



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

Combined fifth and sixth periodic reports of States parties

Costa Rica

In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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Acronyms

AIDS	Acquired immunodeficiency syndrome
ANDE	National Civil Servants Association
ASTRADOMES	Association of Domestic Workers
AyA	Costa Rican Water and Sewerage Systems Institute
BANHVI	National Housing Mortgage Bank
BNCR	National Bank of Costa Rica
CABEI	Central American Bank for Economic Integration
CCSS	Costa Rican Social Security Fund
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEN	Education and Nutrition Centres
CEVI	Committee of Experts on Violence
CIEM	Research Centre for Women's Studies of the University of Costa Rica
CINAI	Nutrition and Comprehensive Care Centres
CNP	National Production Council
COAVIF	Domestic Violence Response Operations Centre
COMMCA	Council of Ministers for Women's Affairs of Central America
CONACOES	National Commission to Combat the Sexual Exploitation of Children
CONAMAJ	National Commission for the Improvement of the Administration of Justice
CONASIDA	National Council on Comprehensive Treatment of HIV/AIDS
DIGEPAZ	General Directorate for the Promotion of Peace and Co-existence
DINAPREVI	General Directorate for the Prevention of Violence
EAP	Economically active population
ECLAC	Economic Commission for Latin America and the Caribbean
ENSCR	National Security Survey of Costa Rica
ENVCM	National Survey on Violence against Women
FODEMIPYMES	Small and Medium-Sized Enterprise Development Fund
FUPROVI	Housing Promotion Foundation
HIV	Human immunodeficiency virus

HPV	Human papilloma virus
ICE	Costa Rican Electricity Institute
IDA	Agrarian Development Institute
IDESPO	Institute for Population Studies of the National University
IEM-UNA	Women's Research Institute of the National University
IIDH	Inter-American Institute of Human Rights
ILANUD	United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders
ILO	International Labour Organization
IMAS	Inter-Agency Institute for Social Assistance
INA	National Learning Institute
INAMU	National Institute for Women
INCOFER	Costa Rican Railroad Institute
INEC	National Statistics and Census Institute
INFOCOOP	Cooperative Promotion Institute
IOM	International Organization for Migration
MEIC	Ministry of Economic Affairs, Industry and Commerce
MEP	Ministry of Public Education
MIDEPLAN	Ministry of National Planning and Economic Policy
MIVAH	Ministry of Housing and Human Settlements
MJG	Ministry of Justice and Pardons
MOPT	Ministry of Public Works and Transport
MP	Ministry of the Presidency
MSP	Ministry of Public Security
MTSS	Ministry of Labour and Social Security
NGO	Nongovernmental organization
PANIAMOR	Nongovernmental organization that advocates for children's rights
PROCAL	Nongovernmental organization that works with Adolescents who are pregnant or who have children
RECOPE	Costa Rican Petroleum Refinery
SEM	Women's News Service
SICA	Central American Integration System
SIDA	Swedish International Development Cooperation Agency

SINART	National Radio and Television System
STI	Sexually transmitted infection
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UN-Habitat	United Nations Human Settlements Programme
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Fund for the Advancement of Women
UPEG	Gender Equity Units
WEM Institute	Costa Rican Institute for Action, Education and Research on Masculinity, Couples and Sexuality (<i>wem</i> means "man" in the Bribri indigenous language)
WHO	World Health Organization

A. 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 N° 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. In ratifying the Convention, the Costa Rican State undertook to submit reports on its compliance. Accordingly, it is now submitting its combined fifth and sixth reports, which cover the four-year period from March 2003 to April 2007. The combined initial, second and third reports and the fourth report were submitted in March 2003.

3. The purpose of the reporting system is to provide a description of measures taken by the country concerned to comply with the Convention, pursuant to article 18 thereof, which stipulates that States parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the Convention and on the progress made in that respect.

4. The legislative, judicial, administrative and other measures on which Costa Rica must report are determined by the text of the Convention, which is the objective source of the obligations undertaken by the country. These obligations are specifically set forth in articles 1 to 16, although those articles are not necessarily interrelated. Some of the articles are quite simple, while others are more complex, as they cover a number of different obligations on which more details must be provided. In each case, some background information on aspects covered in previous reports is needed for purposes of comparison with the current situation. Reference is also made to the areas of concern mentioned by the Committee and its general and specific recommendations regarding previous reports, so as to enable the Committee to judge whether its concerns and recommendations have been heeded.

B. Methodology

5. To organize the different aspects to be covered in this report, a number of matrices were developed. A conceptual model, or matrix, was drawn up which consists of five columns relating to each article in the Convention.

Conceptual Matrix

<i>Obligations established in the individual articles of the Convention</i>	<i>Information provided by the country in the fourth periodic report submitted under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women (April 1998-March 2002) (CEDAW/C/CRI/4)</i>	<i>Information provided by the country in its progress report on compliance with the Convention (April 2002- March 2003)</i>	<i>Area of concern to the Committee</i>	<i>Recommendations made by the Committee</i>
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6. The second matrix is a dynamic one in which target indicators are identified with a view to determining compliance with specific obligations and showing the sources from which the relevant information has been taken. This matrix has four columns. The first two lists, by article number, the obligations undertaken by Costa Rica and the Committee's recommendations in that regard, including its specific suggestions on verifiable action to be taken. In each case, possible sources of useful information are mentioned, as well as the types of indicators that are relevant to the report. The dynamic matrix is designed as follows:

Dynamic Matrix

<i>Obligations established in the articles of the Convention</i>	<i>Recommendations made by the Committee</i>	<i>Indicators</i>	<i>Sources</i>
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7. In developing these tools, consultations were held with different public institutions in both the executive and the legislative branches, including the Office of the Ombudsperson and the Office of the Controller General of the Republic, as well as the Judiciary and the Supreme Electoral Tribunal. The purpose of the consultations was to obtain information on how the mandates have been implemented in Costa Rica. Some civil society organizations also provided pertinent information. Information on some of the more important developments was subsequently shared at two meetings with representatives of the different branches of Government, the Ministry of Foreign Affairs and Worship, public institutions, municipal women's offices, women's organizations and civil society organizations. These meetings were convened by the National Institute for Women (INAMU) with the sponsorship of the Inter-American Institute of Human Rights (IIDH).

8. With the inputs received from the institutions, an analytical matrix was developed with the aim of showing whether the indicators could be verified in terms of the specific obligations laid down in the Convention or the recommendations made by the Committee. The matrix covers activities carried out by the different State entities between March 2003 and April 2007 and includes relevant data provided by the different sources; although these data are not directly linked to the indicators, they are pertinent to the basic issues involved. In this case, the matrix was organized in four columns. The first column indicates the obligation undertaken by the country, while the second column includes the indicators shown in the dynamic matrix. The third column shows whether the

indicators have been verified and to what extent, and the last column includes additional information. All this information is laid out as follows:

Analytical Matrix

<i>Obligations established in the Convention and recommendations of the Committee</i>	<i>Previously defined indicators</i>	<i>Verification of indicators</i>	<i>Related information</i>
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9. With the information laid down systematically in the matrices, the main achievements and lags of the period were identified, as well as the obstacles encountered. This made it possible to determine which challenges remained pending.

10. Once the analytical phase was completed, the report was drafted according to the following structure.

I. Overview of the status of women in Costa Rica

11. An analysis of the period covered by the report shows that significant progress has been made by the institutions concerned in maintaining the progress made to date and moving forward in the effort to gain recognition of the new rights established in the Convention. It also brings to light certain obstacles that pose challenges that must still be overcome. The previous reports attest to the rapid progress that has been made in regard to the advancement of women's rights; nevertheless, in the new stage the country has now entered, a great deal of time and effort will be needed to expand and consolidate the gains made to date, and the results may be only marginal (*Política Nacional para la Igualdad y Equidad de Género*, 2007).

12. In preparing this report, the following five areas were identified as the main ones to be dealt with in regard to the rights embodied in the Convention and the successes achieved and obstacles encountered: equality and protection, jobs and the economy, health, education and culture, and politics and participation. Two major themes cut across all of these issues, namely, discrimination and poverty.

13. In each of these areas, the challenges posed for future action in the process of expanding and protecting women's rights were identified.

14. Before discussing these areas, three fundamental issues should be noted as background: the first is the development and presentation of the national policy on gender equality and equity; secondly, the absence of an integrated system of gender indicators; and thirdly, the special situation faced by the national machinery (INAMU) for the advancement of women throughout 2005 and the beginning of 2006.

(a) **National Policy on Gender Equality and Equity**

15. One of the key achievements of the period under review has been the preparation and presentation of the national policy on gender equality and equity. The design of this State policy was coordinated by INAMU pursuant to the act creating INAMU (No. 7801 of 30 April 1998). This act provides that one of the main purposes of INAMU is to formulate and promote the national policy on gender equality and equity, in coordination with public institutions and State agencies that carry out women's programmes, and to monitor compliance (art. 3). Its implementation is to be coordinated by INAMU in the framework of agreements entered into with the three branches of Government, the Supreme Electoral Tribunal and society as a whole.

16. The adoption of the policy on gender equality and equity is considered a landmark event, given that it was supported by the Government and was drawn up in a participatory process involving a large number of people and work teams. The policy lays down a new "social contract" that includes a strategic definition of the issues that must be addressed by the country and by society within a given time period. It is a proposal for social and cultural change aimed at achieving gender equality and equity.

17. A political support group was set up to design the policy. The group was made up of representatives of the executive branch, the Judiciary, the legislative branch and the Supreme Electoral Tribunal, all of which provided input, support and active assistance. This made it possible from the outset to achieve one of the main goals of the initiative, which was to involve all the branches of Government in the formulation, under INAMU leadership, of a State policy.

18. The policy includes three strategic lines of action, namely, economic autonomy, political participation and cultural change, all of which are fundamental to the effort to overcome the barriers of inequality that specifically affect women. These lines of action deal with crosscutting, high-priority issues, as they address structural obstacles that have created gender gaps and aggravated the inequality that is evident in poverty levels, unemployment and exclusionary social and cultural practices which hinder the advancement of women.

19. The objectives of the policy on gender equality and equity are to promote care of the family as a social responsibility and ensure appreciation for domestic work; to promote quality employment and income generation, as well as quality education and health care so as to promote equality; to ensure effective protection of the rights of women and protect them from all forms of violence; to increase the political participation of women and to strengthen public institutions so as to promote gender equality and equity.

20. A number of management and follow-up mechanisms to make the policy viable have been identified. One of the main challenges has been to coordinate the different sectors, institutions and programmes involved: this is an effort that transcends the social sector, the one with which INAMU and many of these institutions are concerned. The other challenge has been to create the necessary capacities for implementing the policy as a whole, as well as the specific objectives thereof.

(b) Absence of an integrated system of gender indicators

21. The absence of an integrated system of gender indicators for assessing the status of women in regard to the progress made or challenges faced in protecting their rights in the areas of health, employment, education, access to the courts, credit and land ownership has seriously hindered efforts to implement a methodology for addressing the issue. It is therefore difficult to report more accurately on the status of women as envisaged in the Convention and to prepare the required evaluation.

22. To construct gender indicators, the data for public institutions must be broken down by sex. However, the ability of many of these institutions to conduct such a disaggregation is seriously limited. The Department of Labour Relations of the Ministry of Labour and Social Security, for example, has no statistics on the number and type of complaints of job-related discrimination that have been lodged by women against both public and private institutions. In an effort to help solve this problem, in April 2006, INAMU and the Gender Equity Unit of the Ministry of Labour and Social Security issued a directive aimed at promoting the disaggregation of data by sex and the generation of gender statistics within the Ministry. In order to monitor and determine the extent to which workers have access to the services of the Ministry and to identify specific violations of labour rights against women, it is essential to develop sex-differentiated statistics and to specify the types of rights that have been violated.

23. In the judicial branch, despite the efforts being made to break down statistics by sex, there is still no registry to show which sectors of the population are being served. As noted by the Office of the Comptroller of Services in the annual report for 2003, this makes it impossible to develop a profile of the users who bring complaints and hence, to analyze and construct gender indicators and highlight the types of discrimination and violations of rights that have arisen.

24. INAMU has signed an agreement with the National Statistics and Census Institute (INEC) which provides for gender mainstreaming in the production and dissemination of statistics by the National Statistics System. It also provides for the updating of existing gender indicators and the development of new ones, so as to show the current status of women and the gaps between men and women in areas that are key to their integration and development. With this information and with the information obtained from periodic surveys such as the Household Survey, INAMU will develop a research programme on the status of women's rights. The idea is to determine the progress made and the challenges faced in the effort to ensure the effective protection of women's rights in different areas and dimensions, in keeping with the commitments undertaken by the Costa Rican State. This research programme will help identify other indicators that will allow for regular monitoring of progress in the advancement of women's rights.

(c) The national machinery (INAMU)

25. During the reporting period, INAMU went through a period of serious crisis that lasted nearly twelve months. It has been recovering from this situation during the current reporting period.

26. During the crisis, which occurred between June 2005 and April 2006, the advancement of women's rights suffered a serious setback, as the Government did not fully carry out its responsibilities in regard to the protection of those rights. Efforts to strengthen INAMU as an institution and to implement gender mainstreaming in public policy came to a standstill. The Institute did little to promote dialogue and enable women to participate in its decision-making bodies; moreover, the staff itself was only minimally involved in discussions regarding the future of the institution. The administration and the technical staff disagreed on issues such as sexual and reproductive rights and how to deal with domestic violence, all of which affected the Institute's work.

27. Although many programmes needed funding, and only 25 per cent of the budget for the annual operating plan had been executed by July 2005, INAMU finished that year with a significant surplus and transferred nearly one billion colones to the National Emergency and Disaster Prevention Commission, in open violation of the act creating INAMU. The Institute was reorganized for reasons that were never clarified, creating a climate of conflict within the organization which violated the rights of staff members.

28. In May 2006, the new administration of INAMU implemented a number of emergency measures to correct the serious problems it had found. Among others, the following steps were taken: a study was conducted to determine why INAMU had accumulated such a high surplus over the previous three years, and a new spending and budget-execution plan was developed; a request was made to set up a coordination mechanism to monitor the investment plan for the funds that had been transferred to the National Emergency and Disaster Prevention Commission; dialogue was encouraged, and alternative conflict resolution mechanisms were set up to deal with administrative proceedings that had been initiated against staff members and defuse the atmosphere of internal conflict; efforts to strengthen the leadership role of INAMU were resumed, including the formulation of and consultations and negotiations on the national policy on gender equality and equity; and with the participation of staff members, a strategic planning process was put underway for implementing policies that were consistent with the overall plans of the Government. Cooperation with international agencies, which had been limited during the crisis, was reactivated; in consultation with civil society organizations and public institutions, a legislative agenda was developed which included bills that were of special interest to women.

Areas of analysis

29. Efforts to move forward towards the achievement of gender equality and equity focused on the following areas.

(a) Equality and protection

30. The period covered by this report was less productive in terms of legislative action than the decade covered by the previous report to the Committee. An indication of this is the fact that fewer laws were passed with the specific purpose of combating discrimination against women. During the term between May 2002 and May 2006, the Legislative Assembly made some progress in adopting laws

designed to eliminate discrimination against women and guarantee gender equality and equity. During the congressional term that began in May 2006, however, several steps were taken to strengthen legislation on behalf of women, and public institutions and social and women's organizations carried out lobbying activities for that purpose. As a result of these actions, the current legislature has enacted three laws, namely, the Act on the Criminalization of Violence against Women; the act prohibiting persons under the age of 15 from marrying, which strengthens protection for girls and adolescents; and the act on strengthening measures for combating the sexual exploitation of minors and for protecting girls and adolescents.

31. In regard to violence and discrimination against women, the passage of the Act on the Criminalization of Violence against Women is a milestone in the movement to promote the human rights of Costa Rican women, inasmuch as it provides enhanced guarantees for the protection of their rights. The bill on this issue was first introduced in the Legislative Assembly in 2000, when representatives of the State, INAMU, the Office of the Ombudsperson for Women of the Office of the Ombudsperson, the Ad Hoc Standing Committee on Women's Issues of the Legislative Assembly and a number of women's organizations all worked together for the adoption of the law.

32. With the passage of this law, Costa Rica became one of the first countries in the world to criminalize violence against women and to define femicide as an offence. The law represents a response to the recommendation made by the Committee on the Elimination of Discrimination against Women in connection with Costa Rica's last report, to the effect that the Costa Rican State should recognize that violence against women is a human rights violation and a serious form of discrimination against women, and that it should promote the adoption and promulgation of the Act on the Criminalization of Violence against Women and the preparation of the requisite regulations and legal procedures for its better application.

33. The Government now faces the challenge of correctly interpreting and applying the law. This calls for a well-coordinated effort on the part of the institutions concerned, with oversight by civil society.

34. Other actions have been taken that do indeed show progress. Thus, for example, in April 2007, an inter-agency protocol was issued to supplement the Domestic Violence Act, and regulations were amended or adopted to combat sexual harassment in different State agencies. In addition, the practice of holding conciliation meetings between women and their alleged abusers, which had been encouraged by judges, has finally been eliminated. This practice was brought to light and formally prohibited by means of a directive. This procedure was not established by regulation and was therefore illegal, given that it prevents or limits women's access to the justice system and to protection, putting her at risk of physical harm.

35. A situation that is particularly discriminatory towards women, which has been created by a loophole in the existing legislation, is that of sexual harassment on the job when committed by elected public officials. The law does not apply to these officials, so that they cannot be punished for engaging in sexual harassment;

consequently, women who are employed by legislators or by municipal authorities are not protected within the power structure of officials who are not subject to the penalties established by law. During the current reporting period, this type of situation arose in the Legislative Assembly, when a female staff member accused a legislator of sexual harassment. In this case, not only was it impossible to impose legal sanctions, but the legislature did not even censure the alleged offender. The case is currently in the courts.

36. In many cases, internal regulations are not consistent with the law and are not properly applied. Conciliation is wrongly encouraged, and when it is applied, the victim usually withdraws her complaint, thereby paving the way for impunity. Another loophole is the absence of any legislation or special procedure for regulating and punishing bullying in the workplace.

37. The growing number of complaints of sexual harassment that have been brought before the Office of the Ombudsperson for Women of the Office of the Ombudsperson may be an indication of an increased awareness and empowerment of women. Not only do they realize that they do not have to allow such violence, but they also know there is a legal mechanism for seeking protection, including a procedure that sometimes works and is properly applied in the public sector, although it is more limited in the private sector.

38. Dealing with this type of violence poses some challenges. It is imperative that the Legislative Assembly pass a bill that is currently on its agenda establishing penalties for elected public officials who commit sexual harassment. At the same time, the Ministry of Labour and Social Security must redouble its efforts, when conducting workplace inspections, to properly advise and monitor private companies in regard to the adoption and implementation of their own in-house regulations; they should be encouraged to ensure that framework regulations do not include provisions for legal measures such as conciliation meetings, which revictimize women and promote impunity. The Ministry of Labour and Social Security should keep a detailed record, disaggregated by sex, of all complaints that are lodged. The issue of bullying in the workplace should be open to discussion between worker organizations and employers and priority should be given to adding a regulation on the subject in the Labour Code. The collective convention that INAMU has negotiated with the labour union sector includes provisions on bullying in the workplace that can be used as a model for other institutions and organizations.

39. Although they do not correspond to the period covered by this report, because they were not mentioned in previous reports, it is worth mentioning that between 2002 and 2006, several international instruments were ratified in areas such as illicit trafficking in migrants, human trafficking and torture which include a commitment on the part of the State to ensure gender equality and equity. These instruments are the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Act No. 8314 of 26 September 2002), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Act No. 8315 of 26 September 2002) and the Optional Protocol to the

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Act No. 8459 of 12 October 2005).

40. With regard to the rights of migrant women, a development that occurred during the current reporting period has hindered progress in this area. In August 2006, the new Immigration and Aliens Act entered into force. This law does not take into account the special situation of women and thus does not adequately deal with the issue of gender equality; rather, it takes a formal and neutral approach to equality, treating women and men as if their situations were identical. This type of neutral legislation ignores the specific needs of women, children and adolescents, who are at risk of becoming victims of illicit trafficking or other abuses arising from their own particular situation.

41. The current administration has therefore undertaken to review and redraft this law so as to incorporate a gender and human rights approach, with due regard for existing international human rights instruments.

42. During the period covered by this report, significant progress has been made in the fight against human trafficking and the protection of women who are or who might become victims of trafficking. This has made it possible to move towards the goal laid down in article 6 of the Convention.

43. The National Coalition against Migrant Smuggling and Human Trafficking was created in 2005 as a mechanism for providing, defining, coordinating and implementing a plan of action for preventing, combating, punishing and eradicating these violations of human rights, for protecting the victims of such crimes and for prosecuting those responsible. Costa Rica also began work on the drafting of a national protocol for the repatriation of child and adolescent victims of trafficking and, on 25 October 2006, representatives of the Ministry of the Interior, Police and Public Security, the Ministry of Public Education, the Ministry of Health, INAMU, the National Migration and Aliens Directorate, the National Child Welfare Agency and the Costa Rican Social Security Fund (CCSS) signed the Declaration of Commitment to the Protocol. The idea is to provide procedural guidelines for public and private institutions involved in repatriation efforts and to outline steps to be followed in the process. The gender approach is one of the guiding principles embodied in the Protocol. Non-discrimination, in particular of pregnant girls or adolescents, is another principle. The Protocol is an example of inter-agency coordination, as it is the product of collective discussions and reflections.

44. Costa Rica has also undertaken to address this issue at the regional level. In 2006, within the framework of the Council of Ministers for Women's Affairs of Central America (COMMCA),¹ Costa Rica proposed that the countries of Central America should pool their efforts to address the problem of trafficking in women. The first outcome of that initiative was the Panama Declaration, in which the Ministers of the region acknowledge the seriousness of the problem and undertake to carry out joint actions aimed at combating this grave violation of women's human rights in the region.

