



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the fifth periodic report of Costa Rica\*

#### I. General information

1. In view of the fact that the rights enshrined in the Covenant may be invoked and consequently applied directly in the State party, please provide information on specific instances in case law in which they have been invoked in domestic courts and directly cited as a basis for judicial decisions during the past five years. Please also indicate to what extent those decisions have been enforced.
2. In the light of paragraphs 17 and 19 of the State party's report, please provide information on the process of consultation with civil society carried out during the preparation of the fifth report for the Committee and indicate what steps have been taken to ensure that the Committee's last concluding observations (E/C.12/CRI/CO/4 and Corr.1) are disseminated to society as a whole.

#### II. Issues relating to general provisions of the Covenant (arts. 1-5)

##### Article 1: the right to freely dispose of natural wealth and resources

3. Please provide information on the status of the bill on the autonomous development of the indigenous peoples. Please provide information on the progress made towards returning traditional lands of the indigenous peoples, including through actions undertaken by the Institute for Rural Development.
4. Please provide information on the progress made in establishing a prior consultation mechanism with a view to obtaining the free, prior and informed consent of the indigenous peoples regarding administrative or legal measures and/or decisions that directly or indirectly affect them, in particular concerning the implementation of development and investment projects.

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\* Approved by the pre-sessional working group at its 57th session (7-11 March 2016).



**Article 2, paragraph 1: obligation to undertake steps up to the maximum of available resources**

5. Please provide information on the budget allocated to social expenditure and its implementation during the last five years, in particular in the areas of employment, social security, housing, health and education, indicating the percentage of each budget line in terms of the national budget and gross domestic product (GDP). Please also provide information on fiscal policy and the reform under way in the State party, in particular the steps taken to ensure that the latter is not regressive in distributive terms.

**Article 2, paragraph 2: non-discrimination**

6. Please report on the status of the draft framework law on combating all forms of discrimination that was submitted to the Legislative Assembly in September 2015 by the Ombudsman's Office.

7. Please indicate how measures taken as part of the National Policy for a Society Free from Racism, Racial Discrimination and Xenophobia for the Period 2014-2025 and its Action Plan for 2014-2025, as well as under the national migration policy, have helped combat structural discrimination against indigenous peoples, persons of African descent, migrants, refugees and asylum seekers and how those measures have promoted the enjoyment of their economic, social and cultural rights, in accordance with article (2) of the covenant.

8. Please provide information on the impact of the measures taken to combat discrimination against persons with disabilities, persons with HIV/AIDS and discrimination on the grounds of gender identity and/or sexual orientation, particularly with respect to the exercise of economic, social and cultural rights.

**Article 3: equal rights of men and women**

9. In the light of paragraphs 78 and 80 of the State party's report, please provide information on the results of the implementation of measures taken in the context of the gender equality and equity management system and the Gender Equality Board to address the persistence of stereotypical attitudes regarding the roles and responsibilities of women and men in the family and in society.

10. Please report on the impact of measures taken to do away with vertical and horizontal gender-based segregation in the labour market and to eliminate the wage gap between men and women. Please furnish statistical information in this connection.

**III. Issues relating to specific provisions of the Covenant (arts. 6-15)**

**Article 6: the right to work**

11. Please provide statistical information, disaggregated by age, sex, ethnic or national origin and urban/rural area of residence, on the employment situation in the State party. Please also describe how implementation of the national employment and production strategy and the Empléate programme have contributed to reducing the unemployment rate in the State party, particularly among young people, as well as among indigenous peoples, persons of African descent, migrants and refugees.

12. Please provide information on the implementation, outcome and evaluation of the steps taken to increase the proportion of women in the labour market.

**Article 7: the right to just and favourable conditions of work**

13. Please explain in greater detail how the State party sets the minimum wage, how the level of that wage is reviewed and whether it is sufficient to provide workers and their families with a decent living, taking into account the provisions of the committee's general comment No. 23 (2016) on the right to just and favourable conditions of work (art. 7 of the covenant). Please provide information on the percentage size of the informal economy and the measures taken to protect the rights of workers in that sector of the economy.

14. In addition to the legislative reforms mentioned in paragraph 94 of the State party's report, please provide more information on whether improvements in the working conditions of domestic workers in the State party have been achieved, and how they have been achieved. Please also indicate whether the measures taken in this regard include systematic labour inspections.

