systematically confront

stereotypes that continue to undermine progress in regulatory reforms and hinder moves towards a more equitable exercise of roles between men and women.

12. These processes aim to enable the Government to use the preparation and presentation of this report, dialogue with the Committee and other key actors — mainly representatives of diverse women’s movements — as an opportunity to promote a sustained process of joint, participatory and transparent work to fulfil international obligations, prioritizing the deconstruction of stereotypes and redefining gender relations. The Government is convinced that some of the main hurdles in consolidating public policies on equality — which include regulatory changes, formative processes and awareness-raising, and the improvement of interagency articulation — involve respectful and inclusive debate, in which positions on issues that generate polarization can be overcome, to dialogue with a rights approach, bringing to the fore myths that prevent us from making headway. The strategic aim is to work on an articulated and sustained basis on gender stereotypes, since these are the substrates that support and reproduce discrimination, with the aim of achieving cultural change.

13. In view of the above, the CEDAW recommendations are a valuable tool for action, at the very core of the instrument of women’s human rights, for women to be able to exercise their human rights to the full, in all dimensions of their lives, in both public and the private spheres.

14. This approach implies the need to measure the outcomes of State actions, starting with the obligation to guarantee human rights; and it involves construction, monitoring and evaluation of impact indicators that enable us to measure the changes in pursuit of gender equality and equity that occur in the social, political, economic, and cultural domains. Our country has embarked on a process which should lead to full compliance with international obligations. This challenge was highlighted in the design of the Third Plan of Action of the National Policy on Gender Equality and Equity (PIEG), the main public policy on the subject, which will have the fulfilment of conventions, particularly CEDAW and the Committee’s recommendations, as its central pillar and policy compass. The actions under construction will be closely linked to the major challenges involved in fulfilling the Convention’s mandates. (annex 18).

## **Application of the articles of the Convention**

### **Articles 1 and 2. Discrimination and equality**

#### **Application of the Convention and the Optional Protocol**

15. Pursuant to its mandate as the national mechanism for the advancement of women, INAMU has led a follow-up process with State institutions and women’s organizations to draw attention to and disseminate the Convention, along with its Optional Protocol and recommendations relating to its content and application. Specific achievements include training processes, women citizen consultation workshops and actions to inform and disseminate women’s human rights developed by INAMU in different regions of the country. These have targeted 13,765 women and men living in urban and rural zones, along with various population groups,

including adolescents, indigenous peoples, Afro-descendants, persons with disabilities and migrants.

16. Other State institutions held training activities on the provisions of CEDAW, for female civil servants in agencies such as the Supreme Electoral Tribunal (TSE), the Legislature and the Executive, particularly the Ministry of Agriculture and Livestock (MAG), agriculture sector institutions and the Ministry of Health (MINSA). In the academic world, the National University played a leading role. In the judiciary, training events were held on CEDAW and its recommendations for 1,216 female employees from the Public Defence Service and Judicial Police. In addition, this body implemented a dissemination policy using information units related to the gender perspective, human rights and the elimination of discrimination. These actions are particularly important to enable the judiciary to guarantee access to justice and reparation of damage when a woman has had her rights infringed. These measures have given CEDAW a place in public institutions, enabling greater knowledge, empathy, interest, and commitment towards its applicability in the performance of their institutional competences, through its mainstreaming in the preparation of plans, policies, formulation and interpretation of laws; and in the construction of legal arguments, judicial sentences and rulings, which will be reflected in each article underlying the substantive issue.

## **Principle of equality**

17. The Government has taken steps to adopt legal, social and cultural measures to guarantee equality and non-discrimination between women and men in national legislation, the definition and implementation of public policies, in institutional research and studies, and in training processes on gender and women's human rights. In training and awareness-raising with citizens and female civil servants, emphasis has been placed on the Committee's recommendations for distinguishing between equality and equity.

18. In following up this recommendation, special efforts have been made to expand dialogue and generate debate on the definition of equality and affirmative action measures in the legislature, TSE and the executive. INAMU held training workshops on women's human rights, stressing the principles of equality and non-discrimination, for 10,400 persons from public bodies, women's groups and civil society. In addition, the judiciary changed the term "equity" to "equality" in the title of its institutional policy.

19. In 2011-2015, INAMU participated in the formulation of draft laws and contributed technical criteria to them and other legislative initiatives. Most of these technical criteria are based on the obligations defined in CEDAW and developed in the recommendations that the Committee has made to the Costa Rican State for consideration in the discussion and approval of initiatives by legislators of both sexes. Approval and certification of the following initiatives are particularly important.

### **Affirmative actions of regulation alternative measures for women when confronted with the law**

1.

20. Approval of Law No. 8204, amending the Psychotropic Substances Act to reduce the penalty for women based on gender criteria, enabled 159 women to be

released from the prison system in 2013. According to a study by the Public Criminal Defence Service, in March 2012, 65 per cent of the 780 women held at the Buen Pastor Institutional Centre, were there for offences related to violation of the Psychotropic Substances Act; and 23.5 per cent of them were sentenced for having infiltrated drugs into men's prisons. This legislation made it possible to incorporate proportionality and gender specificity, to reduce prison sentences for vulnerable women who introduce drugs into a male prison.

### **Electronic monitoring in penal sentences**

21. Law No. 9271 regulates the use of electronic mechanisms that are alternative to deprivation of liberty, either under the modality of permanent localization of persons serving an interim measure, or to control persons sentenced in cases regulated by the law. The addendum to article 486 bis of Law No. 7594, the Code of Criminal Process, would allow some people to serve sentences in their homes, using electronic bracelets. This measure would benefit women who are at an advanced stage of pregnancy when entering prison, whether mothers who are heads of household with a child of up to 12 years of age, or if a child or family member suffers from a disability or serious disease, duly proven. The ruling stressed the need to adopt affirmative measures in the case of persons who are responsible for care and upbringing, as a way of promoting social co-responsibility for care.

### **ILO Convention 189, concerning decent work for domestic workers**

22. The ruling submitted for consideration by legislators highlighted the fact that most people who undertake domestic work are women and their rights need to be guaranteed, since conditions persist that generate greater vulnerability in that domain. This Convention is important because it seeks to eradicate the main problems affecting this sector, such as long working hours; short daily, weekly and annual rest periods; low wages and lack of paid vacations and social security, among other factors that put these women workers in a situation of greater vulnerability.

### **Reforms to the law on domestic violence and penalization**

23. Amendments to the Domestic Violence Act (Law No. 7586), provided that Mixed or Administrative Courts can issue protection orders in places where there are no specialized courts or criminal courts, or if the courts are unable to grant them. Protection was expanded for victims of domestic sexual abuse; restrictions were placed on the aggressor in approaching the home of the victim; and the duty was established to notify the judicial authority within 24 hours of the exact address of a new residence. It was also established that the duration of protection measures be maintained for one year, unless lifted or amended by court decision; and the possibility of holding a hearing when requested by the alleged aggressor, to give evidence within five days following the serving of the initial writ. A key point in the amendments is that INAMU will offer victims services of accompaniment, legal advice and legal representation to fulfil procedures defined in this law. INAMU may intervene in the proceedings to guarantee the rights of victims and provide them with legal representation with the same powers and attributions as granted to the Public Criminal Defence Service.



24. Amendments were made to the Violence against Women Act (Law No. 8589), to restore two provisions that were repealed by the Constitutional Chamber of the Supreme Court. These include a new text defining the crime of abuse, which seeks to protect women who are subject to aggression from their partner, and are currently encompassed by the offence of extremely light injury and the crime of light injury. In relation to the crime of emotional violence, the wording includes definitions of illegal conduct that encompass a larger number of situations, without neglecting the protection of emotional health. This new wording satisfies the requirements of a closed but inclusive typology of the legal interest originally protected.

### **National Child Care and Child Development Network**

25. Law 9220 created a National Child Care and Child Development Network (REDCUDI), to establish a system of child care and child development, of public universal access and with solidarity based financing, which articulates different modalities of public and private provision of child care and child development services, to make it possible to strengthen and expand comprehensive child care alternatives.

26. With regard to the pending legislative agenda, technical proposals and criteria have been contributed to legal initiatives awaiting approval in Parliament, in areas such as sexual and reproductive health, violence and political harassment against women, cultural rights, prohibition of marriage for persons under 18 years of age, reforms to the General HIV Act, reforms to the Electoral Code to guarantee horizontal gender parity (candidate list headings), employment harassment against women, reforms to combat employment discrimination against women on the grounds of maternity, and a law to guarantee the principle of equal pay for work of equal or similar value.