¹ For further information, see www.sica.int/commca.

45. Also in this context, the First Central American Conference on Trafficking in Women was organized to provide an opportunity for analysis and deliberations on this issue in the Central American region, with special emphasis on the situation of women, with a view to formulating a consensus-based regional plan of action. This was the first conference of its type and heralds a new stage in the struggle to eradicate trafficking in women in the region. Attention was focused on the need to develop a legal framework for defining the offence of trafficking in persons, especially women. Another issue on the agenda was the construction of national and regional strategies for addressing the following aspects of the problem: prevention, protection, suppression and punishment, legislation and public policy.

46. As noted above, two international instruments were ratified which supplement the United Nations Convention against Transnational Organized Crime.

47. Costa Rica is now faced with the challenge of bringing its domestic legislation on trafficking in persons in line with the international instruments it has ratified.

48. Given that the judiciary is the main mechanism for guaranteeing protection of rights, gender mainstreaming has been one of the most important measures taken in recent years in the effort to modernize the system. Thus, the adoption of gender equity as a key strategy led to the establishment of the Technical Secretariat for Gender Issues and the design and implementation of the gender equity policy of the judiciary.

49. In November 2005, the Plenary Court of the Judiciary approved the gender equity policy, the purpose of which is to guarantee equal opportunities for women and men and to ensure that judicial decisions, the services rendered to the public by the courts and the internal operations of the justice administration system are free of gender discrimination. The principles of gender equity and non-discrimination have also been incorporated into the Judicial Code of Ethics.

50. A lengthy process of policy design, validation and dissemination was needed before the judiciary's gender equity policy could be established in the institution. Many officials from the different departments of the judiciary took part in sensitization and training activities, with very encouraging results which must be maintained and followed up in depth. In 2006, an action plan for mainstreaming the gender perspective throughout the judiciary was designed and put underway. This mainstreaming initiative is to be phased in over a five-year period. Actions are being carried out to monitor and evaluate the introduction of and compliance with the gender indicators that all judicial offices are expected to have in place. In addition, approval has been given for the creation of a judicial observatory that will, among other things, monitor implementation of the policy.

51. Another positive development is the Government's work with public institutions such as the judiciary, INAMU, the Ombudsperson for Women in the Office of the Ombudsperson and the State universities in the promotion and dissemination of women's rights as envisaged in the Convention. Studies are also being conducted to produce expertise on gender issues, and efforts are being made

to strengthen the capacities of institutions and citizens so as to ensure that the rights laid down in the Convention are applied, protected and enforced.

52. The production of expertise on gender issues is also important from the qualitative standpoint. During the period covered by this report, a series of research studies have been carried out, and working papers have been produced to be used in decision making. These efforts also contribute to the paradigm shift that must occur in a society in order to achieve gender equality and equity.²

53. The work of the Office of the Ombudsperson for Women in the Office of the Ombudsperson has been fundamental to the protection of women's rights. This Office conducts research and identifies situations involving discrimination against women and violations of their rights. During the current reporting period, the Office of the Ombudsperson for Women has focused on a variety of issues and has made recommendations to State institutions, in particular in regard to sexual harassment and bullying in the workplace, job discrimination against female workers in domestic service, discrimination against pregnant women and nursing mothers, special issues affecting women who have been deprived of their liberty and migrant women and violence against women.

(b) Jobs and the economy

54. The situation of women in the area of employment has not changed significantly with respect to the period covered by the previous report. Women's participation in the workforce has increased over the last few decades. It peaked in 2005, when the net rate of female participation was 40.4 per cent; however, women are still at a disadvantage when it comes to finding jobs. This is reflected in the increase in women's involvement in informal activities or own-account undertakings, and in marginal or subsistence employment, where they receive little or no pay and are not covered by the formal regulatory system and are therefore not protected by any guarantees such as access to social security, including the health and retirement systems.

55. In the context of the national economy, public policy proposals must be designed that take into account the fact that economic processes are not gender-neutral with respect to the workforce. It is important, therefore, to include women's economic issues on the national agenda.

56. A significant development in the area of employment has been the alignment of the rights of female domestic workers with other workers, both male and female, throughout the country. Thus, in March 2007, the Constitutional Chamber of the Supreme Court handed down a unanimous favourable ruling on the substance of a constitutional challenge brought by the Association of Domestic Workers (ASTRADOMES) against the labour regulations for domestic workers, specifically, three paragraphs in the Labour Code that violated the principle of equality for domestic workers.

57. In this ruling, the Constitutional Chamber granted domestic workers one day off per week instead of half a day, as specified in the Labour Code. They were

² For further information, see www.inamu.go.cr.

also granted a whole day's rest on holidays instead of half a day; employers were prohibited from requiring domestic workers to work overtime; employers were prohibited from distributing the 12 hours of work over a 15-hour period, bearing in mind that the work day is supposed to be continuous. The Constitutional Chamber also eliminated the provision in the Labour Code according to which domestic workers who were older than 12 but younger than 19 could only be required to work up to 12 hours a day. However, with regard to the key issue of the work day, the Chamber confirmed the stipulation that the work day shall have a maximum duration of 12 hours rather than the eight hours requested by the workers.

58. Despite this success, domestic workers still face the challenge of achieving recognition of an eight-hour work day so as to be on an equal footing with all other workers. Because of this regulation regarding the work day, this sector of the population still suffers discrimination. A bill amending chapter VIII of the Labour Code, regulating the employment of paid domestic workers, has been on the agenda of the Legislative Assembly for 15 years, spanning three administrations, and still has not been adopted. The purpose of the bill is to eliminate all remaining discriminatory provisions from the Labour Code and align the rights of domestic workers with those of other workers, in particular, by establishing an eight-hour work day, overtime pay, pay for days off and holidays, social security benefits and compensation for accidents in the workplace. This bill is still on the agenda of the Plenary.

59. Special protection for women workers who are pregnant or nursing needs to be strengthened, in keeping with the labour law, in order to ensure that their rights are not violated or that they are not terminated without cause or discriminated against because of their condition. The Minister of Labour and Social Security has noted that the report on special cases that was issued by the National Directorate of Inspections in 2004 shows an increase in the yearly statistics on complaints regarding violations of the rights of pregnant workers. In 2004, a total of 447 complaints were received from pregnant or nursing workers; in 2005, there were 488; and in 2006, 527.

60. The Ministry of Labour and Social Security does not have a well-defined policy on gender equity that has been validated, disseminated and established at the institutional level. Although some important measures have been taken to ensure the protection of women's labour rights, they have been few and far between, and the gender approach has not yet been mainstreamed throughout the Ministry. The Gender Equity Unit has not been strengthened. The Ministry has begun work, however, on the drafting of a policy on gender equality and equity. INAMU is also involved in this effort.

61. Once the drafting of the gender equity policy is completed, it will need to be mainstreamed within the Ministry. This will only be possible when the necessary steps are taken to empower the Gender Equity Unit in the Ministry, giving it the necessary human and financial resources and raising its profile in those units that are responsible for providing strategic services for women. Those units must adopt a gender-sensitive approach and promote the creation of quality jobs for women in a context of openness, finding ways to prevent sexual harassment and gender-based bullying in the workplace, enabling women to reconcile their household tasks and their paid jobs and protecting the rights of pregnant or nursing workers.

62. The Ministry of Labour and Social Security must also work more actively to promote mainstreaming of the gender approach in public policies on employment, so as to ensure that women are not adversely affected by downturns in the economy.

63. In one of its recommendations, the Committee requested Costa Rica to pay specific attention to households headed by women and to groups of women in a vulnerable situation, as well as to rural women, older women, indigenous women and disabled women, in drawing up and implementing programmes to combat poverty, and to seek to ensure their access to production resources, education and technical training.

64. With regard to the programmes for women living in poverty that were mentioned in the previous report, the current reporting period may be divided into two distinct stages. During the first one, programmes were continued and some evaluations of their impact on women were initiated. During the second stage, i.e., during the second part of the period covered by this report, comprehensive services to women were weakened, in particular, the Construyendo Oportunidades (“building opportunities”) and Creciendo Juntas (“growing together”) programmes. The Construyendo Oportunidades Programme was suspended in 2007, and the Creciendo Juntas Programme has been delayed owing to the confusion caused by the adoption of the IMAS Reinforcement Act (No. 8563), which amends article 7 of the Assistance for Women Living in Poverty (Act No. 7769). The IMAS Reinforcement Act redefines the way in which the funds of the Inter-Agency Institute for Social Assistance (IMAS) are to be allocated, as well as some of its competencies, and assigns to INAMU major responsibility for implementing programmes for poor women, transferring to INAMU the necessary resources. It should be noted that adjustments and changes were needed in the Creciendo Juntas Programme in order to meet the special needs of the different groups of women living in poverty and to fulfil the purpose of the law.

65. Work is currently in progress on the definition of a new strategy for women living in poverty. This strategy is based on the realization that poverty has a different impact on different people, depending on the sex and other circumstances of those concerned (age, ethnicity, location, disabilities) and that overcoming poverty is a prerequisite to enabling women to fully participate in civic life.

66. The strategy is designed to narrow the economic and social gaps affecting women by developing their skills and giving them more opportunities, thus improving their quality of life and reducing poverty. It is also aimed at developing a well-coordinated set of services, including assistance and options for helping poor women, bearing in mind their life cycle and their specific circumstances. Such action must be an integral part of the social protection network designed to reduce and overcome poverty. This calls for dialogue among all stakeholders so as to ensure that everyone is committed to the common good, with the State, the institutions concerned, local governments, communities and families all fulfilling their responsibilities.

(c) Health

67. While health indices remained at acceptable levels during the reporting period, indicators such as life expectancy of women at birth reached their highest point, 81.4 years. Other indicators, such as maternal mortality and cases of HIV/AIDS in women rose, which means they must be monitored closely. According to the Ministry of Health, in 2004, 85 per cent of all cases of maternal mortality were preventable, compared with 15 per cent that could not have been prevented. Hence, a greater effort must be made to keep the health system from deteriorating, especially given the cuts in spending on social programmes.

68. One of the most sensitive aspects in the area of health services is that of sexual and reproductive rights. A proposal to amend the General Health Act is currently on the agenda of the Legislative Assembly. A bill is being drafted that would include in the current General Health Act a chapter on sexual and reproductive health as a strategy for expediting progress in this area.

69. The Ministry of Health does not have a gender equity unit, but it is in the process of drawing up a policy on gender equality in the health sector. The idea is to mainstream the policy on gender equality in all policies, programmes and strategies of institutions in the health sector. An important step forward was the preparation by the Ministry of Health of a document on gender indicators that is designed to shed light on existing gender inequalities and show how they affect health, opportunities and personal lives. This is a key step towards understanding how health processes work and designing rights-based interventions.

(d) Education and culture

70. The Ministry of Public Education has not yet been able to give official status to the second policy statement on gender equity and thus consolidate gender mainstreaming in all its activities. The Gender Equity Unit has been weakened, and there is still no clear policy on sex education, as the matter is left up to the individual educational centres. It is therefore difficult to determine what progress has been made in regard to sex education.

71. There is now a Council for Comprehensive Education in Human Sexuality which is presided over by the Deputy Minister for Academic Affairs of the Ministry of Public Education; the National Council of Rectors, the National Child Welfare Agency, INAMU, CCSS and three specialists in areas related to educational policy. It is hoped that with the creation of these agencies, it will be possible to make up for the delay in implementing sex education programmes and that the debt with young people in this regard will be settled, considering that even with the Department for Comprehensive Education in Sexuality of the Ministry of Public Education, it has still been very difficult to implement educational policies on the expression of sexuality.

72. As mentioned in previous reports, for ten years, women had had an advantage over men and had made better use of opportunities for education and vocational training (CEDAW/C/CRI/4). Women have maintained this advantage, as they have a higher success rate in terms of passing courses and hence, a lower repetition rate. Between 2003 and 2005, however, female enrolment in first grade

was consistently lower than male enrolment, a situation that will have repercussions over the long term. In 2003, this was also true of enrolment in all levels of primary and preschool education, as well as in night schools.

73. In the area of education, maintaining balance in female enrolment throughout the educational system is a major challenge. It is also important to channel gender socialization in such a way as to maintain high levels of academic achievement and approval rates.

74. Another challenge is to capture higher female enrolment rates in high-level technology programmes, where men have traditionally been predominant. This is important so as to overcome gender segregation in the professions.

(e) Politics and participation

75. As regards political participation, progress towards achieving gender equality and equity is evidenced by the fact that during this period, 38.6 per cent of the deputies elected to the Legislative Assembly were women; this is the highest percentage of women elected to this position in the history of Costa Rica. The highest increase occurred between 1998, when 19.3 per cent of deputies were women, and 2002, when the percentage rose to 35.8. The figure of 38.6 per cent was achieved in 2006. This is an indication of the improvement resulting from application of the affirmative action measure of establishing the quota of 40 per cent of electable posts. Costa Rica has thus become the Latin American country with the highest percentage -- nearly 40 per cent -- of women in the legislative branch.

76. A negative development during this period was the Government's decision to do away with the post of minister without portfolio (i.e., an official of ministerial rank who does not preside over a ministry or manage a budget). In 2006, the Government decided to change the practice of assigning ministerial rank to the Executive President of INAMU, as had been the case since 1998, when INAMU was created. This means that the Executive President of INAMU is no longer entitled to participate in regular meetings of the Government Council with the President of the Republic and Government ministers, where she could be more effective in promoting policies for the advancement of women, protection of their rights and mainstreaming of the gender perspective.

77. As far as political participation is concerned, the challenge is to move from minimum participation quotas to parity and to devise effective mechanisms for achieving this. An inter-agency committee on the impact and monitoring of women's political rights, which is coordinated by INAMU, is working on this issue with the Ad Hoc Legislative Committee on Electoral Affairs and Political Parties, which is considering bill No. 14 268, on the electoral code. In its original version, this proposed legislation did not include the principle of equality and non-discrimination; thus, it is essential to remain vigilant and monitor the process so as to ensure that progress is made on the basis of what has already been achieved. The Committee on Electoral Affairs adopted a motion to establish parity and alternation of men and women in all elective posts and to hold political parties responsible for incorporating into their by-laws the principles of equality and non-discrimination and for including women in their decision-making structures.

78. During the current reporting period, the share of women holding positions as municipal councillors rose from 47 per cent in 2002 to 40 per cent in 2006. The number of female first alternate mayors fell by 25 per cent.

79. In mid-2006, there was an increase in political activity to promote equality and equity in the process of drafting the national policy on gender equality and equity (*Política Nacional para la Igualdad y Equidad de Género, 2007-2017*). Those concerned worked to influence the joint efforts of the three branches of Government, and a State policy was finally approved which embodied a strategic approach and included long-term objectives. Also, as noted above, the adoption of the Act on the Criminalization of Violence against Women represented a landmark in the process of advancing towards gender equality and equity. These two developments raised the profile of INAMU as the national mechanism in this area.

80. Costa Rica must now ensure that the success achieved with the adoption of the national policy on gender equality and equity and passage of the Act on the Criminalization of Violence against Women is translated into concrete action. The country must continue moving towards full equality for women in order to improve their economic, social and cultural status and thus guarantee their rights. Cultural change is fundamental to this endeavour, and every effort must be made to ensure that from the earliest age, everyone understands the true nature of equality and equity between men and women. Only then will it be possible to achieve and sustain a change in sexual stereotypes and reduce resistance to cultural change. By the same token, efforts to protect women's rights must be supplemented by the adoption of legislation that reflects the gender approach and provides for the mainstreaming of that perspective, in order to ensure that it permeates all the activities of those institutions that are instrumental in protecting the rights of women. Finally, protection will only be achieved to the extent that women are aware of and are able not only to appropriate their rights, but also to make use of the existing mechanisms for exercising those rights. Promotion and dissemination activities must therefore be strengthened.

II. Analysis of the articles of the Convention on the Elimination of all Forms of Discrimination against Women

Article 2 (a) and (b)

A. Passage of general and specific laws to promote gender equity

81. In the congressional term that began in May 2002 and ended in 2006, no significant progress was made in the passage of laws designed to eliminate discrimination against women or to ensure gender equality and equity. In 2005 and the first quarter of 2006, recommendations on a series of bills concerning women were released by a number of legislative committees, but they have not yet been passed into law. Consequently, efforts are now being directed towards arriving at a consensus agenda (INAMU, 2006).

82. During this reporting period, which encompasses the 2002-2006 congressional session, a number of general and specific laws concerning other sectors of the population (young people, persons with disabilities, and girls, boys

and adolescents) were passed. These laws benefit women belonging to those groups of the population, but no law dealing specifically with women as a group per se was passed, as shown in table 1.

Table 1
Laws passed by the Legislative Assembly: 2003-2005

<i>Act No.</i>	<i>Law passed</i>	<i>Date of passage</i>
8387	Amendments to the Criminal Code for the protection of children and adolescents with disabilities	13 October 2003
8389	Addition of article 215 bis to the Criminal Code to define the offence of kidnapping of minors and persons with disabilities	9 October 2003
8399	Amendment of Act No. 7972 in order to levy taxes on liquor, beer and cigarettes, with the tax receipts to be used to fund a comprehensive plan for the protection and assistance of older adults, children at risk, persons with disabilities and persons who have been abandoned	19 December 2003
8459	Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	12 October 2005
8487	Immigration and Aliens Act	22 November 2005

Source: Legal Status and Women's Rights Protection Unit, INAMU.

83. A number of different steps have been taken to revisit and position the legislative agenda for women during the current congressional term (2006-2010). A variety of approaches have also been made by public institutions and by social and women's organizations to persons involved in the legislative process. Seminars, meetings with congressional advisers, national colloquiums and workshops have been held with a view to influencing the contents of bills designed to reinvigorate the legislative agenda aimed at eliminating the remaining discriminatory provisions of laws now in effect and broadening women's rights in accordance with the Convention on the Elimination of All Forms of Discrimination against Women and other international legal instruments. In 2006, a committee composed of representatives of government agencies and women's organizations was established in order to monitor progress on the legislative agenda on women's issues.³

³ INAMU, "Un balance de logros y desafíos de la Agenda Legislativa de las Mujeres", discussion paper, May-December 2006; and "Seguimos por la igualdad real de las mujeres", a forum held in the Hall of former Presidents of the Legislative Assembly, San Jose, 11 September 2006, INAMU.

84. These efforts have resulted in the passage of three important laws during the current session of the Legislative Assembly:

- On 25 January 2007, Act No. 8571 was passed. This law prohibits persons under the age of 15 from marrying and strengthens protective measures for girls and adolescents.
- On 12 April 2007, the Legislative Assembly passed the Act on the Criminalization of Violence against Women. This law, which represents an important step forward in the protection of women's rights, was signed by the President on 24 May 2007 and entered into force on 30 May 2007 upon its publication in the official gazette, *La Gaceta*. A more in-depth discussion of this legislation will be provided in the section dealing with violence against women as viewed from the standpoint of human rights violations.
- In June 2007, a law was passed which strengthens measures for combating the sexual exploitation of minors and for protecting girls and adolescents.

B. Bills awaiting passage

85. At the time of writing, 16 bills had reached different stages in the legislative process. These bills have been defined as priority legislation in terms of the negotiation and impact of a women's legislative agenda. Most of them have been framed around women's most urgent needs and interests. Table 2 lists these bills according to the legislative committee that has considered them or that has them scheduled for consideration. The contents and current status of each will be discussed in the section corresponding to the relevant article of the Convention.

Table 2

Bills awaiting passage in the Legislative Assembly as of April 2007

<i>Congressional committee</i>	<i>Bills</i>
Ad Hoc Standing Committee on Women's Issues (in plenary)	1. Amendments to a number of articles of the Municipal Code. Act establishing Municipal Women's Offices 2. Minimum percentage of women members of labour union boards 3. Amendments to articles 58 and 60 of the Electoral Code designed to ensure gender parity in political participation
Ad Hoc Standing Committee on Women's Issues (committee's recommendation is pending)	4. Amendments to the Sexual Harassment in the Workplace and Schools Act 5. Bill concerning the National Domestic Violence Prevention and Assistance System
Social Affairs Committee (in plenary)	6. Amendments to the Labour Code regulating the employment of paid domestic workers 7. Comprehensive reform of the General Health Act with

<i>Congressional committee</i>	<i>Bills</i>
	respect to sexual and reproductive rights
	8. Abolition of corporal punishment
Social Affairs Committee (committee recommendations have been issued)	10. Amendments to the Labour Code concerning discrimination in employment 11. Addition of article 96 bis to the Labour Code 12. Establishment of a pension scheme for homemakers 13. Amendment of the Children and Adolescents Code to protect the rights of adolescents engaged in domestic work
Ad Hoc Committee on Electoral Reform (the committee report is pending)	14. Comprehensive reform of the Electoral Code
International Relations Committee	15. Approval of the amendment to article 20, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women
Standing Committee on Economic Affairs	16. Amendment of National Banking System Organization Act No. 1644 of 25 September 1953 for the purpose of creating a development banking system

Source: Legal Status and Protection of Women's Rights Unit, INAMU, 2007.

86. Clearly, then, as compared to the previous reporting period, the main area in which progress has been made in broadening women's rights or recognizing new rights has been in the consideration of proposed legislation by congressional committees and the issuance of their recommendations. The bill on the creation of a national system for the prevention of violence against women was shelved when the last four-year congressional term ended, but it has now been re-submitted for consideration by a congressional committee.

87. The Women's Legislative Agenda Monitoring Committee has been involved in advocacy and in lobbying for these bills with a view to securing their passage by the Legislative Assembly.

C. International commitments concerning gender equality and equity

88. During the 2002-2006 congressional term, the following international instruments were ratified. Under those instruments, the State has undertaken commitments concerning gender equality and equity in connection with issues such as the smuggling of migrants, human trafficking and torture:

- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Act No. 8314 of 26 September 2002);
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Act No. 8315 of 26 September 2002);
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Act No. 8459 of 12 October 2005).

