



**Country session: Costa Rica**

**Date of session: 21<sup>st</sup> and 22<sup>nd</sup> January (83<sup>rd</sup> session)**

**Background information**

[OHCHR press release](#)

**Webcast:** [first part](#) and [second part](#)

[Audio file](#)

**Reporting.**

*Reporting methodology*

**Standard reporting procedure**

**Simplified reporting procedure**

**Concluding Observations with urgent measures**

*State report*

| <b>Common core document</b>        |                 |
|------------------------------------|-----------------|
| <a href="#">Initial submission</a> | 25 March 1999   |
| <a href="#">Updated document</a>   | 8 February 2019 |

| <b>CRC</b>    |                                    |
|---------------|------------------------------------|
| No. of report | 5 <sup>th</sup> to 6 <sup>th</sup> |
| Due date      | 19 Mar 2017                        |
| Submission    | 20 Dec 2017                        |

| <b>Written replies</b> |                 |
|------------------------|-----------------|
| Submission             | 6 January 2020  |
| Due date               | 15 October 2019 |

| <b><a href="#">Alternative reports and additional information</a></b> |  |
|---|--|
| <b>NGOs</b>   | <ul style="list-style-type: none"> <li>• Asociación ciudadana Acceder</li> <li>• Costa Rican Coalition for Compliance with the Convention on the Rights of the Child</li> <li>• Cultural Survival</li> <li>• Defensa de Niños y Niñas Internacional</li> <li>• ECPAT International and Fundación PANIAMOR</li> <li>• Juvenile Justice Advocates</li> <li>• Juvenile Justice International</li> <li>• National Secular Society</li> </ul> |

## State delegation

The [delegation of Costa Rica](#) was large and mainly consisted of technical staff and a few high level representatives. It was headed by Ms Duncan Villalobos the Ambassador and Permanent Representative of Costa Rica and was composed of representatives of the Ministry of Health, the National Child Welfare Agency, the Criminal Appellate Division, and the Permanent Mission of Costa Rica to the United National Office at Geneva.

## Committee's Rapporteurs

| Name & Last Name    | Country |
|---------------------|---------|
| Luis Pedernera      | Uruguay |
| Hynd Ayoubi-Idrissi | Morocco |

## Dialogue description

### i. Character of the dialogue

The atmosphere of the dialogue was cooperative and was in-depth. The delegation covered most of the questions asked by the Committee, although avoided the question about the impact of corruption in budgetary issues.

### ii. General assessment made by the Committee

The committee stressed the rich legal framework of Costa Rica, with many laws, policies and action plans, but also noted the lack of implementation. The Committee recommended to take measures to strengthen the mechanisms and improve monitoring of the implementation of the law, policies and programs. The Committee also referred to Costa Rica's budgetary problems due to the debt payment and tax reform, recommending better coordination in budgetary issues.

### iii. Main issues discussed:

- **General measures of implementation:** The Committee appreciated Costa Rica's efforts to promote the Convention, but despite this, not all relevant actors knew about it. The Committee recommended to improve the dissemination of the Convention and its optional protocols, so that it is well known to children and those who work for children. The State stated that it is working on the promotion of the Convention with civil society organizations as strategic partners and has already conducted 52 promotional education campaigns in schools on all the rights in the Convention and will continue to do so.
- **Violence against children:** The Committee expressed concern at the increase in family violence and feminicides in Costa Rica. The Committee asked about the measures taken against these situations and to monitor homes where violence has occurred. The State recognizes that domestic violence remains an undeniable problem in Costa Rica. Despite the efforts and the measures already taken, the State recognizes that there is no reduction in violence against children. One of the measures taken has been the creation of intervention centres in mobile units throughout the country to prevent violence and to teach children and parents life skills on how to solve their conflicts in non-violent contexts, in order to ensure adequate education for children without punishment. Despite the success of this measure, the state recognized the need to make further efforts to improve its action with greater impact and public awareness to stop violence in family context and to improve interagency coordination on this issue to raise awareness of public discipline on children and conflict resolution among adults.

In order to fight femicide and violence against women, the State explained that they are already carrying out national policies to reduce it, working on the prevention of violence by promoting actions in the communities to address structural causes, to promote healthy emotional relationships and by holding workshops on gender issues and the promotion of equality. They have also established a free hotline where victims can report and have direct and confidential contact with social workers and psychologists.