27. In 2011-2015, several activities have been undertaken on emblematic aspects linked to progress on women's rights, including the following.

28. *On political rights and participation*: the intervention has made it possible to ensure the principle of equality in situations of discrimination against women, when the holding of a post under equal conditions with men is obstructed. It has been shown that these obstacles are cultural, linked to women's political practice and experience, related to factors characteristic of female subjectivity, stemming from gender inequality arising from the family social environment, and inherent in the structures of political-institutional mechanisms. This contributed to the fact that vice-mayoresses, who are 80 per cent of the total in the period in question, have real functions and are not subordinated to the exercise of power by mayors, who are predominantly men, based on stereotypes and abusive power relations

29. Principle of *indubio pro victima*: the principle was proposed and defended that, in cases of legal action for sexual harassment, the victim's version shall prevail in the event of doubt.

### **Education for sexuality**

30. Similarly, the Constitutional Chamber was appealed to as a co-assistant when the Ministry of Education implemented the study programme on education for emotional development and comprehensive sexuality. Training on this subject was made a State responsibility rather than one pertaining exclusively to the family.

## Legislative measures

31. The most important legislative measures adopted to guarantee fulfilment of the Convention, some of which have already been outlined, include approval and ratification of important international instruments of protection, such as the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, the International Convention for the Protection of All Persons from Enforced Disappearance, ILO Convention 189 concerning decent conditions for domestic workers, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Optional Protocol of the International Covenant on Economic, Social and Cultural Rights. In addition, amendments to the Constitution of the International Organization for Migration were approved, along with amendments to the Rome Statute of the International Criminal Court, in relation to the crime of aggression and to article 8 (annex 4).

32. In terms of domestic law, Costa Rica passed laws relating to the strengthening of public institutions, gender violence, trafficking in persons, femicide, social responsibilities in raising children, special population groups, and some of an economic nature. These include:

- (a) Law 8925 of 2 March 2011, reform of Domestic Violence Act;
- (b) Law 8929 of 25 March 2011, reform of Violence against Women Act;
- (c) Law 9095 of 8 February 2013 the Human Trafficking Act, and establishment of the National Coalition against Migrant Smuggling and Human Trafficking (CONATT);
- (d) Law 9097 of 14 March 2013, Regulation of the Right of Petition;
- (e) Law 9171 of 13 December 2013, creation of Institutional Commission on Accessibility and Disability (CIAD);
- (f) Law 9177 of 23 October 2013, reform of Criminal Code and General Law on Migration and Alien Status, to increase sanctions in cases in which children are used in pornographic material;
- (g) Law 9188 of 11 November 2013, strengthening National Council for Older Persons (CONAPAM) Act;
- (h) Law 9204 of 28 February 2014, Creation of National Preventive Mechanism against Torture and Other Cruel or Degrading Forms of Treatment or Punishment;
- (i) Law 9220 of 24 April 2014, National Child Care and Child Development Network;
- (j) Law 9271 of 31 October 2014, Electronic monitoring mechanisms in criminal matters;
- (k) Law 9274 of 27 November 2014, Development Bank System;
- (l) Law 9288 of 3 March 2015, Proclamation of Peace as a Human Right and Costa Rica as a Neutral Country (annex 5);

## Women migrants

33. In relation to the migrant population, the country has implemented actions, including the proposal of the Integrated Migratory Policy for Costa Rica 2013-2023, which includes the gender perspective and contains variables on migration in the Ninth National Population and Housing Census. This makes it possible to ascertain the situation of the migrant population, especially women (2011). This initiative represents progress to more precisely locate where the migrant population lives in our country, and under what conditions, and what their specific needs are, to guide the design of a clearly targeted public policy.

34. The Migramóvil Programme has been implemented, which, among other things, detects migrant women working in domestic service. This mobile unit makes it possible to ascertain their labour situation and whether their rights are being violated. It also serves as an information unit on the rights of migrant persons. Workshops have been held in shanty towns with large concentrations of migrants, particularly women who work at these tasks, both in the greater metropolitan area and in the northern border zone, such as La Carpio in La Uruca, and Barrio Sinaí in Montes de Oca, Cureña de Cutris, Upala, the neighbourhoods of 25 de Diciembre and Las Palmas de Desamparados, Guararí de Heredia, and Alajuelita, the latter will be served this year.

35. In relation to the migrant population, the Higher Council of the Supreme Court issued an Agreement in its session 35-13 of 10 April 2013, which stated that “during the working meetings of the subcommittee, it was detected that the fact that a person lacks documents considered appropriate by the judicial authorities, is a major obstacle for migrant persons to be able to gain access to legal mechanisms to protect their basic fundamental rights. This problem is all the more serious when it involves issues as sensitive as domestic violence and alimony, where women are the main victims. [...] In particular, persons who have recourse to the judiciary have been left unprotected and in a fragile situation, owing to the impossibility of gaining access to their fundamental rights in mechanisms such as criminal proceedings, proceedings in respect of domestic violence and alimony, because of their migratory status or because of the impossibility of producing a valid document as a means of formal identification in Costa Rica, when attempting to take legal action or report an offence.”

36. In view of this, the judiciary issued a series of instructions aimed at guaranteeing access to justice for migrant people. These recommendations include alternative ways of accrediting identity, together with inter-agency coordination measures, with to overcoming obstacles that face migrants and to guarantee access to justice. The scope of this directive, which is of vital importance for women migrants in processes of protection and restoration of their rights, can be consulted in annex 6.

37. The adoption of this directive was widely disseminated among judiciary personnel to maximize its dissemination and application. Moreover, in partnership with international organizations, a radial campaign was held and posters were placed to enable migrants, particularly women, to gain knowledge of its scope and thus enhance their access to justice without fear that their undocumented or irregular migratory status would be an obstacle for protection of their rights (annex 6).

38. In the same period, the judiciary issued circular 220-14, of 23 September 2014 to guarantee effective access to labour law proceedings for migrant persons, applicants for refugee status and refugees (annex 19).

### **Article 3. Guarantee of basic human rights and fundamental freedoms**

39. Policies adopted by the State to enhance equality between women and men, and to prevent and eradicate violence as a manifestation of discrimination, include the National Plan for the Care and Prevention of Domestic Violence (PLANOVI), the organizational structure of which is the National System for the Care and Prevention of Violence against Women. Actions proposed in PLANOVI as a whole achieved little more than 55 per cent compliance. These actions include prevention campaigns in the media, application of regulations, community intervention strategies and others.

40. Progress has also been made in access to economic support resources for women. Action was taken to ensure that subsidy programmes for women living in poverty prioritize those who are also affected by domestic violence. As a result, of the total number of beneficiaries of this programme in 2011-2014, 76 per cent of the funds were delivered to women in that situation. This economic support has entailed an overall investment of US\$ 953,607, benefiting 1,602 women victims of violence who are living in conditions of poverty.

41. In addition, through intersectoral articulation between the judiciary, the Costa Rican Social Security Fund (CCSS) and the Ministry of Public Security, a specialized service model was constructed for women victims of sexual violence. Its objective is to provide immediate and appropriate care to women who have suffered sexual assault (annex 13)

42. Another example of successful inter-agency coordination is the establishment of local committees to provide immediate care in cases of high risk of violence against women (CLAI), set up in 10 territories with judiciary representatives (prosecution service and court with jurisdiction to order protection measures), the Ministry of Public Security (public force), and INAMU. This strategy aims to specialize and register the intervention to provide timely and effective prevention of femicide and attempted femicide, and to help reduce impunity in situations of violence against women (annex 1, tables 2-5 and figs. 1,-4).

43. Temporary Care and Shelter Centres for Women (CEEAM) in situations of risk of death and their children, managed and financed by the State, seek alternatives to guarantee such women effective protection. In 2014, CEEAM was subject to high demand but at all times there was an effective response for women who required temporary care and shelter, so no unmet need requiring an increase in the number of centres has been identified. In this period, (2011-2014) the Centres have provided shelter to 1,339 women and 2,133 children (annex 1, table 1).

44. The care model was redefined to offer women, apart from security provided by shelter, the opportunity to develop skills and abilities that strengthen their lives, which has required existing infrastructure to be upgraded. The plan to implement these modifications has a multi-year budget of roughly \$1,179,337, of which \$677.77 has been executed thus far.