89. In the case of the bill concerning ratification of the amendment to article 20, paragraph 1, of the Convention in order to allow sufficient time for a detailed consideration of the reports submitted by States parties, INAMU has issued its expert opinion, in which it states that the amendment's acceptance by Costa Rica would help to strengthen the Committee by ensuring the effective fulfilment of its mandate. It would also reaffirm the commitments assumed under the Platform for Action adopted at the Fourth World Conference on Women, held in Beijing in 1995, and respond to the recommendations made by the Committee on the Elimination of All Forms of Discrimination against Women of Costa Rica.

D. Decrees, agreements and directives issued by the executive branch of government to promote gender equality and equity

90. A series of executive decrees and institutional directives were issued during this reporting period that help to strengthen the institutional structure for the establishment and enforcement of women's human rights. These provisions concern protection for adolescents and young people, persons with some degree of disability, girls, boys and adolescents, persons deprived of their liberty and indigenous peoples. Other decrees and directives refer to circumstances that primarily concern women, such as the prevention of violence, sexual harassment, access to the school attendance subsidy for the children of civil servants, family development, rural development and poverty, and access to mortgages. These provisions are grouped according to the issuing public agency in table 3 below.

Table 3
Decrees and directives issued by the executive, 2003-2007

<i>Executive agencies</i>	<i>Executive decrees and directives</i>
Ministry of Labour and Social Security	<ul style="list-style-type: none"> • Executive Decree No. 31461 of 21 November 2003: Established the National Steering Committee for the Prevention and Eradication of Child Labour and the Protection of Adolescent Workers in Costa Rica. • Directive No. 002-2006 of 7 April 2006: Directed that all heads of directorates, divisions, departments, sections, units and central and local offices of the Ministry that serve the public should promote gender mainstreaming in the statistics and indicators used in their information systems. In addition, all offices that are direct public service providers are to provide information in their reports on the population served; this information is to be disaggregated by sex. In order to expedite the implementation of the measures needed to act upon these instructions, Ministry offices are to be provided with support and advisory assistance by the Gender Equity Unit.
Ministry of Public Security	<ul style="list-style-type: none"> • Executive Decree No. 31377-MSP of 23 September 2003: Amended chapter XX on sexual harassment of the regulations governing the police forces attached to the Ministry of Public Security. • Executive Decree No. 32429-MSP of 21 June 2005: Established procedural rules governing dealings with minors for police forces attached to the Ministry of Public Security.
Ministry of Public Education	<ul style="list-style-type: none"> • Executive Decree No. 31579-MEP of 12 December 2003: Established the Office for Child and Adolescent Rights of the Ministry of Public Education, which is in charge of coordination and advisory services concerning the application of education policies as they relate to the rights of children and adolescents in the preschool, primary, basic secondary and upper-secondary cycles.
Ministry of Economic Affairs, Industry and Commerce	<ul style="list-style-type: none"> • Executive Decree No. 32565-MEIC of 30 August 2005: Implementing regulations for Act No. 8220, which affords citizens protection from excessive administrative requirements and procedures.
Ministry of Public Health	<ul style="list-style-type: none"> • Executive Decree No. 32612-S of 14 September 2005: Established implementing regulations for the law on the rights and obligations of users of public and private health services. • Executive Decree No. 33121-S of 2 June 2006: Established the National Health Council for Indigenous Peoples. • Executive Decree No. 33122-S of 5 June 2006: Issued a manual of standards and regulations applying to establishments serving persons with disabilities living in alternative residential arrangements. • Executive Decree No. 33119-S of 7 July 2006: Established standards and procedures for the provision of comprehensive services to women for the prevention and treatment of cervical cancer at Care Levels I and II and cytology laboratory standards. • Executive Decree No. 33296-S of 31 August 2006: Established the National Gender and Health Commission, whose purpose is to support the formulation and implementation of a national policy on the regulation, administration and management of plans, programmes, projects and policies for rights-based gender mainstreaming and for the elimination of health-related inequities. The Public Policy Unit of INAMU, organized women's groups, the Office of the Ombudsperson for Women and the Women's Offices at the local level of government are represented on this Commission.
Ministry of Justice and Pardons	<ul style="list-style-type: none"> • Executive Decree No. 32724-J of 7 November 2005: Established regulations governing conjugal visits for persons deprived of their liberty. • Executive Decree No. 33149-J of 7 June 2006: Established the National Commission for the Prevention of Violence and the Promotion of Social Peace, whose objective is to research, plan, coordinate and evaluate policies and actions regarding violence and criminal behaviour. The Commission's work is guided by a rights-based, gender-sensitive approach focusing on the prevention of all forms of violence. This cross-cutting approach encompasses all the actions and programmes undertaken by the General Directorate for the Promotion of Peace and Co-existence (DIGEPAZ). INAMU is represented on the Commission.
Ministry of Culture, Youth and Sports	<ul style="list-style-type: none"> • Executive Decree No. 33270-C of 17 August 2006: Established regulations for the Ministry of Culture, Youth and Sports, chapter XXI, on sexual harassment, and chapter XXII, on psychological and mental harassment (bullying) in the workplace.
Inter-ministerial decrees	<ul style="list-style-type: none"> • Executive Decree No. 30955-MCM-H-MTSS of 3 February 2003: Established regulations governing access to the school attendance subsidy for the children of civil servants.

<i>Executive agencies</i>	<i>Executive decrees and directives</i>
	<ul style="list-style-type: none"> • Executive Decree No. 31369-MP-SP-MEP-J-MINA-TUR of 29 September 2003: Established the Government Alliance against Paedophilia as a mechanism within the executive branch for preventing and reporting acts that could lead to sexual exploitation and sexual abuse of minors and child pornography. • Executive Decree No. 33028-MTSS-MSP-MNA of 3 May 2006: Established regulations governing the National Council for Children and Adolescents. • Executive Decree No. 33154-MP-MIDEPLAN-MEP-MTSS-MIVAH of 19 May 2006: Established a conditional cash transfer programme to help keep adolescents in formally constituted academic and vocational schools and informal educational venues offered by the National Learning Institute (INA). • Executive Decree No. 33203-MP-MIDEPLAN-MIVAH-MEP-MTSS: Established regulations governing the pilot stage (July – December 2006) of the conditional cash transfer programme to help keep poor teenagers in the formal and informal education systems. • Executive Decree No. 33343-S-H-MP-MOPT-J of 18 August 2006: Established implementing regulations for the Equal Opportunity for Persons with Disabilities Act. • Executive Decree No. 33407-MP-MIDEPLAN of 1 November 2006: Established the Development Council for the Northern Zone as a development agency responsible for coordinating actions with government agencies under the Poverty Reduction Programme, the "Avancemos" ("let's move forward") Programme and other initiatives that the central government may launch in the future with a view to improving the living conditions of families residing in the northern part of the country and promoting the sustainable development of communities in that region. • Executive Decree No. 33535-MP-MIVAH of 25 January 2007: Established implementing regulations for Act No. 8507 on the development of a secondary mortgage market with a view to providing Costa Rican families with access to a home of their own and strengthening inflation-indexed credit mechanisms.

Source: Legal Status and Prote

91. The executive decrees and directives listed in the above table reflect the Government's special interest in the creation of institutional mechanisms and inter-agency commissions or councils to address situations that primarily affect women. Attention is drawn, in particular, to: the decree of the Ministry of Labour and Social Security directing that statistics should be disaggregated by sex; the protection for victims of sexual harassment afforded by the Ministry of Public Security and the Ministry of Culture, Youth and Sports; and the creation of commissions or councils on which the Office of the Ombudsperson and INAMU are represented (National Gender and Health Commission, National Commission for the Prevention of Violence and the Promotion of Social Peace).

E. Promotion and dissemination of information on women's rights

92. The State, working through the various branches of government and other public institutions, has endeavoured to promote and disseminate information about women's rights as set forth in the Convention on the Elimination of All Forms of Discrimination against Women and to support the creation of gender-sensitive expertise.

93. In 2002-2006, the Specialized Information Unit of INAMU, in conjunction with the Research Unit, prepared a number of studies and working papers to inform decision-making with respect to the progress made towards gender equality and equity. These studies covered such areas as the following: male attitudes towards parenthood, contradictory signals in that respect and men's involvement in parenting; statistical information on the status of indigenous women; women's rights; gender gaps as reflected in statistics; women in the Costa Rican labour market; demographic trends in birth and death rates; women and domestic violence; sexual harassment in the private sector; and the situation of girls under

the age of 15 who are mothers or are pregnant.⁴ Promotion and dissemination activities undertaken by other government agencies are discussed in the sections on the relevant articles.

94. The Advocacy and Information Division of the Office of the Ombudsperson has conducted a human rights training programme focusing on vulnerable groups within the population. The target population consisted of women, young people, older adults, and civil servants, particularly those in the education sector. The chief aim of the programme was to strengthen people's skill sets so that they could then have a multiplier effect. Networks of facilitators in five regions of the country received training on the topic of gender and violence (Office of the Ombudsperson).

95. A strategic step forward was taken during the reporting period with the implementation of the Special Time-Use Module as a component of the Multi-Purpose Household Survey of 2004, which will be discussed later in the section on the corresponding article. The resulting study, published in 2006, provides valuable information on ways to help ensure that public policy contributes to the recognition of unpaid work performed by women and to a better distribution of responsibilities in the household. This information is also useful in establishing the rationale for family support services and may help to quantify the contribution of domestic work to national accounts, among other very important issues for women (source: INAMU).

96. A campaign against violence was undertaken that included eight radio programmes and one television programme. The subjects dealt with related to the human rights of women as set forth in the Convention on the Elimination of All Forms of Discrimination against Women and the economic, social and cultural rights of women. A series of pamphlets on women's rights and a collection of laws and decrees concerning women's rights were also published, along with posters, flyers and documents designed to disseminate information on the gender perspective and women's rights (source: INAMU).

97. In 2005 and 2006, the Legal Status and Protection of Women's Rights Unit of INAMU provided training to individual women, women's organizations, social organizations, judicial officers and civil servants under the Programme for the Promotion of Women's Human Rights. The dissemination of information on the Convention and on the domestic legal instruments that have incorporated or elaborated upon it figures as a regular component of these types of training initiatives (source: INAMU).

98. From 2004 to 2006, 10 workshops on the principles of equality and non-discrimination and on women's human rights as set forth in the Convention were held for judges in coordination with the Technical Secretariat of the Judiciary for Gender Issues. In 2004, INAMU conducted a number of activities under the auspices of the Research Centre for Women's Studies (CIEM) of the University of Costa Rica in order to provide information on the recommendations made by the Committee for the Elimination of Discrimination against Women of the Government of Costa Rica. An agreement was reached with IIDH for the

⁴ INAMU, *Memoria Institucional: Administración, 2002-2006*.

dissemination of reports submitted by Costa Rica and the Committee's recommendations. An executive decree is also being prepared on follow-up to and the applicability of the Convention for the Elimination of All Forms of Discrimination against Women (INAMU, June 2007).

99. Efforts are currently being made to intensify and expand upon the work being done to frame new legislation on the rights set forth in the Convention, on the process of invoking the Convention in judicial proceedings and on the dissemination of the Convention with a view to its use in defending and enforcing women's rights, as recommended by the Committee on the Elimination of Discrimination against Women.

100. Institutional procedures for the dissemination of the Convention and its implications for the protection of the rights of women have thus been put in place, as was recommended by the Committee.

F. Violence against women as a human rights violation

101. The position of the Government of Costa Rica that violence against women constitutes a human rights violation and a serious form of discrimination was reaffirmed during the period covered by this report.

(a) Act on the Criminalization of Violence against Women

102. With the passage of this law, Costa Rica became one of the first countries in the world to criminalize violence against women as such and to establish a legal definition of femicide in its legal code. The corresponding bill was submitted to Congress for discussion in 2000. In the time between its submission and its passage, 194 women died as a result of gender-based violence.

103. The purpose of this law is to protect the rights of victims of violence and to provide for the punishment of acts of physical, psychological, sexual and material violence directed against women of full legal age as forms of gender-based discrimination, specifically within the context of a marriage or a de facto union, whether publicly acknowledged or not, in accordance with the obligations assumed by the State under the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (also known as the Convention of Belem do Para), which was incorporated into domestic law as Act No. 7499 of 2 May 1995. A person who repeatedly, whether in public or in private, insults, devalues, ridicules, shames or intimidates (i.e., inflicts emotional violence upon) a woman with whom he has a marital relationship, whether that relationship is by marriage or in the form of a de facto union, whether publicly acknowledged or not, is subject to a term of imprisonment of from 2 to 6 years. The same punishment is imposed upon persons who damage the property of their spouse (i.e., commit material violence); if they steal property from her, the punishment is up to 3 years. Under this law, "spouse" is defined as the woman with whom the person in question has a marital relationship (by marriage or in the form of a de facto union, whether publicly acknowledged or not). This law also defines the offence of femicide and provides for a term of imprisonment of from 20 to 35 years for

anyone who murders a woman with whom he has a marital relationship (by marriage or in the form of a de facto union, whether publicly acknowledged or not).

(b) *Deaths of women: femicide and homicide*

104. The rates of femicide and homicide in which the victim is a woman are shown in the following table.

Table 4
Costa Rica: Deaths of women: femicide and homicide (2003-2006)

	2003	2004	2005	2006
Femicides	29	20	38	35
Homicides in which the victim is a woman	46	42	60	45 ¹

Source: Gender-Based Violence Unit, INAMU, 2007.

¹ State of the Nation Programme. *Estadísticas políticas (2001-2006)*.

105. In 2005, the femicide rate was alarmingly higher than it had been in earlier years. Some 80 per cent of murders in which the victims are women are the result of domestic violence, violence directed against a spouse or sexual violence. The profile of women victims indicates that a majority are between 20 and 30 years of age and are of Costa Rican nationality; 48 per cent of these women were killed with firearms, and a majority of them died in the vicinity of their homes (INAMU, 2007).

106. Another telling statistic is that telephone calls reporting domestic violence are the No. 1 reason for intervention by the police in the country. In 2003, police received 57,709 calls reporting domestic violence and logged 47,086 instances of police action (source: “Informe de Seguridad Ciudadana” (“report on public safety”), UNDP, 2003).

(c) *Domestic Violence Act*

107. A significant step forward that has been taken in response to one of the Committee’s recommendations is that, since the submission of the last report, Costa Rica has done away with the judicial practice of holding conciliation meetings between women and their alleged abusers as part of legal proceedings. This practice was openly examined and has been expressly prohibited because it is a procedure that is not provided for under any statute (and is therefore illegal) and that obstructs or limits women’s access to justice and security by placing their integrity as a person at risk (source: M. Sc. Ana Carcedo Cabañas, *Seguridad Ciudadana de las Mujeres y Desarrollo Humano*).

108. Most requests for legal protection are made by women. The judiciary processed 47,086 requests in 2003, 48,074 in 2004, 47,396 in 2005 and 23,656 in the first half of 2006.

109. The violation of protective injunctions is a day-to-day problem. People often, for example, contravene injunctions requiring them to refrain from being in the vicinity of the residence of a victim of violence. Approximately 86 per cent of reports of contraventions concern the failure to obey an order issued in a domestic violence case (source: Planning Department of the Justice Administration System). Statistics compiled by the judiciary indicate that 50,000 women apply for protective measures each year, and 10 per cent of those women report that the measures are not being respected. Some of these cases end in the death of the women concerned. For example, 47,396 women applied for such measures in 2005; in 4,815 cases, these measures were contravened, and 39 women died (source: Justice Administration System, 2007).

110. In the first week of April 2007, a commission which included representatives of the Ministry of Public Security, judicial bodies (judges, the Office of the Public Prosecutor and the Judicial Investigation Agency), INAMU, women's organizations, the National Child Welfare Agency and the Ministry of Justice issued a mandatory inter-institutional protocol that supplements the Domestic Violence Act and does not conflict with the new Act on the Criminalization of Violence against Women. Some of the important aspects of this protocol are:

- It requires law enforcement agencies to provide security for women whose lives are at risk because they have reported their spouse for having committed acts of domestic violence. The police are instructed to make regular rounds that pass by the woman's home and are responsible for working out a plan with her on the steps to be taken in the event that she is surprised by the abuser or alleged aggressor in her home or in any other location.
- If it is demonstrated that a woman's life is in danger and the alleged aggressor is not taken into preventive custody, she may request to be housed in a protective shelter.
- All parties are required to inform the victim if the alleged aggressor is not taken into preventive custody, if that preventive measure has been taken, or if he is at liberty.
- It sets out a number of indicators for determining if a woman's life is in danger in domestic violence cases (source: Inter-Agency Protocol supplementing the Domestic Violence Act).

111. When the Act on the Criminalization of Violence against Women was passed, a high-level commission was created. This commission is coordinated by INAMU and includes representatives of the Ministry of Justice, the Ministry of Public Security and the judiciary. The commission began work on putting in place the human, material and financial resources required for this law's proper enforcement even before it entered into force.

112. Under the new Act on the Criminalization of Violence against Women, a failure to comply with protective measures ordered by a competent authority in domestic violence cases is punishable by a term of imprisonment of from 6 months

to 2 years. The Act thereby amends the final paragraph of article 3 of the Domestic Violence Act, under which disobedience of such a measure was classified as a less serious offence punishable by from 15 days to 1 year in prison.

113. The Act on the Criminalization of Violence against Women modifies the Code of Criminal Procedure by adding a new ground for the issuance of a preventive custody order: danger to a victim, informant or witness, especially in connection with offences alleged to have been committed by a person with whom the victim has or has had a marital relationship (marriage or a de facto union, whether publicly acknowledged or not).

114. In March 2007, the judiciary, the Judicial College and the Standing Judicial Committee on Domestic Violence drew up and distributed instructions for persons at risk of domestic violence which explain what their rights are, what types of requests they can make of the judge and what procedures they should follow. The instructions are accompanied by a list of the available services and the offices or agencies to which such persons can turn (source: Justice Administration System, 2007).

(d) *Services for women victims of domestic violence*

115. INAMU provides services for women and their children who are involved in situations of domestic violence through the Women's Office in San José and through three specialized centres and temporary shelters located in more remote regions of the country. The following table shows the number of persons benefiting from each type of specialized service.

Table 5

Number of persons at risk of domestic violence, by type of specialized service received, 2003-2006

<i>Specialized service</i>	<i>2003-2004 (April - February)</i>	<i>2004-2005 (March - March)</i>	<i>2005-2006 (April - May)</i>	<i>Total No. of persons</i>
Women served by the Women's Office	6 691	6 404	5 934	19 029
Women served at specialized centres and temporary shelters	362	408	340	1 110
Children served at specialized centres and temporary shelters	774	730	693	2 197

Source: INAMU Planning Unit.

116. All CCSS health-care centres provide services for women victims of domestic violence. Progress has been made in updating the standards for the comprehensive services to be provided to persons at risk of domestic violence, and an effort is being made to consolidate the system for recording domestic violence cases.

117. Valuable work is being done in this field by civil society organizations as well. The Feminist Information and Action Centre (CEFEMINA) continues to run programmes aimed at eradicating violence against women as well as credit programmes for women who have been subjected to violence. It provides self-help groups and assists victims by telephone and in person. The Costa Rican Women's Alliance promotes women's rights and provides psychological and legal assistance and support.

(e) *National Domestic Violence Prevention and Assistance System*

118. The System's achievements in 2002-2006 included the following:

- Design and approval of a public policy on the prevention of domestic violence and sexual abuse of minors by non-family members and on assistance for victims.
- A significant increase in the number and qualifications of male and female police officers who have received specialized training in dealing with domestic violence. INAMU has trained approximately 700 male and female police officers in the enforcement of the Domestic Violence Act, and multiplier training activities have reached around 6,000 more (source: Committee of Experts on Violence (CEVI), Follow-up Mechanism of the Convention of Belém do Pará).
- The number of local domestic violence prevention and assistance networks has been increased, and these networks are now found in 70 out of the 81 cantons in the country. New networks of women who serve as legal advocates and motivational leaders have been set up in eight locations in the country.
- The Domestic Violence Response Operations Centre (COAVIF) 9-1-1 system for battered women has been consolidated, and a helpline for male offenders and battered men has been set up by the privately run WEM Institute. The 9-1-1 hotline is available to victims of domestic violence 24 hours a day, 365 days a year. The number of calls rose from 12,306 in 2000 to 70,128 in 2003.
- A project aimed at fostering new perceptions of masculinity ("Construyendo Nuevas Masculinidades," or CONUMA) has been designed and is being implemented in the Canton of Goicoechea in partnership with the United Nations Population Fund (UNFPA) and the WEM Institute. Its objective is to develop a pilot plan for this initiative and to prevent gender violence among young and adult men.
- Prevention and intervention models (low-profile male abusers, child witnesses of violence, battered women who mistreat their children) have been designed and are being applied. Work has been done with leaders of the Youth Council to prevent dating violence.
- An internship programme concerning the detection of sexual violence and appropriate responses has been developed for staff of CCSS, the Ministry of Education, Municipal Women's Offices and INAMU (source: INAMU, "Avances en Violencia de Género", 2003-2007).

- Response and assistance protocols have been formulated and are being applied. The capacity of specialized centres and temporary shelters for women at risk of domestic violence and their children has been significantly increased (30 places).
- The National Council on Rehabilitation and Special Education (CNREE) has set up a programme for abandoned adults with disabilities and victims of violence. In 2005, the programme served 498 people nationwide.
- A handbook was prepared on assistance for persons with disabilities and victims of violence (source: INAMU, *Memoria Institucional: Administración, 2002-2006*).

119. Through the Women's Office and its specialized centres and temporary shelters for battered women and their children, INAMU serves more than 5,000 women victims each year, together, in some cases, with their children. In 2006, a study to evaluate the impact of the National Domestic Violence Prevention and Assistance System was begun. The various components of the System (assistance, detection, prevention, support, peer learning) have been assessed, as well as the performance of some of the agencies belonging to the system. The study has not yet been completed, but some of its preliminary findings point to the need for legislation in order to embed the system within the country's institutional structure. It also indicates that the Ministry of Public Security's violence response programme needs to be strengthened and that steps need to be taken to ensure that the protocols are applied.

