



ngo group for the crc

## STATE PARTY EXAMINATION OF COSTA RICA'S THIRD PERIODIC REPORT

39<sup>TH</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE  
CHILD

16 MAY – 3 JUNE 2005

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*Costa Rica ratified the Convention on the Rights of the Child (CRC) in 1990, the Optional Protocol (OP) on the sale of children, child prostitution, and child pornography in 2002, and the OP on the involvement of children in armed conflict in 2003. The Committee on the Rights of the Child (the Committee) met with State Party representatives on 30 May 2005 to consider Costa Rica's third periodic report on the implementation of the CRC.*

### Opening Comments

The Head of the Delegation highlighted legal reforms on trafficking and sexual exploitation, the right to non-discrimination, adolescent mothers and minors as certain issues that were being dealt with through crosscutting programmes in psychosocial health. The National Council of Children and Adolescents, domestic provisions to prohibit torture, sanctions for corporal punishment, the adoption code, the office of children, programmes targeting AIDS, equal opportunities law, special protection measures prohibiting discrimination against indigenous populations, the National Council on Child Labour, and a National Plan against Sexual Exploitation were some of the endeavours listed.

The Country Co-Rapporteurs, Ms. Ortiz and Mr. Parfitt, noted that there were 1.5 million children in Costa Rica. There was also considerable social investment which resulted in a decrease of infant and maternal mortality, improvements in clinical care, prevention programmes and education. They

acknowledged Costa Rica's efforts to implement the Committee's recommendations. They commented that trade policy and social investment should strengthen, not weaken, the social structure and reiterated their previous concerns about external debt repayment. They identified the sexual and commercial exploitation of children as an issue needing attention. They welcomed Costa Rica's commitment to children.

## **Legislation**

The Delegation stated that the CRC was taken into account in all the decisions about children and that there were over 70 bills before the house. The Committee recognised the impressive list of legislations, action plans and bodies which were mostly in harmony with the CRC. For instance, the Constitution gave supremacy to the CRC in conflict situations. The Committee underlined the need to reallocate resources and asked how these bodies were funded. The Committee commented on the numerous laws and suggested that the Government may want to review the laws and draw them together.

## **Budget**

The Committee noted the consistent poverty rate and the worsening income situation. It asked if this was due to the economic policies. The Delegation responded that the State was investing in social programmes, but the country was small and had a vulnerable economy affected by immigration and emigration. The Delegation noted the substantial budget allocations to address disparities through the New Life Plan 2002-2006. However, poverty was not being alleviated as quickly as the Government had hoped.

## **Data Collection**

The Committee was divided in its analysis of the report, some calling it comprehensive and others referring to it as difficult to read and confusing.

## **Definition of the Child**

The Committee asked about the minimum age to purchase alcohol and tobacco as well as for criminal responsibility. The Delegation stated that tobacco and alcohol could not be sold to children under 18. Legislation allowed children over 15 to set up register and belong to organisations. The Delegation noted that having sex with a child under 15 would lead to a severe penalty, as would the sexual exploitation of children over 15.

## **Administration**

The Committee asked for clarifications about the reform of PANI. The Delegation clarified that education and health were coordinated to address social gaps. Poverty was a great concern with an 18-20% poverty rate. PANI was enshrined in the Constitution and the 75th anniversary of the body for children was being celebrated. Local offices were available for the community, children and adolescent boards. The National Council was established to implement policies in line with the CRC.

## **Participation**

The Committee identified child participation as an important part of the decision-making process and cautioned that their voices were often ignored. It asked about the measures taken to ensure children had a say in issues concerning them. The Committee was also interested in whether the State consulted youth about sexual exploitation.

The Delegation indicated that there was freedom of association and active participation in the 43 children and adolescent boards. The educational system made provision to involve young people in

civic affairs. Young people could have organisations in the educational setting, but had to be over 15 to join a Trade Union.

## **Family Environment and Alternative Care**

The Committee enquired about a help line for children that reportedly had its funding reduced. It also wanted to know about the community and professionals' obligations to report abuse. The Delegation stated that the PANI's programmes on abuse were comprehensive. Adults were required to make a complaint in cases of suspected abuse and there were no repercussions if unfounded. PANI and all other institutions were instructed on how to deal with abuse. An individual (including a child) could lodge a complaint to the PANI and the prosecution service. There was a 911 number directly linked to the police to deal with interfamily abuse. The hotline was manned 24 hour a day by people trained in dealing with sexual abuse and ill treatment of children. They received about 1,200 calls a month regarding ill treatment and desertion of parents. The Delegation indicated that an additional help line's funding was reduced; resulting in a reduction in staff and hours, but this did not affect the abuse line.

The Committee asked about the measures taken to avoid the re- victimisation in court, such as the use of screens and videotaping for child victims. The Committee enquired about what happened to priests and teachers who sexually abused children. The Delegation responded that two priests had been sent to prison in the previous two years. It also noted that the Government was cracking down on Internet paedophilia.

## **Discrimination**

The Committee acknowledged the State's recognition of the special needs of indigenous and immigrant people especially from Nicaragua and Colombia. The Committee asked about the measures taken to ensure that all children benefit equally.

The Delegation identified that the gender issue was being addressed and that the traditionally patriarchal society was changing.