45. Costa Rica also constructed the Unified System of Statistics on Gender Violence in Costa Rica (SUMEVIG), to systematize information generated by institutions on violence against women. SUMEVIG encompasses the Ministry of Public Security, the Office of the Ombudsperson of the Inhabitants of the Republic, the National Institute of Statistics and Censuses, the 911 emergency system, the Central American Population Centre of the University of Costa Rica, the Ministry of Justice and Peace, the Ministry of Health, the judiciary and INAMU which coordinates it. Joint action of these institutions succeeded in constructing, debugging and updating indicators. Despite these efforts, the breakdown of data by gender, type of violence, and relation between aggressor and victim, is not present in all indicators used, because administrative records do not include these variables. There is a commitment to improve this register by implementing a new system that integrates all data.

46. To improve administrative records, INAMU is developing a system of information on violence, which will make it possible to register the actions it carries out through its programmes, but also to characterize the population served, with socio-demographic, economic and type-of-violence variables, perception of service received and evaluation of services, among other things. In November 2014, a document was published containing 15 indicators constructed and measured for 2008-2011.

47. In 2014, on the twentieth anniversary of the signing of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, Costa Rica, which was Pro Tempore President of the Inter-American Commission of Women (IACW), proposed in the General Assembly of the Organization of American States (OAS) held in June 2013, in Antigua, Guatemala, that commemorative acts be held in America, to reflect on what the adoption of this Convention has meant for women, how much progress has been made on its implementation, and what outstanding problems remain. This, in the belief that, as the CEDAW Committee stated, violence in all its manifestations constitutes a serious form of discrimination.

48. Various initiatives were promoted, including holding 19 sectoral and regional consultation and reflection workshops. The process culminated in a National Meeting of Women, in which 519 delegates participated, along with authorities of the recently elected Government, representatives from civil society institutions, international organizations and IACW/OAS.

49. The National Meeting, held on 24 and 25 April 2015 in San José, was a consultative and participatory process that made it possible to establish contact between the institutional framework and organized women, and to raise awareness, organize, and mobilize women from their communities, to weigh progress and challenges in fulfilling the obligations of the Costa Rica arising from the Belém do Pará Convention. This will stress the construction of viable proposals to guarantee implementation and promote participation by organized women to raise the profile of their demands for protection against violence.

### **Policies for equality**

50. Regarding women's access to justice, the Supreme Court issued Circular 15-11 of 10 March 2011, concerning the duty of judges in alimony cases to apply article 2 of the Alimony and Child Support Act, and to use all possible means to

bring basic documents to bear before rejecting an alimony case. This circular reiterates to units responsible for processing alimony cases that they should not confine themselves to access to justice for persons living in conditions of vulnerability, let alone obstruct an alimony or child support case, which needs to be simple and rapid, because it involves protection of fundamental rights (annex 20).

51. The same body issued Circular 117-2013 on the Institutional Plan for Equal Opportunities for Populations Living in Conditions of Vulnerability, according to the definition of populations defined in the Brasilia rules, which include groups that are mostly women, such as victims of sexual crimes.

52. The other major pillar of State public policy is the PIEG. This is a 10-year-old policy which is executed through four-yearly plans. During this period, the policy's second plan of action was implemented and the third plan of action was designed, in which institutions have incorporated a series of commitments relating to fulfilment of the Convention based on the PIEG pillars.

53. In 2014, a balance sheet was drawn up on fulfilment of the Second Plan of Action of the 2012-2014 PIEG, which showed that 71 per cent of the 74 actions registered had been fulfilled, which is an improvement on the 61.7 per cent fulfilment rate of the First Plan of Action (2008-2012). It displays very similar fulfilment in four objectives established in the Second Plan of Action, namely, Objective 2: Paid work and income generation; Objective 3: Education in favour of equality; Objective 4: Rights protection; and Objective 6: Strengthening of the institutional framework. In contrast, Objective 1: Care with social responsibility; and Objective 5: Political participation; were those that displayed the least progress. The main results of the policy include the creation of the Institutional Framework of the National Child Care and Child Development Network through Law 9220, the approval and implementation of the school programme on emotional development and sexuality, implementation of the Schools for Equality Project, in the Ministry of Public Education, in conjunction with INAMU; and the creation of the Comprehensive Platform of Services to Assist Victims of Violence (PISAV) in the Judiciary.

54. Under this policy, Decree No. 37906-MP-MCM on the Creation of Gender Equality Units and the National Gender Unit Network was also approved, which promotes and supports the creation and strengthening of institutional mechanisms and generates space for exchange, support and feedback in their daily activities. During this period, institutional policies on equality and gender equity were approved and implemented in the Legislative Assembly, the National Institute of Apprenticeship, the CCSS, and the Joint Social Assistance Institute. Municipal Offices for Women's Affairs were also strengthened. In the municipalities, Women's Offices cover 68 Cantons, which means that 85 per cent of the country's municipalities have that mechanism in place (annex 7).

## **Article 4. Special measures aimed at accelerating equality between men and women in other fields**

### **Indigenous and Afro-descendent women**

55. Indigenous and Afro-descendent populations continue to be considered priorities, not only in terms of care needs, given their conditions of greater

vulnerability, but also in the promotion and strengthening of their organization, so they can become managers of change through actions based on their specific and strategic needs. Women belonging to these population groups have been given various training resources, such as through the Centre for the Political Training of Women (an INAMU mechanism), which invests economic and professional resources in training women throughout the country, with both in-person and online courses. Alongside training, a primordial element for strengthening participation by indigenous and Afro-descendent women, the development and monitoring of two strategic mechanisms have also been consolidated: the National Forum of Indigenous Women and the National Forum of Afro-descendant Women. These two institutions represent autonomous mechanisms of women in their diversity, in which strategies are organized and constructed to demand the upholding of their rights according to the jurisdictions of State institutions

56. Access to housing has been an item of special development, through the implementation of Indigenous Citizens Observatories in two territories, in which women monitor the quality and timeliness of institutional services in housing, to respond to their idiosyncrasies and daily needs. In relation to access to justice for indigenous persons, including women, during session 61-11 of 7 July 2011, the Higher Council of the Supreme Court issued a circular requiring an interpreter and translator always be appointed for any indigenous person, in their maternal language, charged against the judiciary budget. In addition, when an indigenous person stands trial, the judge hearing the case will, when necessary, order an anthropological and/or cultural examination either *ex officio* or at the request of the party and at the State's expense, to identify the specific cultural norms that need to be taken into consideration (annex 16).

## **Women deprived of their liberty**

57. As noted above, progress was made in mainstreaming the gender perspective in the way women are dealt with when confronted by the law. According to two studies undertaken by the Public Defence Service in 2012 and 2013, around 60 per cent of women serving prison sentences in Costa Rica are doing so for offences related to the Psychotropic Substances Act. Nonetheless, Law 8204, the "Act on narcotics, psychotropic substances, drugs of unauthorized use, related activities, money laundering and financing of terrorism", did not recognize the specific circumstances of those persons, mainly women, who introduced or distributed prohibited substances in different domains, generally as a result of coercion from their partners or other family members, and set penalties for large-scale drug traffickers. This law was amended to make it possible to impose penalties other than prison for these women, and an inter-agency platform was created to support them. Since the adoption of this reform, 143 women have been placed back in their communities under a conditional liberty regime.

58. Through work of articulation between the judiciary (Public Defence Service) the Ministry of Justice and Peace, the Joint Institute for Social Aid (IMAS), INA, INAMU, ICD, IAFA and PANI, an inter-agency protocol was signed to design a model for providing comprehensive services to women in situations of vulnerability related to criminal proceedings, and to their dependent family members. Its objective is to set up an inter-agency coordination mechanism, to define and develop joint actions and maintain fluid and timely communication between the

aforementioned institutions, based on their jurisdictions, purposes and powers, to provide an integrated approach to these women and their family members, to alleviate social inequality and discrimination affecting them, and to guarantee the full exercise of their rights (annex 8; annex 1, tables 10 and 11).

## **Older adult women**

59. The Costa Rica faces a sustained process of ageing among its population, which gave rise to the National Ageing and Old-Age Policy 2011-2021. This includes the creation of the progressive care network the comprehensive assistance to older persons, through community (local) and interagency networks. Women in Costa Rica have a longer life expectancy than men, so gender differentiated intervention is needed in that policy.