120. During the reporting period, the Ministry of Health conducted a number of studies on violence as a public health problem. These studies have looked at the relationship between violence and health and indicate that, where there is violence, there can be no health. The approach taken to violence in the health sector has focused on its consequences, however, and other sectors are called upon to deal with the other aspects of this problem, which, given its complexity, calls for a comprehensive approach (source: Ministry of Health, Allen Patricia, *Violencia: un problema de salud pública*).

121. A bill entitled the National Domestic Violence Prevention and Assistance System Act is currently before the Legislative Assembly (File No. 14 883), and the Ad Hoc Standing Committee on Women's Issues has issued a unanimous favourable finding on this bill. It was set aside, however, when the four-year congressional term ended on 30 August 2006. Steps are now being taken to have the bill referred back to the Women's Committee of the Legislative Assembly. The bill's objectives are: (a) to promote public policies aimed at ensuring implementation of the provisions contained in the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women and the Domestic Violence Act; and (b) to provide persons affected by violence against women and/or domestic violence with comprehensive assistance in improving their situation and in recovering and building a new life for themselves (source: INAMU, Legal Status and Protection of Women's Rights Unit).

122. INAMU has a specific budget line for domestic violence prevention and treatment programmes. In 2005, it invested \$700,000 in its programme to combat violence (source: Committee of Experts on Violence (CEVI), Follow-up Mechanism of the Convention of Belém do Pará).

(f) *Generation of expertise on the issue of violence against women*

123. Research has been conducted and publications have been prepared for use by both government institutions and civil society organizations as a basis for decision-making. These publications include the following:

- In 2003, the Feminist Information and Action Centre (CEFEMINA) published a book entitled *Mujeres contra la Violencia* (“women against violence”) which discusses methods and mechanisms for supporting battered women. The book explores the approaches embodied in the Convention on the Elimination of all Forms of Discrimination against Women and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.
- In December 2004, the Ministry of Health published a book entitled *Salud Mental y Violencia Intrafamiliar* (“mental health and domestic violence”). This book departs from the traditional mental-health paradigm. It proposes self-care practices for domestic violence responders, analyses the phenomena of violence and psychological suffering and looks at mental-health promotion strategies.
- In 2004-2005, the Gender Violence Unit of INAMU conducted two research projects whose findings point to ways of improving the services offered to women victims of domestic violence and the strategy used to deal with and eradicate violence. One of the studies focuses on the existing case law on domestic violence and provides inputs for strengthening legal defences for victims of violence. The other outlines the profile of the women and children served by the Women’s Office and provides useful information for improving the approach used in caring for women affected by domestic violence.

(g) *Sexual harassment in the workplace and in schools and bullying in the workplace: forms of violence against women*

124. The following institutions have instituted and/or amended regulations prohibiting sexual harassment: CNREE (13 March 2003), the Costa Rican Electricity Institute (ICE) (26 June 2003), the Community Development and People’s Bank (25 February 2004) and the Justice Administration System (19 April 2004). Amendments to chapter XX, on sexual harassment, of the Ministry of Public Security’s Police Force Service Regulations were introduced by executive decree on 23 September 2003 and chapter XXI, on sexual harassment, and chapter XXII, on psychological and mental harassment in the workplace, of the Service Regulations of the Ministry of Culture, Youth and Sports were amended by executive decree on 17 August 2006.

125. The National Learning Institute (INA) covers the regulations against sexual harassment in its institutional induction programme. In 2003-2007, it trained 2,101

persons (staff and students) (source: INA report on the management of its Women's Advisory Office for 2003-2007).

126. In 2002-2006, the National University (a State institution) received 18 complaints concerning sexual harassment. All of these complaints were lodged by women who reported that they had been victims of sexual harassment by male staff members of the University. In 90 per cent of the cases, the complaints were made by students and concerned the conduct of professors; the other 10 per cent of the complaints were made against administrative staff. The processing of these complaints, including the implementation of the corresponding decision, has been completed in only 50 per cent of the cases. In 56 per cent of the cases that have been concluded, the penalty recommended by the Commission was changed to a lighter penalty by the University Appeals Tribunal. These proceedings have taken longer than the three-month period established by law. Training and sensitization regarding this problem based on a gender perspective appears to be lacking (source: Document R-1157-2007 of 11 May 2007, National University).

127. In October 2003, the Office of the Ombudsperson and INAMU drew up a series of recommendations for amending certain provisions in the regulations of ICE which they have found to contain a number of inaccuracies and omissions that run counter to the promotion of a gender perspective (source: ICE).

128. Under the Sexual Harassment in the Workplace and Schools Act, private companies and public institutions must include preventive policies and procedures for handling these types of complaints in their regulations. Nonetheless, sexual harassment continues to be a common practice that violates the fundamental human right to respect and dignity and interferes with the full development of the person within the framework of education and employment (source: Office of the Ombudsperson's annual report for 2005-2006).

129. The Office of the Ombudsperson received 65 sexual harassment complaints in 2005-2006, 54 complaints in 2004-2005 and 66 complaints in 2003-2004. In 95 per cent of the cases, the victims of sexual harassment were women; 98.5 per cent of the harassers were males (source: Office of the Ombudsperson's annual report for 2005-2006).

130. In the period from May 2003 to April 2004, the number of sexual harassment complaints was 27 per cent higher than it had been during the previous period (66 versus 52 complaints). Most of the complaints were received from the Ministry of Public Education, the Ministry of Public Security and CCSS. The next-largest numbers came from INA, the National University, the Municipality of San José and the Justice Administration System, among others. The fact that the largest number of complaints came from the Ministry of Public Education is the cause of enormous concern, since almost all of those cases had to do with harassment by professors of their students (girls and adolescents, all of whom are minors and who have been the object of this sort of aggression at the hands of adults responsible for their "education"). The agencies reporting the fewest complaints are the Ministry of Public Works and Transport, the Costa Rican Petroleum Refinery (RECOPE), the Public Utilities Regulatory Authority and the municipalities (source: Office of the Ombudsperson's annual report for 2003-2004).

131. Information furnished by the Legal Advisory Office of the National Learning Institute—a technical educational institution— indicates that a total of eight complaints were submitted in 2003-2007: one in 2003, five in 2004 and two in 2006. In accordance with the procedures set out in the Institute's regulations, one instructor was dismissed without severance pay, three were suspended for eight days without pay and four received reprimands in writing.

132. The Office of the Ombudsperson has expressed concern about the prevailing situation in some of the disciplinary bodies responsible for reviewing sexual harassment complaints. It appears that they are not dealing appropriately with the issue, the investigators are not fully knowledgeable about the relevant regulations and law, they lack a human rights and gender perspective, and the focus of their analyses is confined to administrative or criminal law procedures. In order to combat this form of violence, it is not enough to have suitable regulations concerning the prevention, punishment and elimination of sexual harassment. Those regulations also have to be correctly applied. The figures back up this view. The Office of the Ombudsperson has also recommended that the practice of holding conciliation meetings in sexual harassment proceedings—a simple mechanism for resolving such cases that is used quite frequently— should be terminated. The end result of most conciliation procedures is that the victims withdraws her complaint, and impunity is therefore often the outcome (source: Office of the Ombudsperson's annual reports for 2003-2004 and 2005-2006).

133. In September 2006, the Gender Equity Unit of the Ministry of Labour and Social Security submitted a report on its performance in dealing with sexual harassment cases. The activities undertaken in this area include the following:

- Between the time it was founded in January 2001 and 18 September 2006, the Gender Equity Unit has carried out 145 external training workshops and talks on sexual harassment and mass media (radio and television) campaigns. A total of 2,535 women and 1,358 men attended these events.
- Cases handled by the Unit: From 2003 (when records began to be kept on these cases in the Gender Unit) to 18 September 2006, the Unit provided services to 105 people (94 women (89.5 per cent of the total) and 11 men (10.4 per cent of the total). People between the ages of 19 and 25 account for the largest percentage of victims of sexual harassment. A breakdown of the cases by area of activity shows that 60 of these persons were employed in commerce, 28 in services, 7 in domestic work, 5 in industry, 2 in academic institutions, 2 in the tourism industry and 1 in agriculture.
- The 800-Trabajo ("work") helpline has provided advice to 92 people concerning this issue since the time of its creation up to June 2006.
- In 2004 and 2005, the Unit visited all of the Labour Inspectorates of the Ministry of Labour and Social Security in order to review the sexual harassment cases that they had handled. It found that the Inspectorates register very few sexual harassment complaints and concluded that this was probably because, although many people came to the Inspectorates to seek advice, they did not formally lodge their complaints because they lacked proof or feared becoming involved in an investigation. This raises the issue of underreporting.

The Unit therefore recommends that all complaints dealt with by the Labour Inspectorates should be properly registered even if the persons involved do not lodge a formal complaint (source: report of the Gender Equity Unit of the Ministry of Labour and Social Security on action taken by the Ministry in regard to the issue of sexual harassment, September 2006).

134. In 2004, the Technical Secretariat of the Judiciary for Gender Issues took an active part in 18 sexual harassment proceedings by drafting pleadings, submitting applications for preventive measures and attending evidentiary hearings both in San José and elsewhere in the country (source: report of the Technical Secretariat of the Judiciary for Gender Issues, second half of 2004).

135. As noted in the previous report, since 2003 INAMU, together with a number of social and women's organizations, has been leading a discussion about the need to undertake a full review of the Sexual Harassment in the Workplace and Schools Act. In 2006, an inter-agency commission was set up to frame comprehensive amendments to the law. The Ad Hoc Standing Committee on Women's Issues, the Ombudsperson for Women, INAMU and women's organizations were all represented on this commission. On 7 March 2007, a legal reform bill was submitted to the Legislative Assembly which establishes penalties for publicly elected officials who commit sexual harassment, thereby filling a gap in the existing legislation.

(h) *Bullying in the workplace*

136. Bullying is another form of violence against women, who make up the majority of the targets of this type of behaviour. According to the Office of the Ombudsperson, the number of complaints of bullying lodged by women has trebled in the last four years. In 2003-2004, the Ombudsperson for Women opened 44 case files concerning women victims of bullying in their places of work. This was a 100 per cent increase over the preceding period. These complaints concerned behaviours such as disrespectful treatment and continual interference, inappropriate treatment in public, scolding, situations in which the worker is excluded or ignored, arbitrary changes in posts, trickery, yelling and insults (source: Office of the Ombudsperson's annual report for 2003-2004).

137. Costa Rica does not have any specific law to prevent, punish or eradicate bullying. Insufficient protection is provided by the Labour Code, and the principles of the Convention are referred to for purposes of enforcement and for the defence of victims. The need for a specific law to provide protection and to punish such behaviour and do away with impunity has therefore been recognized. In monitoring the efficiency of public institutions in this regard and the internal controls that they apply, the Office of the Ombudsperson has found that the absence of clear working procedures and the failure to define areas of expertise and responsibility make it more likely that bullying will occur in the workplace (source: Office of the Ombudsperson's annual reports for 2003-2003 and 2005-2006).

138. The Legislative Assembly was preparing to pass a law to prevent and punish bullying in the workplace. The objective was to prevent, prohibit and punish psychological and mental harassment on the job as a discriminatory

practice that contravenes a person's human rights as a worker. The Ombudsperson for Women and INAMU issued their views on the bill and proposed substitutions and changes. The Ad Hoc Standing Committee on Women's Issues did not recommend the bill for consideration by the Legislative Assembly, however. The Inter-Agency Women's Legislative Agenda Monitoring Committee is of the view that neither a law on sexual harassment nor a law on domestic violence is the appropriate instrument for the regulation of this form of violence because it corresponds to a different sort of legal category. The Legislative Assembly will therefore have to deliberate on this issue again. The issue of bullying should therefore be one of the first items on the agenda, and the debate should be open to workers' organizations so that their views can be heard (source: INAMU and the Office of the Ombudsperson).

139. Despite the legal vacuum existing in this regard, in one case in which bullying was adduced, the court of first instance found that the worker in question had neither abandoned his place of work nor resigned but had instead been obliged to leave his place of work because he was being mistreated by his supervisor. The Superior Labour Court and the Second Chamber of the Supreme Court did not uphold this judgement, however, and found that the worker had abandoned his place of employment (source: Second Chamber of the Supreme Court, Judgement No. 2003-00792, issued at 2.35 p.m. on 18 December 2003).

Article 2 (c)

Action taken by the judiciary to uphold gender equality and equity

140. In view of the recommendation made by the Committee on the Elimination of Discrimination against Women following the submission of the preceding report concerning the need to train judges and magistrates with a view to ensuring that the provisions of the Convention are known and are made use of in judicial processes, the progress made by the judiciary in the area of gender equality and equity will be reviewed in this section.

(a) Technical Secretariat of the Judiciary

141. The Technical Secretariat of the Judiciary for Gender Issues was established during the period covered by the preceding report that was submitted to this Committee by Costa Rica, in 2003, and it began its work on 6 March of that same year in coordination with the executing agency for the Project for the Modernization of the Administration of Justice and the Judiciary, funded by the Inter-American Development Bank (IDB). A five-year work plan (2003-2007) was designed that included six work modules: 1. Definition, validation, dissemination and institutionalization of an official policy based on a gender perspective; 2. Gender mainstreaming in the judiciary's approach to planning; 3. Gender mainstreaming in the administration of the judiciary; 4. Gender mainstreaming in judicial rulings; 5. Information services for users from a gender perspective; and 6. Creation and implementation of an information system for the Secretariat's use in follow-up, monitoring and evaluation of activities to promote non-discrimination and gender equity.

142. The following advances have been made in each of these modules:

- A gender equity policy has been validated, disseminated and institutionalized.
- Training for all sections of the Planning Department has been carried out.
- A training course entitled “What is Gender?” has been provided on basic aspects of gender issues to all sections of the Personnel Department (100 per cent of staff trained in the Personnel Department, 100 per cent of staff trained in the Planning Department, 100 per cent of staff trained in the Domestic Violence Court of the Canton of Desamparados, 100 per cent of staff trained in the Judicial Inspectorate; two talks given at the University of Costa Rica and the Atenas Judicial District).
- Two studies were conducted in order to analyse sentences handed down in relation to vulnerable population groups, such as older adults and persons with disabilities, from a gender perspective.
- The subject of information services for users from a gender perspective was covered in training sessions with staff of the Personnel Department, the Planning Department, the Judicial Investigation Agency (OIJ), the Social Work Section and others.
 - Creation and implementation of an information system for the Secretariat’s use in follow-up, monitoring and evaluation of activities to promote non-discrimination and gender equity: an information system was set up for use in connection with sexual harassment cases in the Fiscal Inspectorate, the Judicial Inspectorate and the OIJ Internal Affairs Office.

143. The Technical Secretariat of the Judiciary participates in a number of committees and commissions: the Follow-up Committee for the Project for the Modernization of the Administration of Justice, the High-Level Commission for the Domestic Violence Act, the Review Committee for the Regulation to Prevent, Investigate and Punish Sexual Harassment in the Judiciary, the Gender Commission, the Commission for the Enforcement of the Act on the Criminalization of Violence against Women and the Gender Offices Network Committee (source: reports on the work of the Technical Secretariat of the Judiciary for Gender Issues, 2003, 2004 and 2006).

144. The Technical Secretariat for Gender Issues, working in coordination with the Organizational Communication and Press Department, distributed posters concerning the Gender Commission of the Judiciary throughout the country. In addition, the internal mail system was used to distribute a book entitled *Propuesta de Monitoreo de la Ley contra la Violencia Doméstica, Costa Rica* (“proposal for monitoring the Domestic Violence Act”) to the judges presiding over family and domestic violence courts. This book was prepared in conjunction with the Pan American Health Organization and was published in June 2005 (source: Technical Secretariat of the Judiciary for Gender Issues, 2006).

(b) *Guidelines issued by the judiciary*

145. **Institutional Gender Equity Policy:** On 7 November 2005, the Plenary Court of the Judiciary, sitting in session No. 34-05, approved the Gender Equity Policy, which mainstreams the gender perspective on a priority and substantive basis in all of the institution's activities. Its objective is to guarantee equality of opportunity for women and men and to ensure that judicial decisions, the services rendered to the public by the courts and the internal operations of the Justice Administration System are free of gender discrimination. The principles of gender equity and non-discrimination have also been incorporated into the Judicial Code of Ethics.

146. Approval of the judiciary's Gender Equity Policy came only after a long process of policy design, validation, dissemination and institutionalization. Meetings were held with 21 judicial offices in 2003 in order to start off the process of mainstreaming the gender perspective in the judiciary. In 2005, 22 workshops were conducted in the various judicial districts. In late 2006, 14 gender committees were established in different judicial districts. One workshop was held in each of the four chambers of the Supreme Court (the First, Second, Third and Constitutional Chambers). Awareness-raising activities were conducted with 232 people (135 women and 97 men); 85 per cent of the workshop participants felt that there was a need to delve more deeply into the subject (source: reports on the work of the Technical Secretariat of the Judiciary for Gender Issues, 2003, 2004, 2005 and 2006).

147. In 2006, an action plan for mainstreaming the gender perspective throughout the judiciary was designed and entered into implementation. Under this plan, the mainstreaming initiative is to be phased in over a five-year period. Work is being done to monitor and evaluate the introduction of and compliance with the gender indicators that all judicial offices are expected to have (induction, sensitization and training of the relevant staff) (source: report on the work of the Technical Secretariat of the Judiciary for Gender Issues, 2006).

148. **Domestic violence.** On 30 October 2003, the High Council of the Judiciary issued Circular No. 113, which establishes that any reports of domestic violence committed by staff of the judicial branch are to be transmitted to the corresponding disciplinary bodies so that they may initiate the appropriate proceedings (source: annual report of the Technical Secretariat of the Judiciary for Gender Issues, 2003).

149. **Statistics on gender equity.** In late May 2004, a circular was issued which indicates that it is mandatory to fill in the box specifying whether the person in question is male or female in all information systems used by the Justice Administration System. In order to adjust the forms that are used to ensure that they reflect a gender perspective, the Planning Department is reviewing all new and existing forms and has redesigned around 20 of them (source: Justice Administration System, High Council, Session No. 34-041 of 13 May 2004).

150. A total of 10 meetings were held with senior officials of the Informatics, Planning and Statistics Department to develop a proposal on gender indicators to be applied in the management system of the Goicoechea Judicial District, and a

lecture was given on statistics as viewed from a gender perspective (source: Judicial Administration System, 2004).

(c) *Generation of gender-relevant jurisprudence*

151. Judicial proceedings result in judgements and decisions that resolve disputes between two or more citizens or between citizens and the State. The number of instances in which international and national standards and laws for the protection of women's human rights are being applied is constantly on the rise. During the reporting period, the judiciary has increasingly handed down judgements based on interpretations that refer to national and international standards and laws for the protection of rights, especially in the areas of family rights, gender violence, sexual offences and the political rights of women.

(d) *Gender training in the Justice Administration System*

152. In view of the importance of ensuring that the staff of the Justice Administration System are familiar with and consistently apply the gender perspective and the international instruments pertaining to it, the Technical Secretariat of the Judiciary for Gender Issues has carried out a large-scale training and awareness-raising effort.

<i>Activity</i>	<i>Participants</i>
"Towards gender equality" workshop	60 judges
Workshop on gender mainstreaming in project development	Professional team of the IDB-sponsored Project for the Modernization of the Administration of Justice
Workshops on sexual harassment, sexual and reproductive rights, gender analysis and the gender perspective	Staff members of the Technical Secretariat of the Judiciary for Gender Issues
Workshop on economic human rights in the family	60 staff members from the court system
75 workshops on non-discrimination	1,875 trial attorneys, judges, prosecutors and public defenders
National and international training events focusing on the gender perspective and violence	Staff of the Justice Administration System

153. An important step in ensuring women's access to justice was taken in March 2007 when the Justice Administration System published the Statute on Justice and the Rights of Users of the Justice System. Article 18 of the Statute establishes women's right to have services provided to them from a gender perspective (source: Protocol and Public Relations Office of the Justice Administration System, *Estatuto de la Justicia, y Derechos de las Personas Usuarias del Sistema Judicial*, 2007).

Article 2 (d)

154. Discriminatory acts are more common in the case of groups of women who belong to certain traditionally marginalized sectors, such as migrants and persons deprived of their liberty.

A. Immigrants

155. Historically, Costa Rica has been a destination for immigrants, and immigration has played a fundamental role in the economic, social, political and cultural development of Costa Rican society. In fact, Guatemala, Belize and Costa Rica are the three most popular destinations for migrants who join the local workforce.

156. The country's most recent population census indicates that 7.8 per cent of the 3,997,883 people living in Costa Rica are immigrants, with this group being divided equally between men and women (3.9 per cent of each) (source: "Implementation of the International Covenant on Economic, Social and Cultural Rights: Fourth periodic reports submitted by States parties under articles 16 and 17 of the Covenant – Costa Rica" (E/C.12/CRI/4), 2004).

157. Nevertheless, immigrants, and particularly women immigrants, who are in an irregular situation are denied social security coverage, not only by private employers but also by government authorities. A large percentage of women migrants work in the informal sector and as domestic workers under conditions that put them at risk.

(a) Immigrants and the right to health

158. The following table shows the number and cost of medical treatments provided to foreign nationals between 1997 and 2006. As may be seen from the table, the total cost has risen steadily and was nearly six times as high at the end of that period than it was at the start. Between 1997 and 2006, out-patient consultations climbed by 40 per cent and hospitalizations by 23 per cent; however, the cost of external consultations rose by approximately 411 per cent while the cost of hospitalizations increased by approximately 449 per cent. Some of the persons using these services have no social security coverage.