## **Sexual Exploitation**

The Committee expressed its concerns about sexual exploitation and wanted to know what the Government was doing about it. The Delegation indicated that many steps were taken to eradicate sexual exploitation, including a Government campaign against paedophilia and measures to assist children at risk.

## **Corporal Punishment**

The Committee commented that the State's efforts to reduce corporal punishment were not very effective or appropriate. The Delegation informed the Committee that the Ombudsman's office (with the approval of PANI) had established a bill to prohibit corporal punishment, and it was in the process of passing before parliament. The State ratified legislation about torture, as there were great concerns that levels of abuse within the family amounted to torture.

## **Juvenile Justice**

The Committee asked what happens to children under 12 when they committed a crime, the penalty system alternatives, and detention. The Committee was amazed that only 40 children were incarcerated and wondered if communities demanded tougher sentencing. The Delegation responded that Juvenile Justice was based on education and rehabilitation. Children were referred to PANI and attention was provided to the family, foster care or shelters. If the child was under 12, he was assisted by PANI within his family or foster family. Children between 12 and 16 were referred to education, re-education and community work. At 15 more stringent measures could be introduced

which could involve detention with specialised treatment. The intention was not to make the minor a victim. No child or minor was tried in absentia.

## **Adoption**

The Committee indicated the importance of ending direct adoptions, where women made financial deals with the adoptive parents. Many of these adopted children ended up in the USA, a country that had not ratified the Hague Convention.

The Delegation indicated that the central authority would be given to PANI for international adoptions. All adoptions would go through PANI and it would only work with valid agencies in countries that had ratified the Hague Convention.

The amendments to the adoption act included: a central registry, preferences for adoptions within the family and country for children under four (in line with the Hague Convention). It was hoped the law would mitigate issues of trafficking.

## **Birth Registration**

The Committee asked who was named on the birth registration if the mother and father were not married.

## **Health**

The Committee noted the progress in health. It asked why 80% of resources were curative and only 17% preventative, and what the health care priorities were. It was concerned about shortages of iodine and fluoride and asked if there were problems of obesity. It also asked about the availability of prenatal screening and the measures taken for children identified with PKU. The Committee enquired about the existence of baby friendly hospitals and the policies on breastfeeding. It also asked if ADHD was recognised as a disability. There was a particular interest in the availability of health services in remote areas for indigenous and immigrant children.

The Delegation responded that there was increasing primary health coverage. It had gone from 40% to 90%, thanks to primary care teams of physicians and nurses that visited homes. Each team covered 5,000 homes. Children had the right to health care from birth. Folic acid was given to women of reproductive age as preventive care. Each canton (there were 81) had one or more health centres. The Government was fortifying widely consumed foods (e.g. salt with iodine). Fluoride was introduced in schools through dental health programmes. In addition, teachers referred obese children to specialists. Although there were improvements in adolescent health, teenage pregnancy remained a challenge. Indigenous and migrant populations were given particular attention and paediatricians were available as primary health providers. There was a law on breastfeeding, as well as crosscutting programmes to encourage breastfeeding. There were no new cases of HIV/AIDS in children under 15 in 2005. Testing was included in pregnancy monitoring. The council for adolescent mothers also offered services on reproductive health to young women. For cultural reasons, some health workers were not comfortable with providing contraception. There was 95% coverage of pre-natal screening. If infants were found to have PKU they were given the necessary medication

The Delegation noted that drug addiction was a new phenomenon and challenge in Costa Rica. There was a separate ward as well as five centres (the result of collaborations with NGOs) that provided detoxification facilities for minors. The children often ran away, so attempts were being made to set up secure centres that they could not escape from. These would be established through PANI, with three to six months of mandatory treatment. It was unclear under which authority the children would be held.

## **Disabled Children**

The Committee requested information on the number of disabled children, the follow-up and early identification. The Delegation responded that there was a new law as well as efforts to raise awareness and provide training. Disabled children could attend mainstream schools. This required a change in attitude, a reduction in class size and training.

## **Education**

The Committee acknowledged that historically education was very good in Costa Rica, but that it was deteriorating. The Committee asked about the hiring of teachers to teach in to native languages, and the reason for the low graduation rate (less than 1/3 of student). The Committee indicated that the hidden costs of school could be the reason for the dropout rate. The Committee was also interested by differences between girl and boys as well as urban and rural areas.

The Delegation indicated that poverty was primarily in rural areas particularly in indigenous areas, and some urban areas. The New Life Plan provided specific assistance for school lunches, investment for adolescent mothers in the educational system, school canteens, and financial assistance for people who could not afford to go to school. Free transport and school salaries were also provided. There was a large inflow of migrants which stretched their resources. There was vocational training for children over 15, in keeping with practices against child labour. Children left school at 17 or 18. Long Distance University classes allowed people in outlying areas to study. National Apprenticeship provided technical training and jobs in IT, English, mechanics and so on for children over 15.

## **Concluding Remarks**

The Country Rapporteur indicated that while the Committee was still concerned about the problem of trafficking, it was pleased with the legislative changes and the work being done. The Committee remained concerned about the economic and service discrepancies between rural and urban areas.

The Head of the Delegation spoke about the new project against sexual exploitation and the Government's commitment to the Yokohama Global Commitment (2001). The national plan focused on the eradication of sexual exploitation. This involved training for the police, a special unit for Internet crime and an awareness-raising campaign including posters at airports indicating the sentences for tourists that abuse children.