60. In the San Jose Charter on the Rights of Older Persons in Latin America and the Caribbean, adopted in 2012 at the Third Regional Intergovernmental Conference on Ageing in Latin America and the Caribbean, the State adopted commitments aimed at protecting the older adult population, overcoming inequality in protection systems for rural and indigenous older persons, particularly women, promoting autonomy of older persons through public policies, establishing care strategies as a social responsibility, eradicating manifestations of violence against them, and providing resources and training in public services within a rights framework.

## **Women in conditions of poverty**

61. The stalling of poverty reduction has meant that a large proportion of State resources are targeted to population groups living in poverty, in which there is a large proportion of women heads of household. As a result, over the last four years, support has been provided to 270,674 families headed by women (26 per cent of the total), through various social programmes and conditional transfers, with a total of \$254,646 executed in the period.

62. Programmes benefiting women include the Housing Improvements Programme, which has benefited 2,694 families, and the economic subsidy to satisfy basic nutritional needs, granted to 20,405 women heads of household with children aged under 12 years (annex 1, fig. 7 and table 8).

63. In addition, Costa Rica has implemented the “Bridge to Development” initiative, to provide services to those living in poverty, the central aim of which is “to tackle family poverty from a multisector and inter-agency approach, guaranteeing access to the social protection and capacity development system, based on a human rights approach”.

64. The country has moved towards a multidimensional conception of poverty, incorporating the gender perspective from this standpoint, through the analysis of the variables female heads of household and use of time. The plan aims to guarantee preferential access to programmes, projects and social services for 54,600 families living in extreme poverty, in an articulated and integrated way for the reduction of extreme poverty, prioritizing families headed by women. As part of this plan, governed by the social sector, INAMU has doubled its care services for women living in poverty within its Human Capital Training Programme. This programme



forms part of Law 7769, the Services for Women Living in Poverty Act. It targets women beneficiaries of the poverty strategy and consists of a training process lasting six months, during which the women receive a State subsidy. In addition, this programme has incorporated a training module on sexual and reproductive health. It includes both women who are in training processes and those who, having completed the process, are involved in inter-agency articulation processes to develop their life plans that include productive initiatives with a view to achieving their economic autonomy. In this period, the programme has served 21,172 women, and involves a methodological migration by incorporating a multidimensional poverty index that incorporates gender indicators such as female heads of household and use of time, among others (annex 9, annex 1, table 7).

65. Another important State intervention strategy is the programme of the Development Fund for Women's Productive Activities and Organization (FOMUJERES), regulation for which was approved by Executive Decree No. 37783-MP of 2013 to enforce the provision of article 4 (j) of the Law Creating the National Institute for Women's Affairs, which provides for the creation and functioning of a non-reimbursable fund for women, administered by INAMU.

66. In 2014, two competitive tenders were held for this fund. In the first of them, 915 women benefited by a transfer of \$1,900,992, to develop ventures in handicrafts, textiles, agri-business, services and women's organizations. The second tender funded 522 projects with a total investment of \$1,394,173. This is the only non-reimbursable fund that provides women the opportunity to create or expand their own business; and to grow in the employment sphere, with a view to greater economic autonomy. In 2015, four new FOMUJERES tenders are expected to be launched, which will provide 1.5 billion colones (\$2,788,000). For women belonging to populations in conditions of greater vulnerability, such as those with disabilities, and indigenous and rural women, and to promote women's access to and use of technologies (annex 1, table 6; annex 10).

## **Employment**

67. The Costa Rican State has fostered dialogue between agencies and with social actors aimed at empowering new partners to introduce special temporary measures to promote substantive equality in employment. These include the private business sector which provides jobs for 85 per cent of the employed population in Costa Rica. A national standard has been prepared (INTE-38-01-01 2013), which is used to support a gender equality management system in the labour market (SIGIG) and the Sello Mypes-Empleo [MSE-employment seal], which promotes the recognition of gender equality in micro- and small enterprises, based on the implementation of non-discriminatory good labour practices. Executive Decree 37 905-MMCM of 2015 created the Gender Equality and Equity Programme and formalization of the Voluntary National Standard (INTE-38-01-01 2013) (annex 11).

## **Article 5. Modification of cultural patterns**

68. As noted above, in the period covered by this report, the State has made major efforts to provide training and raise awareness on women's human rights, gender equality and the gender perspective among employees of the Executive,

Legislature and Judiciary, and also in the TSE. This includes persons assigned to the care and monitoring of women deprived of their liberty, indigenous and Afro-descendent women, and women with disabilities, so that they intervene in each case using the gender perspective as a tool and diversity, upholding the concept of intersectionality. These training processes have also covered future professionals from State universities (degree and post-graduate courses) and students and teachers of the National Apprenticeship Unit (INA), particularly in areas of specialization that are traditionally male dominated.

69. Thanks to these processes, discriminatory practices have steadily been changed in the work and structure of Government and non-government institutions, moving towards greater gender equality. An example is promotion of women's access to jobs traditionally held by men, and their training for that purpose, such as courses given by the INA in areas such as metal mechanics, vehicle mechanics, electrical mechanics or materials technology, in which women's enrolment has increased by roughly 5 per cent between 2010 and 2013 (annex 1, table 12). These training processes and the measures mentioned above have resulted in women rising to decision-making positions, allowing for their vocational and economic development and transforming these domains. The percentage of women holding leadership posts in the public sector rose from 44.1 per cent in 2010 to 47.6 per cent in 2013, and increased from 23.8 per cent to 31.9 per cent in the private sector over the same period (annex 1, fig. 9).

70. Another substantial achievement in recent years has been the mainstreaming of the gender perspective in training programmes for adolescents in terms of emotional development and sexuality, which have been implemented in secondary schools since 2013. Their impact will be evaluated in 2015.

71. The country has moved towards eradicating stereotypes by adopting laws and discussing initiatives that are in the legislative pipeline, aimed at changing widely rooted cultural patterns related particularly to upholding rights relating to paid domestic work (Law 9169 of 2013); the penalization of different forms of violence against women (Law 8929 of 2011; Law 9095 of 2013; Law 9177 of 2013); the de-objectification of the image of women (Process 18.102, Reform of the law regulating advertising that uses the image of women); Legal recognition for same sex unions (Process 18.481 Draft Law for recognizing firms of convenience consisting of same sex couples, and Process 18.483, Draft Law for recognizing de facto unions between same sex couples); recognition of discrimination as a crime (Process 19.06, Draft Law modifying the Penal Code To combat discrimination, incitement to hatred, and the promotion of hatred and discrimination); care as a social co-responsibility (Law 9220 of 2014); and the eradication of child marriage (Process 19.333, Draft Law to eradicate child marriage), among others.

72. In recognition of the human rights of LGBTI persons, various public institutions have created rules and regulations, and issued decisions that aim to guarantee respect for sexual identity (Decree 08-2010 of the TSE, which guarantees respect for the change of sexual identity in the official identification document), the right to health (reform of arts. 10 and 12 of the Health Insurance Regulation through an agreement of the CCSS Management Board dated 21 May 2014, allowing same sex couples living in a free union to gain insurance through the family benefit and make hospital visits to their partners); and equality of rights for all persons without discrimination on the grounds of sexual orientation or gender identity/expression (Vote

16 632-12 of the Constitutional Chamber, which orders the Ministry of Justice to uphold the right to intimate prison visits for same sex couples); and Executive Decree 37071-S, declaring 17 May as the “International Day to combat Homophobia, Lesbophobia and Transphobia”).

73. Also, in 2015, Executive Decree 38999 approved the “Government policy to eradicate discrimination against the sexually diverse population from its institutions”, which requests institutions to strengthen training for their employees; revise internal regulations to adapt to the decree’s requirements in terms of leave periods for illness or death; set up a penalty regime in the case of discrimination; recognize gender identity as requested by the employee, and set up a commission to oversee the fulfilment of the decree’s provisions (annex 17).

74. These legislative provisions and regulatory measures have been accompanied by major efforts of awareness-raising and information targeting the population at large through educational campaigns in the traditional and non-traditional mass media, covering various issues on women’s human rights and political participation (with a view to the 2016 municipal elections); sexual and workplace harassment (State universities report an increase in this type of violence, attributable both to the change in internal regulations and information campaigns); economic rights; labour rights; the right to live a violence-free life, co-responsibility and care, and gender myths and stereotypes (the “Male Chauvinist in Rehabilitation” campaign in social media).