Table 6
Number and cost of medical care for foreign nationals, by year and by service, 1997-2006

Year	Total cost	Out-patient consultations		Hospitalization	
		Consultations	Cost	Length of stay	Cost
1997	5 492 469 764.95	444 645	2 712 297 220.42	88 198	2 780 172 544.53
1998	7 818 319 474.16	479 448	3 542 164 188.16	105 456	4 276 155 286.00
1999	9 575 757 494.80	505 780	3 958 233 340.88	114 219	5 617 524 153.92
2000	11 205 913 489.16	509 120	4 759 254 881.76	111 513	6 446 658 607.40
2001	13 344 034 509.03	534 135	5 518 679 100.48	113 365	7 825 355 408.55
2002	16 662 776 658.44	635 506	7 516 766 269.08	109 167	9 146 010 389.36
2003	18 699 873 623.79	668 940	8 975 167 778.75	120 165	9 724 705 845.05
2004	21 682 791 270.01	700 537	9 829 931 465.52	112 571	11 852 859 804.49
2005	24 722 348 409.01	729 882	10 589 859 243.81	111 092	14 132 489 165.20
2006	28 553 161 886.06	738 480	13 279 339 537.83	108 548	15 273 822 348.23

Source: Statistics Department. Original tabulation based on data obtained from:
 Multi-Purpose Household Survey of 2001, INEC.
 200 Population Census Database, INEC-CCP.
 Birth Registry, 2000-2004, INEC-CCP.
 Survey on Reasons for Out-Patient Consultations, 2002, DIESS.
 Survey on Reasons for Emergency Room Consultations, 2001, DIESS.
 Database on hospital discharges, DIESS.
Source: CCSS, 2007

159. CCSS has issued two circulars (No. PEO-224-03 of 30 January 2003 and No. 6794 of 12 February 2004) on the treatment of pregnant women that address matters relating to a number of different groups within the population, including immigrant women. Both directives are based on the Convention on the Rights of the Child, the Comprehensive Protection for Adolescent Mothers Act and the Children and Adolescents Code.

160. The first circular establishes that all boys, girls and adolescents up to the age of 17 years, 11 months and 30 days shall be provided all services in a timely, dignified and respectful manner on a preferential basis. It goes on to note that registration procedures should always be followed, but that registration should

never be a requirement or precondition for the provision of health-care services. Health-care services must be provided first; registration procedures are to be completed afterward. With regard to adults, it establishes that all pregnant women have the right to receive prenatal, childbirth and post-natal care in a timely, dignified and respectful manner on a preferential basis. Pregnant foreign women whose immigration status is irregular or who have no documents and are uninsured are to be provided with their first out-patient consultation or hospitalization free of charge.

161. They are not eligible for health insurance benefits paid by the Government, however. The 2004 circular also states that medical care for pregnant adolescents is mandatory. If the foreign adolescent has a residency visa, she is eligible for Government-provided health insurance, but medical service must be provided to her first, and only later is the insurance registration procedure to be completed. If the foreign adolescent has an irregular immigration status and cannot opt for Government health insurance, medical services should still be provided to her. Afterward, a monthly invoice is to be registered and issued for payment. Adult foreign nationals who are pregnant and are legal residents but are uninsured can opt for State health insurance provided that they cannot afford any of the other insurance plans. Government health insurance is not available to pregnant adult women whose immigration status is irregular. Nevertheless, they are to be provided with medical services first, before a monthly invoice is issued for payment (source: CCSS, Circular No. PEO 22403 of 30 January 2003 and Circular No. 6794 of 12 February 2004). In sum, the institutional policy on the provision of medical care to pregnant immigrants is based, regardless of their immigration status, on the principle of solidarity and universality, according to which health services must not be denied and should be provided prior to processing registration procedures or invoices for the payment of services.

162. The Ombudsperson for Women of the Office of the Ombudsperson is, however, of the view that the CCSS circulars limit the right to health of immigrant women whose immigration status is irregular and are not in keeping with the Constitution because they unreasonably discriminate against immigrant women (source: Office of the Ombudsperson's annual report for 2005-2006).

163. The Constitutional Chamber of the Supreme Court has ruled that the right to health is a fundamental right that is inherent to all human beings, without distinction. It has also indicated that limitations based solely on nationality are inappropriate because they can open the way for xenophobic ideas or attitudes than run counter to the rationale which should be employed in analysing differences among equals (Opinion No. 7806-2003).

164. The country stands in need of the international community's support in dealing with this situation; otherwise, because of the need to serve such a large number of persons (both Costa Ricans and immigrants) who lack coverage, the social security system could run the risk of witnessing a decline in the quality of the services it provides.

(b) *Labour rights of immigrant women*

165. A study conducted by the Latin American Faculty of Social Sciences (FLACSO) in 2004 for the Housing Promotion Foundation (FUPROVI), which focused on a baseline analysis of immigration by Nicaraguans in six districts within the San José Metropolitan Area, indicates that the labour force participation rate is higher for the Nicaraguan population than it is for the Costa Rican population (67.8 per cent versus 55.1 per cent) (source: “Reports submitted by States parties under article 9 of the Convention: Eighteenth periodic reports of States parties due in 2004 – Costa Rica” (CERD/C/CRI/18), 31 May 2006).

166. A majority of immigrant women are employed in the services sector, especially in domestic work. A significant percentage of the women working in this sector do not have the means of regularizing their immigration status, and this restricts their access to their rights.

167. Complaints from immigrant women regarding labour rights that are received by the Ombudsperson primarily have to do with abuse on the part of employers (failure to pay the social security contributions for these workers, which leaves them without coverage for a series of health services, and violations of other protective rights, as well as failure to pay the legal minimum wage). This situation is exacerbated by the fact that immigrant women feel vulnerable and defenceless and fear being deported. It is important to remember that women who migrate to Costa Rica do so because opportunities in their countries of origin are lacking. Complaints have been received regarding instances in which undocumented immigrant women who have asked that they be paid the minimum legal wage have been reported to the National Migration and Aliens Directorate. There have also been cases involving the dismissal of immigrant women who are pregnant. According to statistics compiled by the Office of the Ombudsperson, there were 58 reports of labour-rights violations in 2005 and 58 in 2006. In 2006, 17 complaints were received concerning employers’ failure to pay social security contributions for these women workers, which prevented them from exercising their right to have access to social security coverage.

168. In an effort to ensure full compliance with employers’ labour obligations, the Ministry of Labour and Social Security has contributed to a better understanding of the immigrant population by preparing a diagnostic analysis of the role played by migrant workers in seasonal agricultural activities. It has also worked hard to monitor and inspect the employment conditions of these workers, despite its limited human and financial resources (source: “Consideration of reports submitted by States parties under article 40 of the Covenant: Fifth periodic report – Costa Rica” (CCPR/C/CRI/5), 2006).

169. The Ministry of Labour and Social Security issued a recommendation (File No. ML-088-2206 of 26 March 2006) to the National Migration and Aliens Directorate to suspend the issuance of work permits for employment in domestic service for six months. The Ministry's rationale for this measure was that unemployment rates had been climbing in recent years, thereby giving rise to unfair competition with women workers in this segment of the labour market. This step was taken four months before the entry into effect of the new immigration

law, which establishes an eight-month period for the entry into force of provisions under which immigrants may regularize their immigration status.

170. In 2004, the Permanent Forum on the Migrant Population, which is composed of cooperation agencies and State institutions and in which civil society organizations may also participate, established three committees: one focusing on health, another on employment and the third on trafficking and exploitation. The gender perspective is a cross-cutting approach common to all of them.

(c) New Immigration and Aliens Act

171. Immigration and Aliens Act No. 8487, which entered into force in August 2006, does not deal with aspects or considerations specific to women. It therefore lacks an appropriate gender perspective on equality and is instead based on an assumption of equality in a formal and neutral sense in which women and men are considered to be subject to identical conditions. This runs counter to the Convention on the Elimination of All Forms of Discrimination against Women. The Permanent Forum on the Migrant Population has called for legislative and regulatory amendments in order to align immigration laws with the human rights standards and principles enshrined in the Constitution and in international treaties ratified by Costa Rica. Most of these amendments refer to refugee status, the international offences of migrant smuggling and human trafficking, the protection of victims of these offences, the right to due process, the guarantee of judicial review in cases of administrative detention, limits on the time spent in detention and other such issues.

172. The Permanent Forum on the Migrant Population regards certain situations that are not covered by the existing law as requiring regulation as a matter of urgency. They include the principle of equality and non-discrimination in respect of the rights of foreign nationals, regardless of their immigration status, and protective measures for women, children and adolescents in view of the vulnerable positions in which they may find themselves as victims of smuggling or trafficking or as a result of their own specific circumstances.

173. The Permanent Forum has recommended that the Government of Costa Rica formulate a national policy on migration based on the principles of respect for human rights and gender differences.

174. Costa Rica has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which is the main instrument for establishing rights and binding obligations relating to the human rights of migrant workers. The need for the Government of Costa Rica to ratify this international instrument is absolutely clear.

(d) Refugee women

175. Under an agreement signed by the Ministry of Labour and Social Security and the Office of the United Nations High Commissioner for Refugees (UNHCR), advisory and information services have been provided to the refugee population since 2003. Since the time that agreement was signed, 212 women have received assistance in connection with employment issues. In 2005, employment was found for 72 refugee women in various areas of the labour market (source: report of the National Employment Directorate, Labour Migration Department, Ministry of Labour and Social Security, San José, March 2007).

B. Women deprived of their liberty

176. Women who have been deprived of their liberty constitute a specific group within the population that requires special attention. Their situation should be addressed as part of the women's rights agenda.

177. The Ministry of Justice and other institutions of the Government of Costa Rica have undertaken a number of actions on behalf of women who have been deprived of their liberty. For example:

- The Magistrate's Court of San José, by a decision issued at 9 a.m. on 18 September 2003, ordered the National Criminology Institute to take corrective action to modify Circular No. 6-2000 and Circular 13-2001 of 13 October 2001, which authorized the suppression of overnight stays for women held in custody under the semi-institutional regime in facilities established for men and which altered the schedules accordingly.
- In February 2004, a regional workshop was held to examine prison conditions for women in Central America and to make action-oriented recommendations to the participating countries.
- In late 2004, a multi-use area was opened in the Buen Pastor women's prison which will be used for sports activities, cultural events and indoor meetings with visitors.
- In September 2005, a section for women was opened in the Pérez Zeledón Prison. There are plans to open a women's section in the Puntarenas Prison, but this project has not yet been implemented.
- On 16 March 2005, the Prisons Administration's prisoner evaluation system was modified by Executive Decree No. 32265-J, which provides for various changes in the Technical Monitoring Plan. The existence of technical plans that provide staff members with an opportunity to analyse, examine and take action in each case on a reasoned basis is seen as a step forward.

178. Despite the headway that has been made, these women are confronted with a number of problems:

- There is only one prison for women (the Buen Pastor penitentiary) in San José, and women's wings have been created in the Liberia and Pérez-Zeledón prisons for men. Provinces such as Puntarenas and Limón, as well as the northern part of the country, do not have their own centres. As a result, many women have been displaced from their home communities, their families and their social and cultural environments and have been transferred to San José.
- Lack of job opportunities: Men who have been deprived of their liberty have quite different job opportunities than women do. They have a broader range of employment possibilities and are better paid. Job opportunities for women are very limited (production of storage bags, postcards, domestic work within the penal institution).
- Limitation of the right to health: There are few gynaecologists and dentists, and, as a result, women's health care is sometimes left in the hands of security personnel. There is no facility in which women who are ill can be segregated from the rest of the prison population so that they can receive better treatment, among other problems.

- Since August 2007, the problem of overcrowding has been resolved, thanks to the construction of new facilities. There are problems with the location and infrastructure of the childcare facility of the Buen Pastor Penitentiary, however.
- Lack of any opportunity to see their children: Women who have been deprived of their liberty and who have children who are not in the Buen Pastor facilities and are far from San José cannot be visited by their children because they cannot afford to do so. The incumbent Minister of Justice has stated that this situation needs to be resolved by building the necessary facilities.

Article 2 (e)

Sexual harassment in private enterprise

179. Sexual harassment continues to be a common practice in private companies. There is concern about the Ministry of Labour's insufficient capacity for investigating and following up on complaints about sexual harassment in the private sector. Methods of prevention, counselling and oversight are limited. Representatives of the National Labour Inspectorate of the Ministry of Labour and Social Security have provided assurances that this agency has continued to emphasize that all places of employment must establish guidelines in this area.

180. The Gender Equity Unit of the Ministry of Labour and Social Security has made the following recommendations for combating sexual harassment in private companies:

- Encourage private companies to arrange for the Labour Inspectorates to provide training on sexual harassment to their staff;
- Promote the establishment of an appropriate mechanism that will allow the Labour Inspectorates to conduct timely and impartial investigations into sexual harassment cases in sole-proprietor enterprises;
- The Legal Directorate should provide specific advice to companies so that, when they draw up their staff regulations, they include a clearly defined internal procedure for dealing with sexual harassment complaints;
- A protocol should be formulated that sets out a specific timetable for the investigation of cases of sexual harassment by the National Labour Inspection Directorate (source: report of the Gender Equity Unit of the Ministry of Labour and Social Security on action taken by the Ministry with respect to the issue of sexual harassment, September 2006).

181. The Gender Violence Unit of INAMU has conducted a preliminary baseline study on sexual harassment of female workers in the private sector. This study will be used as a basis for a proposal on the approach to be taken to employment-related sexual violence against women. The Unit had some difficulty convincing private-sector agents to take part in this study (source: INAMU, *Memoria Institucional: Administración, 2002-2006*).

Gender equality and equity in the company setting: gender equity certification

182. INAMU is working on a pilot plan concerning the certification of employers and the award of gender equity seals. This initiative was begun in 2002, but made no significant headway in 2003 or 2004.

183. The effort was re-launched in 2005, and the necessary tools and conditions for the pilot plan's implementation are now in place. The following outputs have been produced:

- An updated study on similar initiatives around the world;
- Three handbooks, prepared from the standpoint of a gender perspective, for use by the certifying agency: a handbook on organization and functions, a handbook on procedures and standards, and a handbook on job descriptions;
- A training programme (including the methodological strategy to be used and its various modules) designed for the evaluators and auditors of the Gender Equity Management System (the first-level validation stage is also covered);
- A proposed incentive plan based on a study that identified economic and non-economic incentives that could be offered to organizations that have been awarded equity seals as a way of promoting voluntary participation in the programme;
- A redesigned pilot plan and implementation strategy;
- A strategy for promoting and publicizing the project;
- A strategy for the organizational and administrative transition involved in handing this initiative over to a specialized agency.

184. In 2005 and 2006, the pilot plan was implemented. This entailed a number of different areas of activity:

- Involvement of public and private organizations in the experiment;
- Promotion of a process of cultural change aimed at fostering gender equality and equity in the participating firms;
- An analysis of the gender gaps existing in each organization and, using this as a basis, work on their gradual elimination;
- Consensus-building around the project and the social legitimacy of its objectives;
- Maintenance of the relationship developed during the first stage of the project in 2002 with the organizations that participated in the consultation process.

185. In 2006, this strategy was applied in Planta de Concentrados Coca Cola Industrias Ltda. This experiment led to the development of a management system and of the documentation and procedures necessary for the initiative's implementation and evaluation.

Article 2 (f) and (g)

186. As noted in the section on article 2 (a) and (b) (paragraphs 81-91 of this report), no major progress was made in developing legislation designed to eliminate discrimination against women. There are, however, a number of laws, regulations and executive decrees that attest to the efforts made during the 2002-2006 congressional term. In addition, during the congressional term that began in 2006, the Legislative Assembly passed a law criminalizing violence against women, a law prohibiting persons under the age of 15 from marrying and an amendment to an existing law on the sexual exploitation of minors. The Justice Administration System also approved the Statute on Justice and the Rights of Users of the Justice System. The priority bills figuring on the women's legislative agenda have been described in the above-mentioned sections.

A. Changes in criminal legislation since the passage of the Act on the Criminalization of Violence against Women

187. Passage of the Act on the Criminalization of Violence against Women came in response to the need to deal with very real situations and forms of behaviour that were not covered by existing criminal laws:

- The Criminal Code provides for a term of imprisonment of from 20 to 35 years for persons who kills their spouse or partner in a conjugal union, provided that they have had one or more children and have lived as a married couple for at least the last two years (aggravated homicide). The difference between femicide and aggravated homicide is that, in the case of femicide, the only defining circumstance is that of having killed a woman with whom the person in question had maintained a marital relationship or a de facto union, whether publicly acknowledged or not, regardless of how long that relationship lasted or whether or not they have had one or more children.
- The Act on the Criminalization of Violence against Women establishes offences that are not defined in the Criminal Code, such as the restriction of freedom of movement (physical violence), emotional violence, abusive sexual conduct, sexual exploitation of a woman, aggravated forms of sexual violence, defrauding a woman of community property, misappropriation of earnings from family economic activities and economic exploitation of a woman.
- Under this law, if the offence of sexual violence is committed against a woman with whom the offender had maintained a marital relationship or de facto union, whether publicly acknowledged or not, this is counted as an aggravating circumstance, given the power relations and trust existing between partners in a conjugal relationship. The Criminal Code, however, does not classify such a link between an abuser and a victim as an aggravating circumstance but instead treats this offence in the same way that it treats the offence when it is committed by a stranger. Under the new law, the

punishment is increased and the existence of a marital bond or a de facto union is recognized as a relevant circumstance (source: a comparative table contrasting the provisions of the bill on the criminalization of violence against women and the Criminal Code, Legal Status and Protection of Women's Rights Unit, INAMU).

B. Abolition of corporal punishment

188. A bill on the abolition of corporal punishment and any other form of mistreatment or degrading treatment of children and adolescents is currently before the Legislative Assembly (File No. 15 341). This bill is intended to repeal any provision in Costa Rican law that authorizes the use of corporal punishment and to promote public policies for the replacement of this practice with new methods of child-rearing. It does not establish any criminal penalty for offenders. The Committee on Children and Adolescents issued a majority opinion in favour of this bill, and it has now been sent to the First Plenary Committee; this "mini-plenary" is composed of 19 Deputies and has the authority to approve or reject bills after two readings.

189. The amendment to article 143 of the Family Code now being examined by the mini-plenary of Congress says: "Parental authority confers the rights and imposes the duties to educate, keep, watch over and discipline minor sons and daughters, with any form of corporal punishment or mistreatment being excluded, as is any aggression or physically or emotionally degrading treatment...." The introduction of this article would therefore do away with a parent's right to "correct" minors by means of "moderate" punishments.

190. This bill is very important because it sends the message that corporal punishment is not a legitimate form of punishment in our country. Costa Rica would thereby become the first country in Latin America to abolish corporal punishment by law. Such a law must necessarily be coupled with a public policy designed to gradually change child-rearing patterns by substituting non-violent approaches for existing violent methods (source: *La Nación*, Mario Víquez, President of the National Child Welfare Agency).

Article 3

A. National policy on gender equality and equity

191. The most important event that occurred during this reporting period was the establishment and public dissemination of the national policy on gender equality and equity. Although the process has not been without its difficulties, the formulation and adoption of this policy is a sign of hope and opens the way for the topic of gender inequality to be re-positioned on Costa Rica's public agenda as a priority issue.

192. This is the first time that the Government of Costa Rica has been able to inform the Committee of the creation of a policy of State for the promotion of gender equality and equity that includes guiding principles, clear-cut objectives and courses of action, management and follow-up mechanisms, and well-defined

indicators that have been agreed upon by the various sectors of the State and civil society.

193. It was developed with support from UNFPA by means of a participatory process that required a great deal of hard work by many people and teams. The technical work and consultations involved in its definition were coordinated by INAMU in conjunction with a team of professionals from the State of the Nation Programme, which is one of the country's most highly respected research and assessment initiatives. The views and opinions of over 450 people –including Government representatives, representatives of women's organizations, social organizations and academic institutions, and specialists at the country's public universities– were obtained.

194. The formulation of the policy was coordinated by INAMU, in accordance with article 3 of Organization Act No. 7801, which defines its chief aims as including: "to perform this task in coordination with public institutions, Government agencies that conduct programmes for women and social organizations and to ensure compliance with it." In line with this legal mandate, INAMU will promote the application of this policy under agreements reached with institutions in the four branches of the Government, civil society and civil society organizations.

195. A policy support group has been formed by senior authorities from the executive, the judiciary, the legislature and the Supreme Electoral Tribunal. Thus, not only the executive but also the other branches of Government have participated in formulating this policy of the Costa Rican State.

196. It is hoped that this policy will spur progress towards gender equality by leading to the identification and prioritization of strategic challenges that will enable the country to take a qualitative leap forward over the next 10 years in the achievement of human development and equality between women and men.

197. It clearly differentiates between the principle of equality and the principle of equity and takes into account, as recommended by the Committee on the Elimination of Discrimination against Women, that these terms are not interchangeable or synonymous.

198. The policy is based on three major clusters of strategic action: economic autonomy, political participation and cultural change. These are the pillars that will underpin the effort to eliminate the barriers of inequality that are now faced, particularly by women. They are also cross-cutting lines of action of the utmost importance, since they target structural core elements that give rise to gender gaps. These gaps result in inequalities that impact large groups of women and are reflected in higher poverty and unemployment rates and in exclusionary social and cultural practices that hinder the advancement of women. This is why they require special attention over the coming 10 years.

(a) *Guiding principles*

199. The 10 guiding principles for this policy are as follows:

1. **A strategic and inclusive approach** to meeting the challenges that the country must overcome in order to achieve equality between women and men;

2. **Cumulative progress over the long term**, taking the achievements made and challenges met by the country in relation to equality and equity as the starting point;

3. **Shared gains** based on the aspirations, alliances and responsibilities shared by the various branches of government and stakeholders in society;

4. **Respect for rights** based on the principles of human rights, gender equality and human development, in which respect for the human condition and egalitarian treatment are basic tenets;

5. **Non-discrimination** in respect of women for any reason having to do with gender;

6. **Universality**, as the policy includes all women, not just poor women;

7. **Recognition of diversity** and the particular characteristics of discrimination against different groups of women, while, at the same time, care has been taken to ensure that the policy does not become simply a mosaic of targeted measures;

8. **Enforceability**, focusing on the creation of the necessary material, social and cultural conditions for the enforcement of women's rights and the avoidance of indirect discrimination;

9. **Articulation**, as a policy of State that calls upon a range of public, private and civil society sectors to participate in policy design, implementation, evaluation and oversight and to maintain accountability;

10. **Participation**, in all stages, from design to accountability, as a fundamental means of ensuring the policy's full and successful application (source: *Política Nacional para la Igualdad y Equidad de Género*, 2007).