- **Family environment and alternative care:** The Committee asked the delegation about the length of the adoption procedure, which in its view was too slow and could not guarantee the best interests of the child. The delegation replied that they had set up an accompaniment unit monitoring adoption, and particularly for children in alternative care from 0 to 6 years. With regard to the time frame for adoption, they had created a timetable for adoption in order to reduce the length of the process as much as possible, by strengthening new positions in the adoption departments and allowing NGOs dealing with children to start the process by referring them directly to the institutions. In the case of children removed from their biological families, the measure taken is to stay in an institution for the shortest possible period while a foster family is being sought. The State of Costa Rica has also established special measures for the protection of children in courts, finding legal representatives for them when their parents are unable to do so and training the judicial staff who deal with abandoned children. These cases will be dealt as a matter of priority before others. In addition, external collaborators such as psychologists will be made available to the court to care for the children before their adoption.
- **Children with disabilities:** The Committee asked whether Costa Rica had a plan to implement inclusive education for children with disabilities and why they still had a policy of institutionalization for these children. The delegation responded that they are already working in new policies to achieve inclusive and accessible education, specially for children with disabilities, in order to ensure equal opportunities. They are assessing the specific situation of these children in order to develop indicators. To eliminate the institutionalization of children with disabilities, the National Children Welfare Agency is working in coordination with the lead body for disabilities in Costa Rica to support the comprehensive care of children with disabilities and their families and to prevent any violation of rights. They have a budget to support families with different services, such as home care assistance to avoid having the child placed in an institution. Regarding the accessibility of health services for children with disabilities, the Committee highlighted the weak focus on this subject. Health services are often far away and waiting lists are too long. The delegation answered that they have a care protocol not specific to children with disabilities, but which also includes them. Despite that, the delegation of Costa Rica recognized that the country still has a challenge on this particular issue. Regarding cases of violence against children with disabilities, the 911 hotline has been improved to provide a more inclusive and immediate response, including for the deaf community.
- **Birth registration:** The Committee stressed the important progress made in Costa Rica in birth registration as the inscription rate has reached 94 per cent, but the Committee noted that there is still a lack of registration with migrants and indigenous. To address the remaining 6 per cent, the State has established a programme targeting the population living across the border to carry out rapid registration in situ. For children born out of wedlock, parents must declare paternity and maternity together. However, if the father is absent, he will be asked for a DNA test, if he doesn't accept, paternity will be presumed as true. This law was adopted by Costa Rica in order to protect child's identity.
- **Budget:** The Committee highlighted that Costa Rica has suffered a new tax reform due to the economic crisis in the country. Budgetary cuts have mainly affected social issues and public policies. The Committee wanted to know what measures are going to be taken in order to protect vulnerable groups and when the budget for children will be increased. The delegation responded that advocacy efforts were already under way within the Government to achieve improvements. They stated that there will be no reduction of existing projects or direct care despite the budget reduction, but neither will there be an expansion of these projects.

- **Protection measures to migrants, asylum seekers and refugees:** The Committee asked what measures had been taken to protect migrants' rights, to ensure their integration in the country and to answer asylum request. The delegation replied that Costa Rica has become a country of asylum for a large number of refugees and asylum seekers in the continent. In this regard, efforts are being made to guarantee them better living condition and their integration, public policies are being developed to cover this situation and legislation on seeing developed to integrate migrants into society. Regarding the asylum process, measures were being taken to improve it. They had established assistance to help migrants in the international protection system, had guaranteed the right of migrants to be allowed to work during the processing of the asylum application, and the right of minors in need of international protection to education and health services.

## Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew attention to the need for urgent measures concerning the following areas:

- **Dissemination, awareness-raising and training:** The Committee recommends the State party to strengthen its efforts by adopting a comprehensive awareness-raising strategy for the promotion of children's rights. The State party should target community and religious leaders, and professionals working with children, emphasizing the status of the child as a human rights-holder; to strengthen capacity-building programs about children's rights among government, the Legislative Assembly and members of the judiciary; to promote public dialogue in relation to children's rights. The State party should involve children's organizations, parents and family groups, and faith groups in these dialogues.
- **Non-discrimination:** The Committee recommends the State party to strengthen its efforts to eliminate gender stereotypes and remove patriarchal ideologies in education, and in the family, including through awareness raising campaigns; to expedite the adoption of legislation and a national strategy action plan to sanction and address all forms of violence related to racism, xenophobia and discrimination, including sanctions for perpetrators of hate speech; to strengthen campaigns to counter hate speech harassment, bullying and negative portrayal affecting migrant, asylum seeking and refugee children and lesbian, gay, bisexual, transgender and intersex children.
- **Right to life, survival and development:** The Committee urges the State party to implement a comprehensive time-bound strategy to tackle child mortality in the province Limon and other regions where it persists, ensuring that measures prioritize indigenous and Afro-descendant children, their well-being and access to basic services; to adopt a strategy and measures to investigate cases of, and prosecute and sanction perpetrators responsible for deaths of children, including femicides; to ensure reparations for survivors; to adopt measures to protect integrity and life of children in custody, including in care and mental health-care institutions.
- **Violence, abuse, and neglect:** The Committee urges the State party to strengthen coordination among State party authorities to implement policies for the prevention of violence against children, and adopt indicators to monitor progress achieved in prevention of violence and in combating factors underpinning violence against children; to revitalize and strengthen the Parenting Academy initiative; to launch nation-wide communication strategies to promote respect for children's rights; to strengthen its efforts to combat cyberbullying and harassment against LGBTI; to ensure unified disaggregated data collection; to ensure that children facing violence are provided with appropriate remedies and redress. The State party should prevent institutionalization of children victims of violence.
- **Gender-based violence and sexual abuse:** The Committee urges the State party to adopt as a matter of priority legislation addressing all forms of gender based violence against girls including, ensuring prosecution and sanctions on perpetrators, and age-sensitive reparations to girls; to ensure that there are policies to prevent and combat violence against women; to ensure that systems of reporting, investigating and

prosecuting sexual abuse against children; to take measures to effectively implement the legislation on improper relationships and recognise abusive relationships; to increase the current minimum age for sexual consent above 13 years of age.

- **Children deprived of a family environment:** The Committee recommends the State party to prioritize measures to strengthen support and facilitate family-based care for children, and its system of foster care for children who cannot stay with their families; to phase out institutionalization and adopt a strategy and a concrete plan of action for deinstitutionalization; to undertake public campaigns, train and build the capacity of public authorities and civil society, including service providers, with the aim to address prejudices, and attitudinal barriers preventing deinstitutionalization, and promote the right of children to grow-up in a family environment.
- **General measures of implementation:** Legislation; Comprehensive policy and strategy; Coordination; Allocation of resources; Data collection; Independent monitoring; Cooperation with civil society;
- **General principles:** Respect for the views of the child
- **Civil rights and freedoms:** Birth registration; Access to appropriate information.
- **Violence against children:** Torture and other cruel or degrading treatment or punishment; Corporal punishment; Gang violence; Harmful practices.
- **Family environment and alternative care:** Adoption,
- **Children with disabilities.**
- **Basic health and welfare:** Health and health services; Adolescent health; Mental health; Standard of living.
- **Education, leisure and cultural activities:** Education, including vocational training and guidance; Early childhood development; Rest, leisure, recreation and cultural and artistic activities.
- **Special Protection measures:** Asylum-seeking, refugee and migrant children; Children belonging to indigenous and Afro-descendant peoples; Economic exploitation, including child labour; Administration of child justice; Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography; Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on children in armed conflict.
- **Ratification of international human rights instruments**
- **Cooperation with regional bodies**

- **Sustainable Development Goals**

Throughout its Concluding Observations the Committee referred to the following targets:

- 1.3 on implementing nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable
- 3.2 on ending preventable deaths of newborns and children under 5 years of age, with all countries aiming to reduce neonatal mortality to at least as low as 12 per 1,000 live births and under-5 mortality to at least as low as 25 per 1,000 live births
- 3.4 on reducing by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being
- 3.8 on achieving universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all
- 4.1 on ensuring that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes
- 4.2 on ensuring that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education



- 4.3 on ensuring equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university
- 4.5 on eliminating gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations
- 4.A on building and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all
- 4.C on increasing the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially least developed countries and small island developing States
- 5.1 on Ending all forms of discrimination against all women and girls everywhere
- 5.2 on Eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation
- 8.7 on taking immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms
- 10.3 on ensuring equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard
- 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children
- 16.9 on providing legal identity for all, including birth registration

### Next State report

| CRC           |                                   |
|---------------|-----------------------------------|
| No. of report | 7 <sup>th</sup> & 8 <sup>th</sup> |
| Due date      | 19 September 2025                 |

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