75. Specialized gender knowledge is generated through research and dissemination processes in State universities, INAMU and other State entities, providing fundamental tools for identifying critical nodes in the process of cultural change in favour of equality. A relevant example is the process of recognizing unpaid domestic work, and its importance in the national economy. As part of this, the first survey of the use of time in the Greater Metropolitan Area of Costa Rica (EUT-GAM) was declared to be of public and national interest (Executive Decree 36410 of 2011), thereby strengthening the research and dissemination process that began in early 2000, with a view to including unpaid domestic work in State satellite accounts.

76. Lastly, in a consultation held among over 500 women throughout the country, participants stated that they perceived some reduction in the use of the image of women as a sexual object, and they positively recognized the use of inclusive language in national institutions in different spheres, which for them raise the profile of women and the representation in society. These opinions reflect progress perceived by women in terms of eliminating gender stereotypes in Costa Rica. In relation to sexual and reproductive health, although the gap between female and male sterilization rates remains very wide, there has been a significant reduction in the last 10 years. While progress is still insufficient, this reflects the cultural change that is slowly developing in favour of greater equality and responsibility in the exercise of sexuality (annex 1, table 13).

## **Article 6. Traffic and exploitation of prostitution of women**

77. In February 2013, the Human Trafficking Act and the creation of the National Coalition against Illegal Migrant Smuggling and Human Trafficking

(CONATT) (Law 1995) entered into force, which prohibits all forms of human trafficking and imposes prison sentences of between 4 and 20 years; which are sufficiently severe and proportional to those defined for other serious crimes recognized in national penal legislation. The law incorporates important human rights principles, and defines and develops the provisions of the Convention against Transnational Organized Crime (the Palermo Convention), and its protocol (in relation to illegal adoption, the sale of organs, the movement of persons to promote prostitution and labour exploitation). Although its adoption was a far-reaching step in preventing, sanctioning and eradicating human trafficking, challenges persist, particularly in terms of interpretation of the rules.

78. The law consolidated and gave legal status to the specialized intervention body to respond to alerts of a possible case of trafficking, known as the immediate response team (ERI). This team has a mandate to hear cases and accredits victims and registers them. Although this register is a significant step forward, it does not take account of all victims, because, in addition to cases that are not detected, many of them cannot be channelled through the inter-agency platform's services (CONATT) and for that reason are not accredited and registered. Moreover, the characterization of victims, victimizers and the criminal offence is still deficient, and court records do not fill the gaps that exist in the systematization of the ERI. Thus, the systematization of all victims and their characteristics remains a challenge for the country.

79. Since 2013, a specialized prosecution unit for human trafficking has been functioning. In that year, 17 new cases were investigated and seven persons were brought to trial for the crime of human trafficking. In addition, prosecutors reported 18 new investigations of sexual trafficking among under-age children in respect of the crime of procuring. The State convicted at least seven sexual traffickers in that period, imposing sentences ranging from 5 to 27 years in prison. There were also three sentences for trafficking in 2013 under the crime of aggravated procuring, with sentences ranging from 7 to 10 years. Two perpetrators of labour trafficking were also sentenced in 2012. In 2013, however, authorities convicted a larger number of offenders for human trafficking (annex 1, table 14 and fig. 10)

80. Significant challenges remain in combating human trafficking in all its forms, despite the fact that Law 9095 provided for the creation of the National Fund to Combat Human Trafficking and Illegal Migrant Smuggling (FONATT), the aim of which is to provide State funds to implement actions to prevent, investigate, prosecute, and detect the crime of human trafficking; comprehensive care, protection and social reintegration of the accredited victims of human trafficking, both national and foreign, and comprehensive measures to combat the crime of illegal migrant smuggling. In 2014, CONATT started to work on the regulation and protocols needed to make the fund operational, and the start of execution of actions financed by that fund is scheduled for 2015 in the framework of the National Strategic Plan to Combat Human Trafficking and Illegal Migrant smuggling, and the priorities identified by CONATT.

81. As part of the police partnership at the regional level, the Professional Migration Police has implemented various actions to prevent human trafficking, in coordination with other national institutions. In 2014, it participated in so-called "Operación Esperanza I" [Operation hope], in the provinces of Guanacaste, San José and Cartago. Lastly, it is worth mentioning that the Costa Rican Government

has entered into partnerships with tourism firms to combat sexual exploitation of children and adolescents by requiring adherence to the Code of Conduct against Commercial Sexual Exploitation of Children and Adolescents, is a requirement for the tourism declaration granted by the ICT. In 2012, 378 tourism firms had already signed the code, along with 100 per cent of the country's national chambers and associations in the tourism sector.

## **Article 7. Adopt appropriate measures to eliminate discrimination against women in the political and public life of the country**

82. In follow-up to this obligation, and as has been recognized in previous reports, the State has adopted regulations to eliminate discrimination against women in the country's public and political life. These regulations create a framework of obligations that allow Costa Rica to apply vertical parity measures in posts of popular election, as a way to reduce discrimination in women's political participation. Articulated inter-agency actions enforce this principle, which strengthens women's participation in the country's political life. In this connection, INAMU and the TSE signed a memorandum of understanding on 8 December 2014, creating a strategic partnership between the National Mechanism for the Advancement of Women and the national electoral mechanism, aimed at promoting women's political participation in the 2016 elections, and moving towards parity representation. Actions of this partnership include holding mass campaigns, not only to encourage participation by women but also to call on political parties, as main participation vehicles, to ensure equal opportunities for women. In addition, joint training processes have been launched targeting women leaders; and, in 2011-2014, INAMU ran various courses on women's political participation and leadership, in various forms (virtual, in-person, distance, and for indigenous multipliers), which benefited 2,267 women leaders across the country.

83. Despite the initial reduction in women's parliamentary participation following the 2014 elections, the percentage has now returned to 38 per cent owing to the replacement of a male deputy who stood down in favour of a female colleague (annex 1, figs. 11 and 12).

84. Following the passing of Law 8901 in 2010, which reformed several laws concerning membership of the leadership bodies of associations, labour unions and solidarity organizations, women's participation in the boards of directors of development associations has increased (annex 1, table 15 and fig. 16).

85. Despite progress in the legal sphere, there are still guidelines, standards, and discriminatory behaviour patterns that restrict both women's political participation and their effective representation in decision-making mechanisms. It is the task of the State to continue to influence women's political participation in different mechanisms.

86. The Legislative Assembly is currently debating Draft Law 18.719, "Against political harassment and/or political violence against women" which aims to promote actions to prevent and protect victims and punish individual and collective acts of political harassment and/or violence on gender grounds.

87. In an effort to raise the profile of the problem of political harassment, the Municipal Coordination Platform for Gender Equity undertook a process that culminated in the Draft Law to prevent and sanction political harassment against women at the local level. This was taken up by the Inter-agency Commission consisting of the Office of the Ombudsperson of the Republic, INAMU, the TSE, which prepared the Draft Law to Prevent, sanction and Eradicate Political Violence against Women.

## **Article 8. Representation**

88. Costa Rica has encouraged the appointment of women in international organizations, including the Executive Secretary of the United Nations Framework Convention on Climate Change (UNFCCC); representation in the United Nations Committee on Economic, Social and Cultural Rights, for the period 2013-2016, the Executive Director of the Meso-American Integration and Development Project (MIDP) for the period 2010-2014; and the Secretary General of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) 2010-2014. Currently, Costa Rica holds the Presidency of the Inter-American Commission of Women (IACW) of the Organization of American States (OAS), for 2011-2015. In this mechanism, it was established that the gender criterion would be considered in the appointments of the General Secretariat of the regional organization. In addition, it achieved the appointment of the Ibero-American General Secretariat and re-election to the post of Deputy Director-General of the International Organization for Migration (IOM). At the present time, the State is promoting the candidacy of Elizabeth Odio Benito as a judge in the International Court of Human Rights, which currently has seven male judges. In addition, Costa Rica is lobbying for the United Nations system to have parity representation and to elect a woman in the Secretariat.