(b) *Objectives*

200. This policy sets out six strategic, long-term objectives for the work of State institutions. These objectives were defined on the basis of research, analysis and priority-setting conducted by the groups that were consulted as part of this process. They refer to the following issues:

(a) Viewing the need to take care of one's family as a social responsibility and fostering an understanding of the value of domestic work: By 2017, all women who need childcare services so that they can engage in gainful employment will have at least one option for quality public, private or semi-public

childcare. This will represent real progress towards socially responsible childcare and due recognition of the value of domestic work.

(b) Good-quality, gainful employment and income generation: By 2017, the country will have done away with the main factors that result in male-female income gaps and the unemployment and underemployment of women as part of an overarching improvement in the employment situation in the country.

(c) Quality education and health care on a basis of equality: By 2017, all children and adolescents, from very young ages on, will benefit from well-designed educational programmes aimed at doing away with gender stereotypes in parenting, in terms of sexuality, and in sexual and reproductive health that hinder the achievement of equality between women and men.

(d) Effective protection of women's rights and against all forms of violence: By 2017, free, high-quality public and private information services and legal advisory services will be in place that enable women to exercise and demand their rights and that will guarantee their right to a life free of violence.

(e) Strengthening women's political participation: By 2017, political participation on an equal footing will be a reality in all State decision-making processes, including those of government and municipal agencies and institutions.

(f) Public institution-building that is conducive to gender equality and equity: By 2017, the political, technical and financial capacity of INAMU will be strengthened and a set of mechanisms for promoting gender equality and equity will be in place which will enable it to play an influential role in national affairs (source: INAMU, *Política Nacional para la Igualdad y Equidad de Género*, 2007).

201. A series of management and monitoring mechanisms have had to be established for the implementation of the national policy on gender equality and equity. Following the completion of their design and approval, a plan of action for the policy's implementation on the ground will be prepared. One of the main questions to be resolved concerns the coordination of the various sectors, institutions and programmes, since the implementation of this policy will entail work in areas outside the social sector, which is the focus of INAMU and of many of the other institutions involved. Building management capacity for the policy, in general, and for each objective, in particular, will also be a challenge. The policy will have to be given official status in each of the participating institutions, and appropriate arrangements will have to be made for its political and technical coordination.

202. The characterization of the approach to gender equality and equity taken in the Government's platform for 2006-2010 employs the widely accepted definitions of the terms "gender", "gender equality" and "gender equity" that are used by the United Nations system. This is reflected in the following statement: "Public action aimed at achieving gender equity will be based on a strategy that systematically links the elimination of long-standing forms of discrimination against women with a call upon men to help bring about the changes needed to move towards gender equity and with the overall development of a sense of shared responsibility on the part of women and men in public and private affairs..." (source: Note No. DM-

026-01-07 of 11 January 2007, from Minister Fernando Zumbado Jiménez, whose portfolio includes social policy and poverty reduction, to the Ombudsperson).

203. In the same note, Minister Zumbado Jiménez indicated what offices were responsible for implementing the Government's gender equity policy:

(a) Political guidance: Under the current Administration, political responsibility for policy oversight has been organized by sector and is directed by the corresponding minister in each of those sectors (Executive Decree No. 33.151-MP of 8 May 2006). Political responsibility for oversight of the gender equity policy is borne by the Minister in charge of social policy and poverty reduction (INAMU has been included in this sector, as stated in the above-referenced decree).

(b) Technical guidance: This area is the responsibility of INAMU. One of this institution's most important tasks is the formulation of national policy on gender equality and equity and the advancement of that policy both in the Government and in civil society.

(c) Implementation of specific gender equality and equity policies: This responsibility is to be assumed by all the institutions concerned.

(d) Monitoring, evaluation, inspection and accountability: These tasks are assigned to specialized institutions such as the Comptroller-General of the Republic, the Ministry of National Planning and Economic Policy, and the Office of the Ombudsperson. These institutions are responsible for explicitly and systematically mainstreaming the gender dimension into these functions. Some of the tasks that remain to be done include the formulation of gender-sensitive plans and budgets and the evaluation of institutional goals relating to gender equality.

B. National machinery for the advancement of women

(a) National governmental machinery: National Institute for Women

204. The fourth periodic report (CEDAW/C/CRI/4) provided information on the status of INAMU as a national machinery for the advancement of women, on the proposal for its consolidation as the lead agency for gender equality and equity, and on the 2002-2006 Strategic Institutional Agenda. In this report, information will be provided on the results of the implementation of that strategic agenda, the problems faced during this reporting period and the current management team's plans for the role it will play and the strategic objectives it will pursue in the coming term.

205. Pursuant to the relevant international instruments, including the Beijing Platform for Action, Costa Rica has undertaken to establish appropriate conditions for gender equality and equity and has recognized the need: "...based on a strong political commitment, [to] create a national machinery, where it does not exist, and strengthen, as appropriate, existing national machineries, for the advancement of women at the highest possible level of government."

206. Since 2003, INAMU has been receiving the 2 per cent allocation from the budget of the Social Development and Family Allowances Fund (a fund for social institutions and programmes). It is entitled to this allocation by law, but had not received these funds between the time of its creation in 1999 and 2003. The 40 per cent budget cut instituted for all central government agencies was not fully applied to INAMU in 2003. The increase in the general budget of INAMU resulted in improved administrative and technological support. Improvements were also seen in the planning and budgeting system thanks to the introduction of tools for calculating the monthly and quarterly financial statements on programmatic budget execution. As shown in the following table, the budget increase instituted between 2001 and 2003 has been followed by a continuing upswing since that time (source: INAMU, *Memoria Institucional, 2002-2006*).

Table 7
INAMU receipts and expenditures

(In thousands of colones)

	2001	2002	2003	2004	2005	2006	2007
Receipts	835.4	1 005.8	1 179.6	1 798.2	3 122.6	2 296.7	2 500.9
Expenditures	833.3	847.7	1 060.1	1 181.4	2 460.6	1 959.6	2 154.7

Source: Financial Administrative Directorate, INAMU.

(b) *A crisis situation in INAMU: 2004-2006*

207. From 2004 to April 2006, INAMU experienced a crisis situation that impaired its institutional operations and, consequently, its ability to pursue the objectives relating to women's rights for which it is legally responsible. The existence of this crisis was verified by an investigation carried out by the Office of the Ombudsperson and by the findings of two studies conducted by the Comptroller-General. The Constitutional Chamber of the Supreme Court and the Women's Committee of the Legislative Assembly also acknowledged this problem and received requests to remove the then Minister for Women's Affairs from her post.

208. The conclusions presented in these reports indicate that, during that period, there was a failure to strengthen the institutional structure of INAMU and governmental gender-based public policies; despite the increase in its budget, the institution's ability to fulfil its legal mandate diminished during that time. The institution's management did not fully observe Costa Rican laws and regulations and was not knowledgeable about the international instruments ratified by Costa Rica, which form part of the national legal order. The scope for dialogue with women in civil society and for their effective participation in decision-making bodies of INAMU was limited; even INAMU staff members were not permitted to participate fully in discussions about the direction in which the institution should move in the future.

209. During that period INAMU did not fulfil its obligations under the National Development Plan with regard to strategic activities for the advancement of

women, such as the formulation of a national policy on equality and equity. The follow-on effect of this situation was that the individual public institutions' efforts to implement gender policies suffered from a lack of leadership.

210. This situation also impaired the institution's capacity to respond to women's needs and expectations, since the foundations and content of work programmes were in flux; in addition, guidelines were issued that overlooked major achievements in the advancement of women's human rights in such areas as sexual and reproductive health.

211. Apart from these events, the work atmosphere at INAMU deteriorated, and there were a large number of staff rotations and transfers as a result of dismissals, persons on disability leave, resignations of long-serving staff members and requests for leave, in addition to an unusually large number of submissions to disciplinary bodies that resulted in the separation of key personnel. This was exacerbated by irregularities within disciplinary bodies and in respect of access to information on persons under investigation, all of which prompted the Constitutional Chamber of the Supreme Court to grant a number of staff members' applications for *amparo*.

c) *Resolution of the crisis*

212. In May 2006, INAMU began to institute a number of emergency measures in order to address this critical situation. These measures included an analysis of the reasons for the large surpluses that INAMU had recorded for the past three years and a reformulation of the budget, together with effective budget implementation. In order to resolve the pending administrative proceedings and address the conflictive workplace environment, channels for dialogue were opened, alternative dispute settlement mechanisms were instituted, and former staff who were legally entitled to reinstatement were returned to their posts.

(d) *Progress made*

213. Thanks to support from the women's movement and from a broad sector of society, together with the efforts of technical staff, INAMU, as a national mechanism, succeeded in making progress towards the goals set for this period despite this institutional crisis. These goals included:

- Monitoring and evaluation of the *Creciendo Juntas* and *Construyendo Oportunidades* programmes. These inter-agency initiatives are being carried out by IMAS, INA, INAMU, the Ministry of Labour and Social Security and the Ministry of Housing and Human Settlements. These programmes, which were established pursuant to the Assistance for Women Living in Poverty Act and the Assistance for Adolescent Mothers Act, have served over 20,000 women during the reporting period. The areas in which they have had the most impact are in the personal and collective development of adolescent mothers, other adolescent women and adult women. Nevertheless, it became apparent that certain components of these programmes needed to be upgraded in order to make them more effective. As a result, the second programme was closed down and the first was overhauled. The current management team is therefore planning to consolidate these efforts into an inter-agency assistance

programme for women living in poverty based on the amended version of IMAS Reinforcement Act No. 8563 and on the evaluations of the Creciendo Juntas Programme. Management is therefore developing a strategy for the delivery of assistance to poor women and defining a programme entry and programme exit profile for such women.

- Inputs from INAMU in promoting and providing technical support for the establishment and entry into operation of the IMAS-BANACIO-BANCRECITO Fund, which is to provide credit and support services for women wishing to develop a business idea. Detailed information on the outputs of this programme is provided in the section on article 14.
- Technical assistance for the consolidation of the National Domestic Violence Prevention and Assistance System, to be provided through the Women's Office, and the operation of shelters. There are a total of 70 anti-violence networks throughout the country, as well as three shelters for women victims of violence and their children.
- Advocacy of the Responsible Parenting Act, which helped to bring about a reduction in the number of children whose paternity has not been determined (from 22,384 newborns in 2002 to 5,031 in 2005) thanks to the DNA testing entitlement which it established.
- Promotion of round-table discussions and negotiations between members of women's organizations and civil servants in order to improve and provide direction for government services by helping to ensure that women's needs are taken into consideration and to increase the accountability of State institutions.
- Promotion, defence and dissemination of women's human rights. Work done in this connection took the form of follow-up to the women's legislative agenda, human rights training, legal and administrative assistance for women throughout the country, information campaigns and printed materials focusing on women's human rights within the framework of the Convention and on their economic, social and cultural rights.
- Generation of expertise on gender issues. INAMU carried out a large number of research projects and studies during the reporting period, including a series of statistical studies, compilations of laws and specific studies on social security, female entrepreneurship, domestic violence, responsible parenthood and other topics.
- Public policies with a gender perspective, and equality and equity plans for State and municipal institutions. Gender policies were introduced in specific sectors, such as the agricultural industry, the judiciary, ICE and the Ministry of Public Security. Other policies of this type were negotiated for the Costa Rican Water and Sewerage Systems Institute (AyA) and the People's Bank, and gender equity plans were implemented in the Ministry of Labour and Social Security, the Ministry of Health, the Ministry of Public Education and in the municipalities of Belén, Escazú, Alajuela and San José, which have expressed a growing interest in incorporating a gender equity approach in their day-to-day work.

- Design, application and systematization of the Special Time-Use Module. Detailed information on this module is provided in the section on article 5.
- In the final year of this reporting period, progress was made in moving ahead with the “gender equity seal” workplace certification initiative, which is aimed at improving working conditions for women and promoting their labour rights. A pilot equity certification programme was developed, vetted and systematized. As a result, a number of valuable methodologies and lessons learned are available for use in introducing good practices in the promotion of gender equity in private enterprise. This experiment was evaluated, and it is hoped that an international certification system of this type can be put into operation in the future (see the section on article 2).
- A methodology for public budgeting with a gender perspective was designed and tested in cooperation with staff members of government agencies working in the area of institutional planning and in gender equity offices. The next step will be to do the necessary preparatory work at the senior levels of government that are responsible for budgetary allocations and oversight with a view to their issuance of instructions making it mandatory to incorporate the gender perspective into budget preparation and monitoring tasks (Public Policy Unit of INAMU, 2007).
- Work on an impact assessment of the National Domestic Violence Prevention and Assistance System was begun and should be completed in the first half of 2007.
- Strengthening of human resources and the institutional budget. With the arrival of the new management team, most of the technical and administrative staff who had been involved in labour disputes with the previous management team were reinstated. In addition, all resources allocated to the institution were incorporated into the budget, and no use was made of donations such as the grant awarded to the National Emergency Committee in 2005 (source: INAMU, *Memoria Institucional*, 2007).

214. Challenges that will need to be met this year include developing and setting in motion a five-year plan of action for the application of the national policy on gender equality and equity. Political advocacy for urgent legislative reforms will continue, and a planning, monitoring and evaluation system is to be introduced that will be aligned with the new work procedures approved during the strategy planning exercise.

215. In May 2006, the effort to strengthen the leadership role of INAMU was re-launched with the formulation and negotiation of the national policy for gender equality and equity, together with the consultations that accompanied that process. A strategic planning document was drawn up that takes the views of INAMU staff into account, outlines policies in keeping with the National Development Plan, establishes objectives for positioning the institution in a leadership role and sets feasible, viable targets. Technical cooperation projects with international agencies were reactivated, and an agenda intended to guide the work of the Legislative Assembly was drafted in consultation with civil society. This agenda sets priorities

for the next four years in the following areas: political rights; local development and participation; economic, social and cultural rights; and women's labour rights. Contacts with international agencies were also reactivated.

C. Machinery for promoting and monitoring gender policies

(a) Gender equity offices or units and other machinery

216. During the reporting period, Gender Equity Units (UPEGs) continued to serve as mechanisms for supporting the viability of gender mainstreaming efforts focusing on Costa Rica's institutional structure. These mechanisms have gone through various stages and processes, all focused on the clear objective of moving towards gender equality and equity.

217. In 2003, a UPEG support programme was conducted that provided for a strategic plan for strengthening a network of gender units. This initiative resulted in the transfer of theoretical and practical knowledge to 17 UPEG staff members (source: Annual Workplan, 2003).

218. In 2004-2007, support was provided to the UPEGs of the: Ministry of Public Education, Ministry of Labour and Social Security, the six UPEGs in the agricultural sector and the UPEG of AyA, which had been identified as high priorities. The UPEG for the judiciary was set up during this period as well. This office has been one of the UPEGs that has received the most support from INAMU in view of its strategic importance in the effort to ensure that justice is administered on the basis of gender equity (see the section on article 2). UPEGs were also established in the Ministry of the Interior, Police and Public Security and in the Ministry of Foreign Affairs. Some UPEGs have been troubled by crossed signals, instability and threatened closure and have thus required greater efforts on the part of INAMU to provide political advocacy and support (source: Public Policy Unit of INAMU, 2007).

219. In 2005, 21 senior officials of Government institutions were requested to submit a biannual report on the progress being made by public institutions towards gender equality and equity. An analysis of that report demonstrates the country's pressing need to:

(a) Promote a policy for the creation and strengthening of UPEGs (INAMU drafted this policy, but was unable to secure its political endorsement during the reporting period);

(b) Establish a legal framework that will ensure that the relevant public institutions have information platforms in which data are disaggregated by sex and that they budget funds for affirmative action to narrow equity gaps.

220. The following paragraphs will cover developments in individual sectors.

221. Agriculture: In 2003, a gender policy for the agricultural sector and an action plan for 2003-2010 were approved. Workplans for monitoring the policy's application, together with sex-disaggregated indicators, were established for all

institutions in the sector (2005) (source: *Impacto de la Ley de Promoción de Igualdad Social de la Mujer*, 2006, IIDH).

222. The policy for the agricultural sector includes the following guidelines: (1) strengthening of UPEGs in agricultural institutions at the sectoral and regional levels; (2) gender mainstreaming in agricultural policies on competitiveness, human capacity-building, environmentally sound agriculture, institutional modernization, food security, gender training for staff and organized groups in the target population, and external cooperation and coordination to support progress towards gender equality and equity in the agricultural sector.

223. Public policy on youth (2003): In October 2003, a public policy on youth was approved by the National Youth Assembly following consensus-based consultations with different sectors of young people throughout the country. The policy approach focused on the recognition of young people as rights holders. The goal is to create opportunities and the necessary conditions for the exercise by young people of their rights, their performance of their role as citizens, the development of their potentials and their contribution to national development. Equity and non-discrimination are underlying principles.

224. In 2005, the Youth Action Plan was formulated. This plan focuses on the following priorities: promotion of a comprehensive form of education to foster a healthy and safe form of sexuality and wellness, gender-sensitive vocational training and employment opportunities, strengthening of the structural framework for the national youth system and of the national consultative youth network, and the review, expansion and re-engineering of more inclusive educational services.

225. Education: In accordance with Executive Decree No. 28484 of 2000 (Ministry of Agriculture-Ministry of Public Education-Ministry of Labour and Social Security-SCM) and the cooperation agreement between the Ministry of Public Education and INAMU, the strategic action plan focusing on the creation of a culture of gender equity in the educational system is being implemented. The plan includes 21 strategic actions. The second gender equity policy for the Costa Rican educational system is now being developed.

226. In order to work towards doing away with the segregation that exists in terms of the career choices of women and men, the Project for Equal Participation by Women and Men in Competitive Technical Areas of Specialization has been started. In order to move this project forward, an inter-agency committee has been formed by the Ministry of Public Education, INAMU and INA to find material and subjective means of encouraging students at technical and vocational schools to choose areas of specialization that will allow them to enter the labour market on more advantageous terms (2005-2006). Under this programme, 25 persons were trained at five vocational/technical secondary schools in 2005 and received follow-up training in 2006. In order to mainstream the gender perspective in the technical education system, this inter-agency committee also trained 20 staff members of the Technical Education Department of the Ministry of Public Education, as well as 20 staff members of INA.

227. In order to heighten the impact of these initiatives, a request will be sent to the most senior officials of the Ministry of Public Education to:

- Make these modules' application in the country's educational institutions mandatory;
- Provide the funding needed to revise and print up teaching materials (for the modules and other applications);
- Involve fathers and mothers in the process so that the changes being promoted in educational institutions will have a greater impact on students and their families;
- Supply the human, technical, financial and material resources required to monitor the progress of both programmes and expand their coverage in order to make headway towards the established objectives;
- Provide support for the modules' application to the regional directorates of the Ministry of Public Education and participating educational centres in order to ensure that appropriate training activities, advisory services, coaching or mentoring, and follow-up are put in place;
- Coordinate the work being done by the relevant offices of the Ministry of Public Education, such as the Department of Technical Education, the Guidance Department, the Department of Sexuality Education, the Gender Affairs Office and others.

228. Changes are being made in the Ministry of Public Education's organizational and programmatic structure that will alter the Gender Equity Office's strategic position and, very probably, its role in promoting gender equality in the education system. It is hoped that this shift will ensure the Office a strategic position in the new organizational structure and an equal or greater allocation of human and technical resources and funding so that it can successfully promote and guide the process of gender mainstreaming throughout Costa Rica's education system.

Technical training

229. An increase was made in the staff strength of the Advisory Office for Women's Career Training of INA (the equivalent of a UPEG in other institutions). This unit's main responsibility is to encourage women to participate in the various vocational training programmes that are available (INA, Women's Advisory Office).

Health sector

230. During this period INAMU played an active role in the joint national commission that has been asked to prepare a proposal for the amendment of the CCSS provisions concerning disability, old age and death benefits. The actions taken by INAMU were aimed at promoting equitable treatment for women in the reform process (2004). The Institute helped to coordinate with the CCSS Pensions Directorate and held consultations with women in various sectors prior to the development of the strategy for expanding social security coverage. The purpose

of these consultations was to learn about women's needs and interests and their ideas about how pension and health-care coverage might be expanded (2005). In an apparent contradiction to the commitments assumed by CCSS in connection with the modification of the disability, old age and death benefits scheme, the Gender Equity Office was closed down for two years and was not reopened until 2006. The challenge for CCSS is to reposition this office at a level from which it can continue its work with gender mainstreaming. This is all the more important in view of the vital role that the Office plays in ensuring that women have access to high-quality, caring health services.

231. The National Gender and Health Commission was created by Executive Decree No. 33296-S in July 2006. It is attached to the Ministry's Health Services Office and provides advisory and consultative support to the Health Sector Council. Its purpose is to assist in the formulation and implementation of a national policy on the regulation, guidance and management of plans, programmes, projects and policies for rights-based gender mainstreaming and for the elimination of health-related inequities.

232. In 2005 a cooperation agreement on capacity-building in the area of gender mainstreaming was signed by INAMU and AyA. The effort to build up the AyA staff's strategic planning capacity was highly successful, and a gender policy in the area of water resources was designed. However the political will to approve the policy and apply it has been absent.