15. Please provide information on the national policy on occupational health and safety and whether it provides for the protection of all workers in all sectors of the economy, including the informal economy. Please also provide information on the steps taken by the State party to ensure effective, untrammelled operation of the labour inspection system and on the human, technical and material resources assigned to the National Labour Inspectorate.

**Article 8: trade union rights**

16. In the light of paragraph 101 of the State party's report, please provide information on the progress made in adopting the draft amendments to article 60 of the Constitution and how the State party guarantees the right of everyone to form and join trade unions and to take part in trade union activities.

17. Please provide information on the status of Bill No. 15990 on labour procedure reform and Bill No. 13475 on reform of the Labour Code, and the specific measures taken to address violations of trade union rights, including threats against trade union leaders and members. Please also indicate whether these violations have been investigated and, when necessary, duly sanctioned.

**Article 9: the right to social security**

18. Please explain how the State party ensures that everyone, without discrimination, is covered by the social security system. Please provide information on the non-contributory schemes available in the State party and how accessible they are, in particular for disadvantaged and marginalized individuals and groups, including homeless persons. Please also indicate whether the minimum level of benefits is sufficient for an adequate standard of living.

**Article 10: protection of the family, mothers and children**

19. Please provide information on the incidence of child labour in the State party and the steps taken to protect children from dangerous work that is harmful to their health, including work carried out in a domestic setting. Please also provide information on the specific steps taken by the State party to protect children, particularly girls, from exposure to various types of violence and exploitation.

**Article 11: the right to an adequate standard of living**

20. Please furnish disaggregated statistics on the extent of poverty in the State party and indicate how the programmes and initiatives mentioned in paragraph 120 of the State

party's report have helped reduce poverty and inequality, particularly among indigenous peoples, persons of African descent and other disadvantaged and marginalized groups.

21. Please provide information on the steps taken by the State party to ensure that asylum seekers and refugees enjoy the economic, social and cultural rights recognized to them, including through the issuance of identity documents.

22. Please describe how the 2007-2015 national programme to improve and maintain the quality of drinking water services has contributed to reducing territorial inequalities in access to drinking water and improving access to an adequate sanitation system in the State party, and how the State party plans to continue following up that programme. Please also provide information on the system for measuring water quality and the steps taken to prevent contamination of water resources.

23. Please provide information on the results of the implementation of the 2013-2030 National Housing and Human Settlements Policy and its Action Plan and the steps taken to ensure access to social housing for disadvantaged and marginalized families, in particular members of indigenous peoples.

24. Please provide information on the legal provisions and regulations defining the circumstances in which evictions may take place, the right to security of tenure and protection from eviction, in accordance with general comment No. 7 (1997) on the right to adequate housing (art. 11 (1) of the covenant): forced evictions. Please provide information on the impact of the implementation of Law No. 9160 on the rental monitoring process.

#### **Article 12: the right to physical and mental health**

25. Please report on the steps taken by the State party to ensure that sexual and reproductive health services are accessible for all women and adolescents in all regions of the country, taking into account the Committee's general comment No. 22 (2016) on the right to sexual and reproductive health. Please also report on any sexual and reproductive health awareness campaigns and educational programmes, especially those aimed at adolescents, that have been conducted with a view to preventing teenage pregnancies.

26. Please provide information on the measures taken to improve diet quality in the State party and to combat obesity.

27. Please provide information on the mental health policy adopted by the State party and the steps being taken to ensure the availability and accessibility of adequate mental health services throughout the country.

#### **Articles 13 and 14: the right to education**

28. Please provide information on measures taken to improve the quality of both primary and secondary education in the State party, particularly in rural and remote areas, including measures to increase the number of qualified teachers. Please also explain how the State party ensures that children from marginalized and disadvantaged groups, particularly indigenous children, children of African descent, migrant children, child refugees and asylum seekers, have access to primary education.

29. Please provide information on the specific steps that have been taken to increase secondary school enrolment and lower the secondary school dropout rate, particularly in rural areas.

30. Please indicate what proportion of students pursue higher education and what measures have been taken to ensure that higher education is accessible and affordable, in particular for students from disadvantaged and marginalized families.

**Article 15: cultural rights**

31. Please provide information on the steps taken by the State party to ensure that all persons, including those in disadvantaged and marginalized groups, have access to the benefits of scientific progress and its applications. In particular, please provide information on steps taken to ensure that persons in the State party may enjoy the benefits of scientific progress in the field of health, including sexual and reproductive health.

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