89. In relation to the country's participation in international mechanisms for discussion, analysis and regional decision-making on issues related to the Convention, INAMU, as the National Mechanism for the Advancement of Women, has participated as the State representative in important mechanisms such as: the United Nations Organization (UNO). The Institute participated in the 55th session of the Commission on the Status of Women (March 2011) and succeeded in positioning the issue of women's economic rights, giving relevance to the work of women living in poverty, and care as a social responsibility; the Economic Commission for Latin America and the Caribbean (ECLAC). The Commission participated in the Presiding Officers of the Regional Conference on Women in Latin America and the Caribbean, and Costa Rica held a Vice Presidency (2010-2012, promoting progress in fulfilling the commitments assumed in the Brasília Consensus (2010), specifically the positioning of the topic of women's economic rights in the process of gender mainstreaming in regional development; the Inter-American Commission of Women.

90. INAMU succeeded in engaging politically and technically in discussions on the economic and political rights of women and violence against women, in the latter case by hosting the Hemispheric Forum that leads the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (the Belém do Pará Convention). Costa Rica also formed part of the IACW Steering Committee (2010-2012) and worked to position the Commission as a

gender support mechanism through the Inter-American Programme for the Promotion of Women's Human Rights and Gender Equity and Equality, PIA.

## **Article 9. Nationality**

91. As indicated in previous reports of Costa Rica, Costa Rican women enjoy the same rights as men to acquire, change or retain their nationality.

## **Article 10. Education and training**

92. The Ministry of Public Education (MEP) and the INA have been making efforts to raise the profile of gender in educational enrolment, which has shown a majority of women enrolled in the formal education system. (annex 1, tables 16-19). It has also been shown that girls are more likely to remain in the system as they move from primary to secondary school. In the case of technical education, INA data also show a tendency towards a greater presence of women in the enrolment in the various sectors. Nonetheless, despite affirmative actions taken by this entity's Gender Unit to promote the incorporation of women in various non-traditional technical courses, the results show that they continue to engage mainly in traditionally feminized occupations (commerce and services, textiles, health and handicrafts) (annex 1, table 22).

93. As part of strengthening public institutions by mainstreaming the gender perspective, the MEP recently adopted the gender equality policy with a view to mainstreaming gender in all functions or services of daily educational activity; and the Gender Commission was set up in that ministry (2014), tasked with drawing up a plan of action to implement the policies (annex 12).

94. An important national milestone in the education sector has been the incorporation in its formal curriculum of the comprehensive programme on emotional relations and sexuality, which includes contents that until now have not been formally considered and discussed. This programme incorporates issues such as pleasure as a source of well-being, psycho-sexual identity and a reproductive health module that includes co-responsibility of men and women in sexual and reproductive health. The programme also considers access to and building of adequate knowledge on what sexuality is and signifies in human development in all its stages; the de-mystification of stereotypes and beliefs that generate high-risk sexual practices; access to a general view of sexuality that addresses the following elements: interpersonal relations, power and culture, pleasure, gender, psycho-sexual identity, sexual and reproductive health, human rights, the promotion and generation of fairer more equitable and pleasant mechanisms throughout the life cycle. Training has been provided to 2,554 teachers of science and orientation, and a total of 217,520 students from public institutions have benefited, along with 359,138 from private, subsidized and public institutions. As the programme was conceived as optional, there is a total of 6,526 students who do not receive these lessons (fewer than 3 per cent of the public sector) (annex 1, table 22).

## **Article 11. Employment**

95. With a view to taking the measures needed to ensure better implementation of its labour legislation, to address pay gaps and to encourage women to take up employment in non-traditional fields, Costa Rica has taken steps to promote women's economic autonomy, overseeing and promoting the labour rights of female wage earners in the business sector, and training and skills development in non-traditional careers. Models of labour intermediation with gender equality have been strengthened, to facilitate women's employability.

### **Promotion of women's business activity and entrepreneurship**

96. In 2013, the "Integrated model for strengthening women's business activity and entrepreneurship in Costa Rica as a public policy mechanism" was formulated. The model will be applied and improved, based on the progress of the EMPRENDE project. This is a Costa Rican Government initiative that promotes the economic independence of women in marginal rural-urban areas who are in a situation of economic vulnerability and have business potential. The financial resources to fund this project come from the European Union and from the State of Costa Rica through INAMU MEIC and MAG, which signed an inter-agency cooperation agreement and maintain close articulation and coordination. Thus far, 375 women have benefited, distributed as follows: 160 from the Chorotega region (14 groups and 146 individuals); 105 from the Central Pacific region (8 groups and 97 individuals); 110 from the Caribbean Huetar region (14 groups and 96 individuals). Other affirmative actions in this field have included the holding of business fairs in all regions of the country. These fairs, both of a regional type (28 fairs) and national (10) have been organized by the MEIC, MAG, IMAS and INAMU.

### **Women migrant domestic workers**

97. For decades, paid domestic work has been disadvantaged in the legal area. Thanks to lobbying by civil society and efforts by Government institutions, in 2009 Law 8726 reformed Chapter VII of the Labour Code, making labour rights in this sector equivalent to those of other workers in the country. As noted above, a complement to this historical milestone is the ratification of the ILO Convention 189 (Law 9169 of 13 December 2013). The Convention requires the State to adopt measures to ensure the promotion and effective protection of human rights of all female domestic workers, and requires effective mechanisms to be set up to investigate complaints and abuses committed against them.

### **Sexual harassment at work**

98. The 2009 reform, mentioned above, created a special charter for female domestic workers defined in the Act on Sexual Harassment at Work and in Teaching (Law 7476). This guarantees employment stability by prohibiting the dismissal of domestic worker who has lodged a complaint for sexual harassment. In addition, the worker may apply for suspension of the duration of the employment relation before



the MTSS Labour Inspection Department, thereby gaining exemption from having to appear in the workplace while the investigation is being conducted.

99. In June 2010, reforms were made to the Act on sexual harassment in employment and teaching to expand guarantees already established for the complainant and for witnesses. In this connection, the right of women complainants to remain in their jobs is guaranteed by law.

100. In 2011, there were 402 complaints of sexual harassment in the public sector. Of these, 256 were heard through corresponding administrative procedures, resulting in 64.86 per cent of cases being absolved or thrown out (168 cases) and 33.97 per cent with a sanction (88 cases, 25 of which including dismissal).

101. Most of the individuals subject to complaint and investigation in 2008-2011 were men (97.47 per cent). The first five cases in percentage terms correspond to work colleague, superior, teacher in the MEP, doctor and police officer, which account for 83.55 per cent of the cases. Of the cases resolved during that period (73.04 per cent of total complaints), 14.21 per cent were resolved with dismissal and 25.26 per cent were resolved with some other form of sanction. The remainder were thrown out or absolved (60.53 per cent). In 2012 there were 222 complaints, compared to 220 in 2013.

102. In the private sector, there were 61 complaints of sexual harassment at work in 2011-2014. Of the total number of complaints, in 50.81 per cent of the cases it was found that the preventions implemented by the Labour Inspection Department of the Ministry of Work and Social Security (MTSS) had been fulfilled.

## **Insurance**

103. About 38 per cent of the population have insurance coverage as “Direct family members of the insured party”; in other words the insured person depends economically on another person to receive coverage. This insurance covers children, spouses, fathers, mothers, and other family members who fulfil the requirements for cover. Although the lack of direct access to health insurance is overcome in various ways, in all cases, family insurance is the most frequent alternative. In some cases, when the link with the directly insured party is broken, this triggers a problem of lack of insurance, particularly for women who have precarious working condition such as informality, which in turn raises social problems related to access to health services for children and their mothers (annex 1, table 23 and fig. 21).

104. In the case of women, the largest group is insured in the category “Family member of direct insured party”, which declined slightly in the reporting period, from 48.1 per cent in 2010 to 46.7 per cent in 2013. Men also display a downward trend in this category, dropping from 28.6 per cent in 2010 to 27.1 per cent in 2013. Thus there is a difference of roughly 20 percentage points between the two groups. These figures show that nearly half of insured women do not have access to direct insurance, which reflects a sexual division of labour that limits their participation in paid occupations, and gives them greater responsibility in the reproductive domain. This exposes women to a lack of protection if the link with the directly insured person is broken, and puts her economic future at risk by being unable to contribute to a pension fund.