Poverty reduction

233. In 2004 INAMU provided advisory assistance to IMAS staff in connection with the creation of an UPEG in IMAS. This process started out with the negotiation of an inter-agency cooperation agreement. The agreement proposed by INAMU was well received by IMAS technical staff, but the senior management of IMAS did not sign off on it. Opening up this UPEG so that it can work to mainstream the gender perspective in the operations of IMAS (which serves the poor population, 80 per cent of which is made up of women) is therefore a task that remains to be accomplished.

Financial sector

234. INAMU has been working with the country's public financial sector since 2001. This has made it possible to provide women with greater and greater access to the financial and other services offered by two of Costa Rica's largest State-owned banks. As part of the Institute's work in this sector, it regularly provides technical assistance in gender sensitization for loan executives and technical training in the area of development banking and gender to persons in key positions in these two banks. It has also been backstopping the Workers Assembly of the Community Development and People's Bank in the formulation of a policy on gender equality and equity for 2007-2010. In 2005, INAMU provided support for a study being conducted by the Economic Commission for Latin America and the Caribbean (ECLAC) on employment in the Costa Rican financial services sector as part of a region-wide project. This study yielded findings about this sector's role as an employment niche for women which will help to guide the Institute's

continued cooperation with these financial institutions (INAMU, *Memoria Institucional: Administración, 2002-2006*).

Security sector

235. In November 2003, the Ministry of the Interior, Police and Public Security issued its institutional policy on gender equality and equity in an effort to ensure the legitimate protection of labour rights on an equal-opportunity basis for female and male staff of the Ministry. This policy is based on the Constitution and on a human rights perspective (source: Ministry of the Interior, Police and Public Security, 2003).

Electricity sector

236. ICE approved its institutional policy on gender equality and equity in December 2003, thereby making a commitment to promote gender equality and equity as guiding principles for its operational strategy, organizational culture, policies and regulations. Its Institutional Programme for Gender Equality and Equity, which is run by the Human Resources Administrative Directorate, will be responsible for promoting this policy (source: ICE, “Política Institucional de Igualdad y Equidad de Género”, Regular Session 5570, 2 December 2003).

Environmental and energy sector

237. The Gender Unit of the Ministry of the Environment and Energy was in operation for eight years and issued an official gender policy for the sector, but the Unit’s position began to weaken during the last Administration, and this ultimately led to its closure under the current Administration. The closure of the Unit is a step backward in the Government’s efforts to maintain and strengthen machinery for the advancement of women. It leaves a gap that reduces capacity for providing assistance to organizations formed by poor, rural women who are fighting for an environment that will ensure quality of life for present and future generations.

(b) *Municipal machineries: Municipal Women’s Offices*

Status of the Municipal Women’s Offices

238. The year 2006 was the tenth anniversary of the first Municipal Women’s Office. Since then, offices have been opened in 62 of the country’s 81 municipalities. Nine of them have been closed temporarily for various reasons stemming, in most cases, from a lack of political commitment or from the fact that they were opened under unsustainable conditions (source: INAMU, 2007).

239. These offices have been working in various areas and have consolidated their position at the local level as a mechanism for the promotion of municipalities’ efforts to take the needs and interests of women into account, strengthen women’s organizations and leadership, and undertake public policies and affirmative action conducive to gender equality and equity. While they were first created to serve as a specialized mechanism for dealing with domestic violence, they have since broadened their sphere of action to encompass many other issues relating to women’s rights.

240. Municipal women's offices work in the following areas:

- Information, guidance, advisory assistance and reference materials concerning women's rights (issues such as responsible parenthood, domestic violence, alimony and so forth);
- Specialized services in cases of domestic violence;
- Activities in connection with the creation of own-account and other jobs, employment placement services and job exchanges;
- Leadership-building, strengthening women's organizations and construction of women's agendas through training, advisory assistance and coaching;
- Sensitization and training activities for women's groups, community groups and the staff of different institutions concerning subjects relating to gender equality and equity and women's rights;
- Gender mainstreaming in municipal affairs;
- Participation in inter-agency networks and committees (INAMU, Picado et al., 2005).

241. The sustainability of the projects undertaken by Municipal Women's Offices has been influenced by changes in Administrations, and promotion of the gender perspective and affirmative action for women continue to be both a challenge and a pending item on local public agendas. This is all the more so because the phenomenon of *familismo* (strong sense of family) sometimes obscures women's needs and interests (source: Active Citizenship, Leadership and Local Affairs Unit, INAMU, 2007).

242. The creation of Municipal Women's Offices is not provided for by law. INAMU, together with the Ad Hoc Standing Committee on Women's Issues of the Legislative Assembly, drafted Bill No. 14879, which provides for gender mainstreaming in the objectives and areas of authority covered by the Municipal Code, as well as in plans and budgets for strengthening the Municipal Women's Offices. The Committee has unanimously recommended the bill to the plenary. INAMU has worked with the Women's Offices and with municipal commissions dealing with women's issues to publicize this bill, monitor its progress and lobby for it.

243. A number of strategies for strengthening the Municipal Women's Offices have been developed in the past year:

- The National Policy of Local Governments defines the gender perspective as one of its cross-cutting core elements;
- The opening of various Municipal Women's Offices was formalized under agreements with INAMU. These agreements also provide for ongoing training and advisory assistance for their directors;

- Partnerships with international cooperation agencies are not only a source of funding but also a channel for garnering international recognition for the work of these offices and for exchanging experiences and evaluations of the work done;
- Creation of internal and external support networks by the municipalities;
- Inter-municipality (across Municipal Women's Offices) and inter-agency support;
- Forums, agendas, foundations or networks that provide an opportunity for women to organize;
- Initiatives developed by the standing committees on the status of women created under the Municipal Code.

244. Work is being done on the development of plans and policies to promote gender equality and equity at the municipal and local levels. The aim is to develop experimental and instructive initiatives on gender mainstreaming in the municipalities as a shared responsibility of political, administrative and technical authorities. This project, which, as a start, involves 10 municipalities, is being undertaken within the framework of the national policy on gender equality and equity. The intention is to contribute to institutional capacity-building efforts in the area of gender equity by helping to frame public policy at the local level.

(c) *Office of the Ombudsperson*

245. The Ombudsperson for Women plays a key role, in conjunction with the Administrative Management Unit of the Office of the Ombudsperson, in defending women's rights. The work being done to investigate reports of violations of citizens' rights by public authorities, which was described in the previous report, has continued during this reporting period. The Ombudsperson's intervention in the case of INAMU, which has been mentioned above, included a wide-ranging investigation and was extremely helpful in informing the public about what was occurring in this institution.

246. The number of complaints has been on the rise during the reporting period. In 2003-2004, the number of complaints received by the Ombudsperson for Women climbed by 38.2 per cent (212 complaints the year before versus 293). Most of these complaints have to do with delays in alimony procedures, failures to enforce constraining or committal orders imposed upon persons who are not keeping up on alimony payments (the most frequent type of report). There has also been an increase (approximately 58 per cent) in reports of sexual harassment and of violations of labour rights, particularly in the case of bullying in the workplace (illegal dismissals, restriction of rights relating to childbirth and breastfeeding, intimidation or persecution by supervisors, denial of transfers, forced or arbitrary transfers, denial of promotions). Reports of ill-treatment, shortcomings in services, denial of services, charges for services in public clinics and refusals by these clinics to provide medicines have also been on the rise. The most frequent complaints lodged by women who have been deprived of their liberty concern

delays in benefit reviews, problems obtaining authorization for conjugal visits, inhumane treatment by security officers, the slow pace of sentence reviews and problems with health care. Complaints that are repeated again and again or that are becoming increasingly frequent are not only a challenge but are also signalling a problem that calls for urgent attention and resolution by the Government of Costa Rica, since they are pointing up failings in the country's systems of guarantees for the human rights of women (source: Office of the Ombudsperson's annual report for 2003-2004).

(d) *Special units in public universities*

247. As mentioned in earlier reports, the creation of specialized academic offices to deal with gender issues in public universities has paved the way for training and research that have provided valuable inputs for the universities' institutional development and for the national debate on gender equality and equity. These offices are: the Research Centre for Women's Studies (CIEM) of the University of Costa Rica, the Women's Research Institute (IEM) of the National University, the Institutional Programme for Gender Equity of the State Distance-Learning University, the Gender Equity Programme of the Technological Institute of Costa Rica and the Master's Programme in Women's Studies that is offered jointly by the first two of the above-mentioned universities.

248. During this reporting period, these offices have been consolidating and broadening their scope of work with the addition of new projects and new master's and bachelor's programmes in gender affairs. One example is the Master's in Domestic Violence and Gender offered by the University of Costa Rica and the National University. The University of Costa Rica is also preparing a gender equity progress report in order to update the status report produced in 2001.

249. In 2004, the University Council of the University of Costa Rica sent out instructions indicating that gender-neutral language must be used in official documents. It also succeeded in ensuring that the statistics compiled by the University are disaggregated by sex (source: CIEM management, 2007). CIEM is working on projects in the following areas:

- Design of inclusive, gender-sensitive curricula;
- Participation by women in the University of Costa Rica;
- Prevention of commercial sexual exploitation of minors;
- Dissemination of information on women's rights and other rights.

250. The Women's Research Institute (IEM) of the National University is executing the Sexuality and Gender Equity Project on Trainer Training in an effort to narrow gender gaps in education. The project's objective is to design and implement a theoretical and practical course on gender equity and education for sexuality for teachers and students in a number of the areas of specialization offered by the Research in Education Centre (CIDE). These teachers and students will then generate a multiplier effect by using their knowledge, skills and abilities to pass on what they have learned to schoolchildren, adolescent mothers and

pregnant women. The ongoing *Casa de la Mujer* (“women’s house”) initiative, Women’s Information Programme and Master’s in Regional Women’s Studies continue to be conducted as well (source: IEM, National University, 2007).

Article 4

A. **Affirmative action to accelerate progress towards equality between women and men in political affairs: minimum quotas for participation by women in political parties**

251. In August 2005 the Supreme Electoral Tribunal accepted the application submitted by the New Feminist League Party for registration as a political party in the Province of San José. In so doing, it interpreted the provision concerning a 40 per cent participation rate by women in a way that has important implications for the future. This interpretation establishes that this 40 per cent standard is a minimum rather than a maximum and may be raised in line with the interests or needs of any give political group. This provision does not set a ceiling on women’s participation, but it does cap men’s participation at 60 per cent. This is an affirmative action measure aimed at boosting political participation by women. In this judgement the Tribunal also acknowledged the inequality that has existed throughout history, established that the word “woman” as used in articles 58 and 60 of the Electoral Code cannot be interpreted as a synonym for “person”, and determined that the New Feminist League Party had not blocked participation by men and that, to the contrary, men participated actively in the party on an equal footing. This subject will be discussed in more detail in the section concerning article 7 (source: Supreme Electoral Tribunal, Judgement No. 2096-E-2005, issued at 1.40 p.m. on 31 August 2005).

B. **Special measures for speeding progress towards equality between men and women in other fields**

(a) *Programmes for women living in poverty*

252. From 2003 to 2006, IMAS, INAMU and INA, the Ministry of Labour and Social Security, the Ministry of Public Education and the Ministry of Housing and Human Settlements continued to conduct the *Creciendo Juntas* Programme (for adult women) and the *Construyendo Oportunidades* Programme (for pregnant adolescents and adolescent mothers) in accordance with Assistance for Women Living in Poverty Act No. 7769.

253. Under the *Creciendo Juntas* Programme, 10,495 adult women were served between 2003 and 2006 (source: IMAS, 2007).

254. The experience gained in the course of the approximately seven years that the *Creciendo Juntas* Programme was in place attests to the problems faced by the target population in terms of limited job opportunities, difficulties in finding employment or suitable vocational training, restricted access to education and health services, double or triple workloads, vulnerability to violence and so forth (source: INA, *Creciendo Juntas* Programme, National Oversight Team, paper presented at the Third Women’s University Congress).

255. A sustained follow-up effort focusing on women who have participated in certain components of the programme is called for. For 2003, a target figure for follow-up coverage of 1,750 women was established.

256. The personal development component of the programme was conducted in 2002-2005 as a modular unit entitled "Taking Ownership of Our Knowledge and Power" that covered six different subject areas. In 2005, a comprehensive review of these modules was undertaken, and the personal development component is now being reoriented towards the participating women's effective exercise of their economic rights. Cross-learning experiences were hosted twice per year from 2002 to 2005 but, starting in 2006, they are held just once per year so that more follow-up activities for women who have gone through the programme can be carried out in the second half of each year. In 2005 coordination between the Municipal Women's Offices and the Creciendo Juntas Programme was reinforced and channelled through INAMU (source: INAMU, *Memoria Institucional: Administración, 2002-2006*).

257. Some of the main achievements of the Creciendo Juntas Programme as of 2005 are as follows:

- The duration of the training programme for the personal and collective development component was increased to six months.
- Access to technical training opportunities was improved in 2006, and INA began to offer technical training programmes designed specifically for women who were participating in the programme. Similar initiatives were undertaken with other organizations.
- Follow-up activities helped women to gain greater clarity about their educational and employment prospects.
- Services for various groups, such as indigenous women, were increased. The project carried out in the Gavilán community located in the Taynín Reserve in Limón Province was documented and has provided inputs for the design of theoretical and methodological strategies for serving indigenous women. It has also demonstrated the importance of teamwork and inter-agency cooperation in achieving successful follow-up actions (source: Technical Secretariat, Creciendo Juntas Programme, report on management results for 2002-2005).

258. These programme performance evaluations have pointed up a number of challenges to be met by the participating agencies (INA, IMAS, the Ministry of Public Education, the Ministry of Labour and Social Security, the Ministry of Housing and Human Settlements and INAMU). Based on those findings and on the experience gained, after the new Administration took office, a proposal was presented for the redefinition of the strategy for assisting women living in poverty.

259. As mentioned in the preceding report, the Construyendo Oportunidades Programme was launched in 2002. Under this educational support programme, coaching/tutoring sessions have been offered and a financial subsidy has been provided to adolescents in order to help ensure that they stay in school. From 2003 to 2006, a total of 12,035 adolescent women participated in the programme. In

2002-2005, a total of 12,116 adolescent women took part in the life development training and the educational support sessions. The training modules and coaching/tutoring sessions required an investment of 1,421,057,145,000,000 colones. These funds covered the monetary subsidies, materials, meals and the fees of the programme team (source: INAMU, *Memoria Institucional: Administración, 2002-2006*).

260. The way in which this programme was run changed substantially in 2003, when a new implementation strategy and a new operating structure were developed. Responsibility for implementation of the life development training module was transferred from NGOs to a team of facilitators hired by IMAS. The benchmark was reduced by 50 per cent and, for the first time, follow-up activities were conducted with 1,000 adolescent women who had completed the life development component.

261. In 2005, INAMU, as the coordinating agency for the Construyendo Oportunidades Programme, engaged external consultants to evaluate the programme and then drew up a proposal concerning needed changes. The main findings of this evaluation were as follows:

- The valuable contribution made by the establishment and existence of the programme needed to be highlighted;
- The programme's shortcomings were not attributable to its design but rather to its implementation mechanisms at the political, institutional, operational and structural levels;
- Unless the participating agencies fully incorporated the programme into their institutional workplans, its implementation would continue to be flawed.

262. Based on the results of the evaluations of both programmes, in 2006 work began on the formulation of a new strategy for providing assistance to women living in poverty. This strategy, whose launch was scheduled for 2008, and the above-mentioned programmes are discussed in detail in the section on article 13.

(b) *The health sector*

263. In 2006, the Ministry of Health issued two executive decrees aimed at speeding progress towards the achievement of equality between women and men in the health sector. These decrees established rules and procedures for providing comprehensive services to women for the prevention and treatment of cervical cancer at Care Levels I and II and cytology laboratory standards (DE-33119-S of 7 July 2006) and created the National Gender and Health Commission, whose purpose is to support the formulation and implementation of a national policy on the regulation, guidance and management of plans, programmes, projects and policies for rights-based gender mainstreaming and for the elimination of health-related inequities. The Public Policy Unit of INAMU, organized women's groups, Ombudsperson for Women and the Women's Offices at the local level of government are represented on this Commission (source: DE-33296-S of 31 August 2006).

C. Special measures for the protection of motherhood

264. In 2006 the Strategic National Plan for Healthy and Safe Childbirth and Infancy, 2006-2015 was prepared by the Ministry of Health, CCSS, the University of Costa Rica, the Pan American Health Organization and the World Health Organization. This plan was developed within the framework of international and national agreements and commitments signed by the Government of Costa Rica on 7 April 2005 (World Health Day) on the occasion of the founding of the National Alliance for Health and Safe Motherhood. Government agencies, NGOs, and representatives of civil society and local governments belonging to the Alliance made a commitment to achieve the Millennium Development Goals, to reach the goals of the Risk-Free Maternity Initiative and to develop a health-care system that will ensure gender equality, women's autonomy and universal access to high-quality health-care services on an equitable basis. Its four components are: a comprehensive maternal, perinatal and infant care model; guarantees for quality health-care services; social participation and communication; and a public policy, legal and institutional framework.

Article 5**Adoption of measures aimed at modifying gender roles and stereotypes****A. Measurement and valuation of the work performed by women as a mechanism for breaking down gender roles and stereotypes**

265. A strategic step forward was taken during this reporting period with the application of the Special Time-Use Module as part of the Multi-Purpose Household Survey of 2004 and its systematization in 2005. This study sought to reconstruct the way in which women and men distribute their time during the day and, in so doing, provide useful guidance for public policies aimed at contributing to a recognition of the unremunerated work performed by women, a better distribution of household responsibilities, the specification of the rationale for family support services, the quantification of domestic work in national accounts and other important dimensions of this issue.

266. This initiative was a first exploratory step towards addressing this topic and establishing the methodological basis for conducting a national survey in 2008. It was carried out by the Inter-Agency Commission on the Measurement and Valuation of Work Performed by Women⁵ and coordinated by INAMU. INEC, the Ministry of Labour and Social Security, the National University and the Ministry of National Planning and Economic Policy (MIDEPLAN) played an active part in this effort (source: INAMU, *Memoria Institucional: Administración, 2002-2006*).

267. In 2006 the Commission published *Sistematización de los aspectos teóricos y metodológicos utilizados en el diseño y aplicación del módulo de uso del tiempo*

⁵ INEC, the Ministry of Labour and Social Security, the Ministry of National Planning and Economic Policy, the Institute for Population Studies (IDESPO) of the National University, the Research Centre for Women's Studies (CIEM) of the University of Costa Rica and INAMU (the coordinator) are represented on this commission.

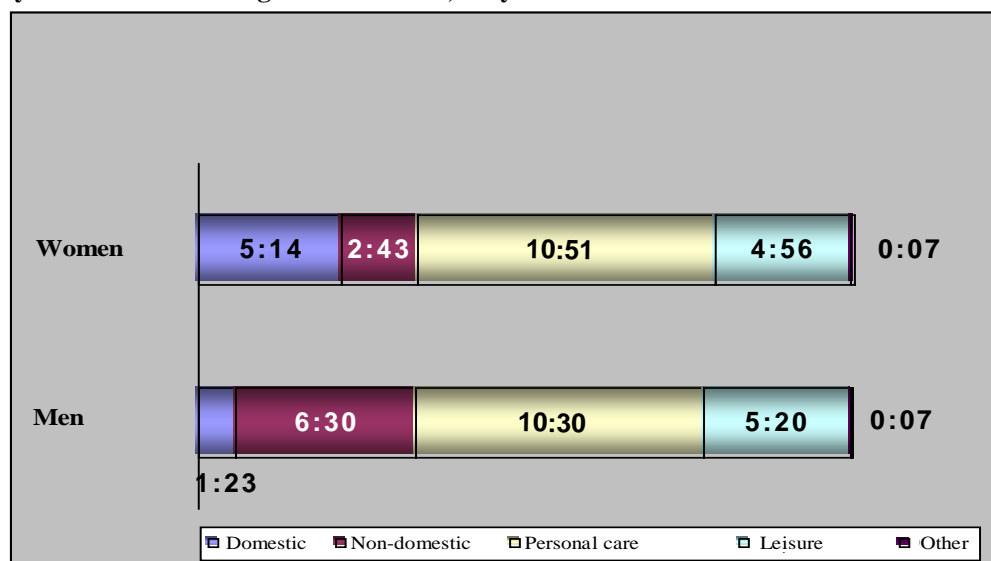
en Costa Rica (“systematization of theoretical and methodological tools used in the design and application of the time-use module in Costa Rica”), which makes a number of recommendations for future efforts, such as the creation of a satellite account⁶ within the System of National Accounts in order to capture the contribution made by work performed by women to the country’s economy.

268. By incorporating this module into the household survey, Costa Rica is also fulfilling a commitment made with the adoption of the Beijing Platform for Action in 1995 at the Fourth World Conference on Women. The Platform includes an undertaking to ensure that national, regional and international statistical services, government bodies and United Nations agencies undertake time-use surveys on a regular basis in order to measure and quantify unremunerated domestic work.

269. The data compiled through the Time-Use Module⁷ show that Costa Rican women devote more time to domestic activities (3 hours and 51 minutes, on average) than men do. This indicates that the burden of unremunerated domestic work continues to be shouldered by women owing to the socially and culturally differentiated roles assigned to women and to men. The following figure illustrates the average distribution of hours spent each day by women and men aged 12 and over on different types of activities.

Figure 1

Costa Rica: Average distribution of hours spent per day on different activities by women and men aged 12 and over, July 2004



Source: INEC, Time-Use Module, Multi-Purpose Household Survey, July 2004.

270. The category of leisure activities includes religious activities, physical exercise, recreational activities such as engaging in play, taking walks, watching television, reading, going to parties and attending free community activities. The

⁶ Satellite accounts are used to calculate the value of informal production activities that are not officially recognized or counted. in the national accounts used to estimate GDP.

⁷ See annex 7 for the publication on the results of the Time-Use Module.