## Article 12. Women's health

105. The issue of sexual and reproductive health and guarantee of the rights of women in this sphere of their lives entails one of the greatest challenges for fulfilling the obligations stemming from CEDAW, owing to the polarization these issues have generated in Costa Rican society. As mentioned in the introduction to this report, the State is committed to effectively fulfilling its international obligations, including fully guaranteeing sexual and reproductive rights as human rights. Although polarization is reflected in various mechanisms and involves numerous stakeholders, it has a particularly complex expression within the Legislative Assembly, which makes discussion on the progress of regulatory measures difficult. In this connection, while respecting the necessary democratic dialogue, the State will seek to make headway in terms of the recognition, respect and protection of these rights through administrative measures, that make it possible to streamline fulfilment of the Committee's recommendations, while continuing to make efforts to address information gaps and the reproduction of stereotypes and myths that complicate the debate, which should be based on a rights approach. The following paragraphs describe in detail recommendations made by the Committee on health.

- (a) Prioritize adoption of the amendment to the General Health Act, which introduces a chapter on sexual and reproductive rights, pursuant to article 12 of the Convention and the Committee's General Recommendation No. 24 (1999)

106. In 2014, Draft Law 16,887 entitled "Addition of a New Chapter III, on Sexual and Reproductive Health Rights, to Title I of Book I of the General Health Act of 30 October 1973" was approved for debate, and is currently awaiting discussion in Parliament for approval. This draft law is the outcome of wide-ranging discussion that encompasses the criteria of INAMU, the Ministry of Health, the Office of the Ombudsperson for Women of the Office of the Ombudsperson, the women's movement, and UNFPA, which jointly have contributed to the analysis through the basic text.

107. This project is related to people's comprehensive health, and proposes the recognition of needs and demands of population groups that require distinct and specific sexual and reproductive health care, according to each stage of human development, pursuant to Costa Rican law and in harmony with the human rights recognized in international treaties. This legislative initiative proposes that all people be guaranteed up-to-date, science-based information and access to and availability of safe, effective and modern methods of contraception and protection, and guarantee that these will be made available at each stage of human development and in accordance with specific needs of each population.

- (b) Consider lifting the ban on in vitro fertilization and adopting legislative measures to facilitate and expand women's right to decide freely and responsibly on the number of their children

108. On this issue, multiple actions have been undertaken with the aim of achieving a consensus-based legal text that can gain enough support in Congress to be approved. In late 2014, there were legislative initiatives in the pipeline: Process 18,824 "Framework Law on In vitro Fertilization"; Process 18,734 "In vitro fertilization law and transfer of human embryos"; Process 18,151 "Law on in vitro

fertilization and embryo transfer, and creation of the national gametes deposit”; Process 18,057 “Law on in vitro fertilization and transfer of fertilized eggs”; Process 18,004, Special commission that will hear and rule on the Draft Law “Law on in vitro fertilization and embryo transfer”; Process 17,900 “Law on in vitro fertilization and embryo transfer”. These draft laws address the issue with different degrees of depth. The initiative with the greatest possibility of approval is Process 18,824, “Framework law on in vitro fertilization”, which was certified affirmatively in November 2013, by the Legislative Assembly’s Permanent Commission on Social Affairs. This proposal has already passed the hearing of the plenary. Nonetheless, with a view to giving a more expeditious response, given the lack of practical results in the Legislative Assembly to lift the prohibition with the greatest possible celerity, the Government has decided to issue a decree authorizing the application of in vitro fertilization (IVF) as a technique of assisted reproduction in Costa Rica. The draft decree was discussed with authorities of the CCSS, and the College of Doctors and Surgeons of Costa Rica. Once the comments were received, the Executive Decree was signed on 10 September 2015. The Ministry of Health and the CCSS have six months to issue the regulation in respect of protocols for its application both in the public and in the private spheres. In addition, the CCSS was given two years to complete the corresponding implementation process. The IVF regulation opts for the highest human rights standards:

- Its application to couples in general is permitted;
  - Its application to single women is permitted;
  - One or two fertilized eggs are implanted;
  - The unutilized fertilized eggs are cryo-preserved.
- (c) Prepare medical guidelines on access to legal abortion and disseminate them widely among health professionals and the public at large

109. The CCSS as a whole, and in consultation with various State entities and non-governmental organizations, has prepared a draft protocol for integrated therapeutic abortion care. This has not yet been approved by health authorities.

- (d) Consider reviewing the law on abortion, with a view to identifying other circumstances under which abortion could be permitted, such as in pregnancies resulting from rape or incest

110. In Costa Rica, the only situation of abortion that is not punishable is regulated in article 121 of the Penal Code, which refers to cases where there is danger to the mother’s life or health. As no progress has yet been achieved in implementing therapeutic abortion provided for in the legislation, and given the sharp polarization in the Legislative Assembly, priority has been given to making headway in implementing therapeutic abortion before opening the discussion to broaden the reasons for de-criminalization of abortion in cases of pregnancies resulting from rape and incest.

- (e) Adopt measures to make technologically advanced contraceptive methods accessible and available to women

111. The urgent need to improve availability for women to technologically advanced contraceptive methods has been placed on the health discussion agenda,

and been included in different training workshops and dissemination of the national policy on sexuality, as a central health right (annex 13).

112. In the medium term, the CCSS intends to include modern methods in its range of services, for which it is undertaking a study of the latest generation contraceptives worldwide. In late 2014, a document updating and expanding the supply of contraceptive methods and institutional protection was presented to the medical department of the CCSS. That document is now validated and finalized.

113. In late 2014, hormonal contraceptives (implant, IUD and Mesigyna) were purchased for adolescent women in the framework of the Meso-American Project for the Prevention of Teenage Pregnancy, funded by the Inter-American Development Bank (IDB) for implementation in two regions of Costa Rica (Brunca and Atlántica). As at May 2015, training is being provided to health personnel in those territories, to enable them to provide advisory services and information on the use of these contraceptives to adolescents in 2015.

114. In relation to the use of contraceptive methods, according to the National Survey of Sexual and Reproductive Health (ENSSR-2010), 82.2 per cent of women between 15 and 49 years of age living in a de facto union use some contraceptive method. The most widely used method is female sterilization (30 per cent), followed by oral contraceptives (21.3 per cent) and injectable contraceptives (9.5 per cent). The same trend was reported in the National Reproductive Health Survey, conducted in 2009, with respect to which both female sterilization and injectable contraceptives have increased as a method; in contrast, oral contraceptives have tended to decline in frequency as the main method used. It is important to note that these three methods place responsibility for contraception exclusively on women, and none of them protects against sexually transmitted infections. The only method that provides this form of protection, the male condom, is steadily declining in use and accounted for just 9 per cent in 2010 (annex 1, table 24).

115. Neither education level nor place of residence nor age seem to be variables that have a significant influence on the use of contraception among women between 15 and 49 years of age, although contraception is clearly relatively less prevalent among young women living in a relationship (74.6 per cent among adolescents between 15 and 19 years of age and 75.7 per cent among women aged 20-24), and among adolescents and adult women of the highest age range studied among women not living in a relationship (50.2 per cent of adolescents aged 15-19 years and 58.7 per cent among women of between 45 and 49 years of age) (annex 1, table 25).

## **Article 13. Other areas of economic and social life: social benefits, recreational activities, sport and other aspects of cultural life**

### **Access to credit**

116. In 2011, 30 per cent of micro, small and medium-sized enterprises with loans in the national financial system were run by women. In 2013, the country granted 6,492 loans to micro, small and medium-sized enterprises led by women, corresponding to 31.73 per cent of loans granted in that year, up slightly from the 2011 level.

117. In 2013, 61.31 per cent of credits were for purchase of assets, and 28.57 per cent were for working capital. The productive sector in which most women's enterprises have received these loans was commerce (37.01 per cent), followed by the manufacturing sector (22.33 per cent). These loans came mainly from public banks (77.3 per cent), which reflects a Government effort to promote women's economic autonomy. As many as 89.9 per cent of women's firms benefiting in 2013 were micro-enterprises, although these only represent 35.2 per cent of all micro-enterprises benefited. Nonetheless, compared to 2011, this group shows improvement, because in that year women obtained just 30.6 per cent of the credits granted to micro-enterprises.

118. Although support provided to women by the national banking system is significant, which includes credit lines that are specific for women (for example, Banco Nacional's Banca Mujer credit line), there is still a gender gap in access to business credits: for every loan obtained by women, 2.15 are granted to men (annex 1, tables 27-29).

## **Sport and recreation**

119. Since 2011, the Government has encouraged women's participation in recreation and sporting activities, reflecting Costa Rica's affiliation and signing of the Brighton Declaration (1994), which seeks to increase female participation in sports at all levels. With the aim of promoting the recognition of sport and recreation as a human right of women, awareness-raising processes have been undertaken on the subject with institutional stakeholders and organizations related to national sporting activities; awareness-raising processes, training and recreation with women's groups participating in sporting and recreational activities (particularly girls and adolescents from priority care zones and indigenous territories); activities of profile raising and public recognition of the contribution made by Costa Rican women to sport (for example through commemoration of the National Day of Women's Health and Sport); and efforts have been made to promote the establishment of cooperation agreements between public institutions and federations, organizations and sporting associations that work with women, to provide them with equipment, kit, and other types of sporting implements for the practice of sports (annex 14).

120. The State recognizes that the country's greatest challenge in this area is to break down myths and prejudices that are culturally associated with women's active participation in recreation and sport, to achieve equity in access to resources and conditions for practising sports, together with decision-making posts in that field.

## **Article 14. Rural women**

121. In 2010, State policy for the Costa Rican Agriculture Sector and Rural Development was prepared, in formulation of which, 250 representatives from women's organizations participated, and which has the gender perspective mainstreamed in it. As a result, the Costa Rican Gender and Rural Youth Sector Plan was developed, along with the Family Farming Sector Plan 2011-2014 (annex 15).

122. The National Development Plan for the Agriculture and Rural Sector (2015-2018) is currently in force, also stemming from the aforementioned State policy. The pillars of this plan include the need to execute productive projects in value-added agriculture targeting rural youth, men and women on differentiated bases, to improve food security among rural youth and households headed by women, who are considered vulnerable from the poverty and food and nutritional security standpoints. This also includes the revision of legal frameworks on land tenure and their relation with the cultural conditions of rural territories to guarantee equal rights for women in their diversity, including those belonging to indigenous peoples.

123. Based on this plan, Policies for the Agriculture Sector have been defined for 2015-2018, which focus on creating employment in the agriculture and rural sector. In 2014 the agriculture sector continued to be the second largest job creator (INEC, 2014), generating employment for 228,606 people, of whom 10.9 per cent were women. This clearly shows the persistence of gender gaps in addition to those that exist for other conditions such as age or migratory status (annex 1, table 30).

124. With the aim of promoting women's economic autonomy in rural zones, regulatory measures have been adopted, such as Legislative Decree 9036, which turns Instituto de Desarrollo Agrario (Agrarian Development Institute) into Instituto de Desarrollo Rural (Rural Development Institute). This decree contains two articles that seek to foster favourable conditions for access by rural women to food production, agri-business for domestic consumption, export, and the supply of local markets; and the promotion of property rights for women peasant farmers, as well as the promotion of associativity among women. It also promotes access to land by young people, ethnic minorities, and persons with disabilities. Actions have been taken to provide training and technical support to rural women to enhance their productive capacities and organizational development.

125. Economic resources have been prioritized to meet the needs of women living in poverty in the country's rural zones. Thus, 181,823 women in this condition have been provided with economic support for their subsistence, representing 30 per cent of the total population served in this way nationally; in addition 2,420 female heads of household in peasant settlements received institutional goods and services, such as property titles for their land, land in rent, training actions, productive credits and food security modules (resources granted through non-reimbursable funds for the procurement of inputs, infrastructure, tools, seeds, livestock, and small species among others, mainly for productive activities aimed at self-consumption and the sale of surpluses).

126. The Government has implemented actions to promote and protect women's rights in rural zones, stressing training for personnel in regional offices of various institutions on issues relating to women's human rights.

127. The Costa Rican Government has taken steps to compile statistical and qualitative information on rural women. The actions undertaken include gender mainstreaming in the 2014 Agricultural Census, both in its formulation and in its execution and subsequent analysis; and defining variables related to the condition of women. This action was made possible through inter-agency coordination between INEC, agriculture sector institutions and INAMU.

128. Pilot projects and experiences have been implemented not only to ascertain the situation of rural women in terms of business activity, but also to intervene by

contributing seed capital, technical assistance and training. One of these experiences is the pilot scheme entitled “Where are the productive women of Costa Rica?”, which aims to raise the profile of women entrepreneurs and their actions to set up public-private partnerships for support. The pilot scheme was implemented with 40 women’s organizations and lasted 18 months.

## **Articles 15 and 16. Equality before the law and elimination of discrimination in marriage and family relations**

### **Article 15. Real equality before the law**

129. In recent years, the Costa Rican Government has made major efforts to achieve substantive equality between men and women. Regulations have been approved as outlined above; but also mechanisms of access to justice have been strengthened, for women in their diversity, such as the Model Food Support Court, implemented by the Judiciary. It has been decided that 87 per cent of individuals seeking services from the Judiciary to secure food support are women, most of them living in poverty, so they face multiple barriers in gaining access to justice. For that reason, the model court places special emphasis on services for women living in poverty, to guarantee greater equity.

### **Co-responsibility in care**

130. State priority in the current PIEG is the promotion of co-responsibility in the care of children, those with disabilities and older adults. This has been seen as a need to achieve real equality within families and promote the development of all capacities of women in the public domain.

131. In 2010, Executive Decree 36020-MP created the National Child Care and Child Development Network. In 2014, the Law Creating the National Child Care and Child Development Network (REDCUDI) was passed, which raises the legal status of this initiative, which aims to establish a system of child care and child development of universal public access and solidarity financing, that articulates the different modalities of public provision and private services in terms of child care and child development, to strengthen and expand alternatives for integrated child care that existed in the country.

132. In 2009, before the creation of REDCUDI, care services available in the country served 22,361 children. Between 2010 and 2013, those services incorporated 9,558 new children; and by November 2013, REDCUDI was serving 32,049 children in all of its care modalities, which means a coverage increase of 64 per cent (annex 1, table 32). The target proposed 2014 was for an increase with respect to the 2009 baseline to reach 75 per cent, which means incorporating 15,000 children into the system. By 2014, 5,442 more children should have been incorporated into the REDCUDI care centres. As of 31 March of that year, the network’s coverage was measured, and in the first quarter of the year 2,869 children were admitted into different network care alternatives. This means that at that date, the National Child Care and Child Development Network was serving 34,918 children, of whom 12,557 were new beneficiaries.

133. These achievements reflect the establishment of inter-agency partnerships, with local governments with the private sector for creation, equipping, and/or incorporation into the network of new child-care centres. As of December 2013, there were 123 new centres, of which 3 were about to start operations, 7 were in the equipping phase, and the remaining 113 were already operating in different parts of the country (annex 1, table 33). This figure exceeds the target that the State had set for in 2013, which was 120 centres operating, thanks to a greater than expected involvement by the private sector. The creation of care centres and the incorporation of children into them has been accompanied by the development of laws to regulate and evaluate the quality of the service provided, a process that is still under development.

134. It needs to be stated that, along with the efforts made to expand the coverage of the REDCUDI member centres, the Costa Rican Government has focused on developing strategies for awareness-raising, information and education on the importance of equality and social co-responsibility in care tasks, by incorporating the gender and equality perspectives in the model for providing services to families in poverty, vulnerability and social risk, training for care providers who work in the REDCUDI care centres and awareness-raising activities in various communities of the country for the public at large, among other actions.

135. The REDCUDI network has not only directly benefited children and their parents by providing safe and accessible care space, but it has also meant additional benefits such as training for those taking on responsibilities for caring for children between birth and six years of age, network users, training for professional women in creating micro-enterprises for providing services to the network's target population, or the creation of jobs in a sphere mainly occupied by women.

136. Between 2010 and 2013, a total of 63,238 requests to establish paternity entered the TSE registration section, under the Responsible Paternity Law Regime. This figure represents 22 per cent of all births in the country in that period. Of the total number of requests, 13.7 per cent of fathers came to voluntarily declare their paternity. Since the Responsible Paternity Law entered into force in 2001, there has been a sustained increase in the number of fathers who voluntarily recognize their children. Whereas in 2010, 1,249 voluntary paternity declarations were registered, by 2013 the figure had reached 3,626, equivalent to a 190 per cent increase. With regard to requests for DNA tests, these increased by 40 per cent between 2010 and 2013, with about 76 per cent of the tests proving positive each year.

137. In the case of voluntary recognition of paternity and in those relating to requests for DNA tests, there has been an important cultural change towards greater co-responsibility between fathers and mothers in recognizing children, either through the voluntary action of the former, or by mothers exercising their rights and those of their children, in demanding legal recognition by biological fathers (annex 1, table 36).