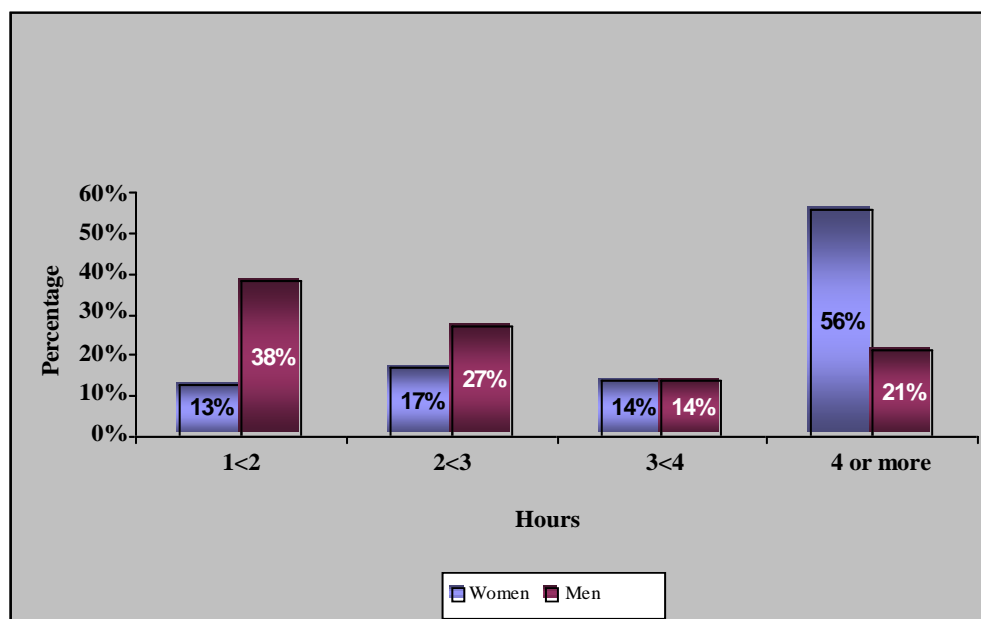
portion of the time spent by men and women on recreation, relaxation, culture and socializing which is devoted to physical activities such as exercising, taking walks, running, going to the gym and the like amounts, on average, to 1 hour and 54 minutes for men, but to only 17 minutes for women. The distribution is more even in the case of religious activities such as attending mass, worship and prayer (women devote 1 hour and 8 minutes to these activities and men spend 1 hour and 6 minutes on them) (source: INEC, July 2004).

271. The data on the category of non-domestic work indicate that, as of July 2004, men spent an average of 6 hours and 50 minutes working or looking for work, versus 4 hours and 3 minutes for women.

272. Married women who shoulder a double workload (i.e., they perform domestic work and work outside the home) devote 5 hours and 6 minutes to domestic work per day, whereas single women spend 3 hours and 41 minutes on such work. The difference is smaller for men, since married men who have a double workload spend 2 hours and 47 minutes on domestic activities while single men spend 2 hours and 30 minutes. The following figure shows the distribution of time spent on domestic work by the population aged 12 and over.

Figure 2

Costa Rica: Distribution of hours spent per day on domestic work by women and men aged 12 and over who work both inside and outside the home, July 2004



Source: INEC, Time-Use Module, Multi-Purpose Household Survey, July 2004.

273. As may be seen from the above figure, 56 per cent of women who have double workloads devote more than four hours per day to domestic work. This clearly represents an additional burden for them.

B. Reconciling the demands of production and reproduction

274. The trade-offs between remunerated and unremunerated work, or between family life and work, point to the need for a greater and better distribution of childcare and domestic tasks. The document on Costa Rica's national gender equality and equity policy published in 2007 takes note of some advances in the work being done by public institutions to take on a portion of the childcare responsibilities that generate tension between family life and work. Institutions providing childcare services may be public or private and may have been created specifically for that purpose or may have a collateral effect in this area. There have also been setbacks, however, with cases in point being a number of companies and public agencies which used to provide some sort of childcare service but which no longer do so.

275. The baseline analysis conducted as an input for the formulation of the national policy on gender equity clearly documented the fact that tension between family life and work, and between remunerated and unremunerated work, runs particularly high when there are young children in the household but that it remains a factor even when they grow older. In addition, because of the demographic transition occurring in the country, a growing percentage of the population is made up of older adults (with women in the majority) who require comprehensive care. This issue should become a key public policy concern in the coming years and has been identified as a priority in the national policy on gender equity with respect to the need for progress in providing childcare for children below the age of 12. Placing priority on this population group also paves the way for progress in achieving a more balanced distribution of childcare responsibilities (source: *Política Nacional para la Igualdad y Equidad de Género, 2007-2017*).

276. The Government of Costa Rica has not promulgated any law or regulation designed to directly benefit male and female workers who have family responsibilities as outlined in ILO Convention No. 156 and, in fact, Costa Rica has not ratified the ILO Workers with Family Responsibilities Convention of 1981, which would provide tools for reconciling men's' and women's work responsibilities, domestic tasks and family life more successfully. The Ministry of Labour and Social Security recommends that all public institutions and the principal employers' and workers' organizations familiarize themselves with the approach taken in that international instrument prior to its ratification (source: Legal Affairs Director of the Ministry of Labour and Social Security, report of 18 January 2006 concerning action to be taken with regard to the Gender Unit's proposal that ILO Convention No. 156 be ratified). It is incumbent upon the Ministry of Labour and Social Security to send the Convention to the Legislative Assembly for ratification.

277. In 2005, the Gender Equity Unit of the Ministry of Labour and Social Security urged the Ministry to seek the Convention's ratification, noting that it redefines the roles that have traditionally been assigned to men and women and fosters a more balanced distribution of family responsibilities and thereby increases the likelihood that men and women can participate in the workforce on an equal footing. The fact that Costa Rica has not ratified this convention places Costa Rican workers with family responsibilities at a clear disadvantage vis-à-vis

the rest of the workforce in the country and in other countries that have ratified the convention. This is especially disturbing in view of the fact that some of the countries that have ratified this instrument have established a number of supplementary measures, such as shared parental leave, the right of fathers (as well as mothers) to childcare facilities, and paid leave for fathers and mothers if their child falls ill (source: annual report of the Gender Equity Unit of the Ministry of Labour and Social Security, December 2005).

278. Modifying gender roles and stereotypes requires cultural changes over the medium and long terms. It is easier to create services than to change deeply rooted socially assigned roles, but both of these lines of work need to be pursued in parallel with one another. The mothers' focus groups that were organized as part of the preparatory work for the formulation of the national policy on gender equality and equity indicated that most of these women felt guilty about leaving their children in the care of other people. These groups' discussions also showed that, in order for them to entrust the care of their children to people outside the home, a series of conditions (qualifications of childcare personnel, infrastructure, proximity to the workplace) had to be met. The outcome of their discussions left no doubt about the fact that the reorganization of family roles needs to entail greater involvement on the part of men and more delegation by women. In order to establish childcare as a societal responsibility, the country will have to meet a number of challenges having to do with the expansion of services and a change in the way that childcare is viewed. Childcare as such needs to be seen as a matter to be dealt with by men as well as by women and as a public, governmental and corporate responsibility rather than as a private family matter (source: *Política Nacional para la Igualdad y Equidad de Género, 2007-2017*).

C. Gender roles and stereotypes in education

279. The Strategic Plan for a Culture of Gender Equity in the Educational System includes 11 modules on the curricular application of a gender perspective for 2003-2004. These modules enable faculty members to acquire the knowledge and develop the skills needed to analyse social, economic, political, cultural and historical phenomena in order to recognize the different life experiences of women and men. This, in turn, will help the student body to acquire more equitable and democratic attitudes and practices. Ten workshops were held at which 285 staff members of the regional directorates of the Ministry of Education (including the directors of 110 schools chosen for the initial stage of the modules' implementation) were trained in the use of these modules. Follow-up activities have been conducted in 2006 and 2007. As a consequence of the weakened position of the Gender Equity Unit of the Ministry of Public Education, however, these follow-up efforts and, as a result, the modules' impact has been limited.

280. INAMU has engaged a consultant to complete the modular component of the Plan by developing non-sexist educational modules on education for the home, industrial arts, religion and physical education. These modules will provide basic methodological and theoretical tools to help teachers to mainstream the gender perspective in these programmes.

281. By the end of 2006, over 500 teachers from around the country had received training in sexuality and the prevention of commercial sexual exploitation

(Ministry of Public Education, 2006). The Higher Education Council continues to work to promote comprehensive educational policies on the expression of sexuality at the national level by training faculty members to apply educational policies on the expression of human sexuality that focus on children and young people at all levels and in all types of educational establishments and on educators, fathers and mothers. The Council for Comprehensive Education in Human Sexuality has been established and is presided over by the Deputy Minister for Academic Affairs of the Ministry of Public Education. Representatives of the National Council of Rectors, the National Child Welfare Agency, INAMU and CCSS, together with three specialists in educational policy on these issues, sit on the Council (source: Higher Education Council).

282. Teacher training activities (which included school directors) of the Department for Comprehensive Education in Sexuality focused on topics relating to such issues as sexuality, legislation dealing with education and procedures for reporting sexual abuse and harassment. The inclusion of education on sexuality in the overall curriculum has been described as one of the most important achievements to date, and efforts to strengthen this activity continue to be deployed in keeping with the commitments undertaken by virtue of the Beijing Platform for Action. As part of this effort, a book entitled *Los Temas Transversales en el Trabajo de Aula* (“cross-cutting issues in the classroom”) was prepared and published. This book is intended for teachers and is aimed at improving the quality of education and contributing to equality of opportunity. It addresses four cross-cutting themes: environmental culture for sustainable development, comprehensive education in sexuality, education for health, and human rights for democracy and peace (source: Ministry of Public Education, 2006).

283. In December 2003, the offices of the National Values Programme of the Ministry of Public Education were set up. As part of this programme, colloquiums on the wholeness of the person and educational activities on the values associated with the principles of equality, equity and non-discrimination have been held (source: Ministry of Public Education, National Values Programme, San José, 28 February 2007).

284. INAMU is working systematically to eradicate stereotyped gender roles in education. To this end, it is producing and distributing printed materials for elementary schools on the application of inclusive methodologies. Successful inter-agency coordination efforts have resulted in the distribution and use of these materials and have helped to strengthen instructors’ teaching skills.

285. As part of the State’s contribution to the achievement of gender equality and equity, a number of publications were produced in 2006, including one on the promotion of equality of opportunity and gender equity for school-age girls, a student guide and a teachers’ handbook on learning, playing and celebrating national events, and a booklet for elementary teachers on non-sexist education.

Other measures aimed at modifying gender roles and sexual stereotypes

286. In 2006 INAMU undertook a sustained radio and television campaign on human rights and non-violence that included media appearances by female experts

on women's human rights over a six-month period. The campaign also involved the use of billboards throughout the country.

287. In an effort to generate expertise, a number of research projects and working documents have been prepared that provide a basis for decision-making and contribute to the cultural paradigm shift that is needed in order to bring about equality and equity between women and men in Costa Rican society. These studies and papers included the following:

- *Situación de las mujeres indígenas desde las estadísticas* ("statistics on indigenous women"). This study was conducted by the Research Section of the Specialized Information Unit of INAMU and explores the constraints on indigenous women's ability to exercise their rights as citizens in the context of family relations, employment, education, health and other spheres.
- *El estado de los derechos de las mujeres* ("the status of women's rights"). This conceptual study on women's sexual and reproductive rights contains valuable information on international and national laws and standards.
- *La mujer en el mercado laboral costarricense* ("women in the Costa Rican labour market"). The Research Section conducted a study on employment trends for women in Costa Rica in 2000-2004 which provides information on women's participation in the workforce in Costa Rica, including participation rates and other indicators such as unemployment, underemployment, branches of activity and full employment.
- *Proyecto Agenda Económica de las Mujeres* ("draft women's economic agenda"). As part of this initiative, a number of research projects were undertaken by the United Nations Development Fund for Women (UNIFEM), the United Nations Development Programme (UNDP), the Swedish Cooperation Agency (SIDA) and INAMU. One of the studies gave rise to the publication of *Del Trabajo al Trabajo, orientaciones hacia el trabajo remunerado de las mujeres en Costa Rica* ("from work to work: directions for the performance of remunerated work by women in Costa Rica).

Article 6

Adoption of measures to suppress all forms of traffic in women and exploitation of prostitution of women

A. Traffic in women

288. Costa Rica is a country of origin, transit and destination of the traffic in persons, especially women, children and adolescents who are trafficked for purposes of commercial sexual exploitation. The country does not have official statistics on the number of victims, however, because this is a clandestine activity that is difficult to detect and that is difficult to distinguish from other lawful and unlawful activities, such as migrant smuggling (source: 2006 report of the United Nations Office on Drugs and Crime (UNODC)).

289. A number of steps have been taken during this reporting period to fulfil the obligation established in this article. On 16 December 2005, Decree No. 32824-G, which creates the National Coalition against Migrant Smuggling and Human Trafficking, entered into force. The mandate of this coalition, of which INAMU is a member, is to provide, define, coordinate and execute an action plan for preventing, punishing and eradicating these human rights violations, for protecting victims and for bringing violators to justice.

290. Since 2005, a number of civil society organizations and institutions (the National Child Welfare Agency, the National Migration and Aliens Directorate, INAMU, the General Directorate for the Prevention of Violence (DINAPREVI), PANIAMOR and others) have been working on a strategy for dealing with human trafficking and people smuggling. They have identified a number of gaps in the laws concerning the protection of victims of trafficking offences (source: Committee of Experts on Violence (CEVI), Follow-up Mechanism of the Convention of Belém do Pará).

291. In 2005 Costa Rica began work on a national protocol for the repatriation of child and adolescent victims of trafficking and, on 25 October 2006, representatives of the Ministry of the Interior, Police and Public Security, the Ministry of Public Education, the Ministry of Health, INAMU, the National Migration and Aliens Directorate, the National Child Welfare Agency and CCSS signed the Declaration of Commitment to the Protocol.

292. This gender-sensitive protocol provides for protective measures for victims which it is the duty of the Government of Costa Rica to provide. Its aim is to furnish procedural guidelines for public and private institutions involved in repatriation operations and to define a critical path to be followed throughout the process. It upholds the principle of non-discrimination and provides for assistance for pregnant girls or adolescents. This instrument is the outcome of collective debate and analysis and therefore stands as an example of inter-agency coordination (source: *Protocolo para la repatriación de niños, niñas y adolescentes víctimas de trata*, UNICEF/International Organization for Migration (IOM)/Government of Costa Rica).

293. At the regional level and within the framework of COMMCA,⁸ in July 2006 Costa Rica proposed that the countries of Central America should pool their efforts to address the problem of trafficking in women. The first outcome of that initiative was the Panama Declaration,⁹ in which the Ministers of the region acknowledge the seriousness of the problem and undertake to engage in joint action to combat this grave violation of women's human rights in the region. The Ministers resolved to:

(a) Mainstream the gender perspective in international and national discussions on the issue with a view to achieving a fuller understanding of the phenomenon and identifying comprehensive solutions;

⁸ For further information, see: <http://www.sica.int/commca>.

⁹ See annex 8 for the text of the Panama Declaration.

(b) Organize the First Central American Conference on Trafficking in Women in order to delve into this issue and seek joint, multilateral ways of combating this international offence;

(c) Promote the incorporation of the trafficking victims assistance services offered by national machineries for the advancement of women into inter-agency groups that are combating human trafficking at the national level so that prevention and victim assistance efforts can be coordinated;

(d) Undertake institution-building efforts through staff training activities designed to enable staff to address the issue on the basis of a comprehensive approach.

294. As part of the workplan developed by the Chair *pro tempore* of COMMCA, which was assumed by Costa Rica from July to December 2006, the First Central American Conference on Trafficking in Women was organized with technical assistance from IOM under the sponsorship of UNFPA. The objective of this meeting was to provide an opportunity for analysis and deliberations regarding this issue, with special emphasis on the situation of women in the region, as a possible avenue towards the formulation of a consensus-based regional plan of action. This was the first conference of its type and heralds a new stage in the struggle to eradicate trafficking in women in the region.

295. The Ministers belonging to COMMCA were joined by Ministers from Colombia and the Dominican Republic at the conference, which was also attended by international speakers and professionals from institutional sectors concerned with the problem of gender violence, as well as representatives of civil society. Attention focused on the need to develop a legal framework in which the offence of trafficking in persons, with emphasis on women, is clearly defined. Another major issue was the construction of national and regional strategies for prevention, protection, suppression and punishment, legislation and public policy (source: INAMU, report of the First Central American Conference on Trafficking in Women, 2006).

296. The Government of Costa Rica's tenure as Chair *pro tempore* of COMMCA afforded an opportunity to secure valuable support for its efforts to address the issue of human trafficking from the Heads of State and Government of the member States of the Central American Integration System (SICA), who, in the San José Declaration issued at the twenty-ninth summit, held in San José, Costa Rica, on 15 December 2006, agreed:

"19. To instruct the SG-SICA to prepare, in coordination with the corresponding national and regional institutions and with funding from the Central American Bank for Economic Integration (BCIE), a strategy for preventing and reducing poverty among Central American women, to include an evaluation of the impact of economic and social policies in this regard pursuant to the decisions reached at the thirteenth meeting of COMMCA, as well as to formulate a regional plan for combating trafficking in women."

297. The workplan's implementation in Costa Rica has begun with institution-building efforts to improve services for trafficking victims. Costa Rica is the only

country that has put this pilot plan into effect. The objective is to increase awareness among women and the general public about the risks of trafficking and to upgrade the assistance provided to adult women victims of human trafficking in Costa Rica. This is an initiative of INAMU, the National Feminist Network against Violence (Costa Rican chapter) and, with support from the Government of Switzerland, IOM. The project targets service providers who come into contact with trafficking victims, such as staff of the National Child Welfare Agency, the National Migration and Aliens Directorate, the Ministry of Foreign Affairs and Worship and other agencies in San José and in the northern and southern regions of the country (source: IOM).

298. From 2006 to 2008, the IOM office in San José and the Rahab Foundation (a local NGO) executed the Project for the Prevention and Protection of Trafficking Victims in the Province of Puntarenas. This pilot project was aimed at providing direct assistance and support to 100 trafficking victims and reducing the number of future victims through education and awareness-raising campaigns directed at vulnerable groups in the population and public institutions. It is also designed to provide training to staff of local governmental organizations, such as INAMU, the National Child Welfare Agency and CCSS, and to NGOs in order to equip them to prevent trafficking and to develop public services and policies for trafficking victims (source: IOM).

299. In 2002-2006, Costa Rica ratified two international instruments that complement the United Nations Convention against Transnational Organized Crime: the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Act No. 8314), and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. These instruments constitute the primary legal framework for international cooperation to combat and prevent migrant smuggling and trafficking in persons, especially women and children. They furnish specific guidelines concerning the applicable strategies and measures and set out the principles that should guide the repatriation and return of victims of these offences, with emphasis on these persons' dignity and safety. It is important to note that, under the Protocol against the Smuggling of Migrants, such persons are not liable to criminal prosecution for the fact of having been the object of this offence.

300. Upon ratifying these instruments, the Government of Costa Rica undertook to deploy effective action and resources in order to protect its population from the criminal activity of networks of traffickers and smugglers, to prevent the commission of this offence, to pursue perpetrators and to guarantee the protection of victims and the provision of comprehensive assistance to them.

301. Unlike the offence of trafficking in persons, the offence of migrant smuggling is defined in the Immigration and Aliens Act that was promulgated in 2006. The Office of the Ombudsperson and the Permanent Forum on the Migrant Population have indicated, however, that this provision does not provide sufficient means to deal properly with the conflicts that need to be resolved because it does not fully meet international standards for the protection of human rights.

B. Sexual exploitation and forced prostitution of girls and adolescents

302. The sexual exploitation of girls, boys and adolescents remains a serious problem in Costa Rica. In 2003, there were 5,296 reports of sexual offences and, in 2004, there were 5,708 (source: Committee of Experts on Violence (CEVI), Follow-up Mechanism of the Convention of Belém do Pará).

(a) Government action

303. The preceding Administration (2002-2006) identified children and adolescents, as well as the effort to combat the commercial sexual exploitation of persons under 18 years of age, as national priorities. A State policy was framed and was given concrete form in the National Plan for Children and Adolescents, 2003-2006 and in the National Agenda for Children and Adolescents, 2000-2010 (source: Initial report submitted by Costa Rica under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/CRI/1), 23 December 2005).

304. On 6 May 2004, a proposal on policies to eliminate the sexual exploitation of children and adolescents was brought to the attention of the National Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents. These policy proposals were drafted as part of the Second National Plan for the Prevention and Gradual Elimination of Child Labour and the Comprehensive Protection of Juvenile Workers and were endorsed by the National Steering Committee on Child Labour (source: CRC/C/OPSC/CRI/1).

305. In September 2005, an executive decree was issued which bars foreigners from entering the country if, in the last 10 years, they have been imprisoned for having intentionally done harm to a minor or for having committed violence against a woman or a person with disabilities (source: Fifth periodic report submitted by Costa Rica on fulfilment of its obligations under the International Covenant on Civil and Political Rights (CCPR/C/CRI/5), 2006).

306. In order to contribute to the effort to halt the sexual exploitation of minors, the Ministry of Public Education produced a document for educators entitled *Disposiciones Vinculantes para la Detección de las Situaciones de Explotación Sexual Comercial*. This document provides guidelines for the minimum due diligence to be employed in detecting and reporting suspicious situations and discusses possible signs of the occurrence of commercial sexual exploitation of minors, the sequence of events involved in reporting such an offence, and binding regulations and laws on the subject. It also provides the telephone numbers of helplines for victims of sexual exploitation (source: Ministry of Public Education, *Disposiciones Vinculantes para la Detección de Situaciones de Explotación Sexual Comercial*, February 2007).

307. The Ministry of Public Education presented its National Plan for the Prevention of Commercial Sexual Exploitation, 2004-2006, to the National Commission to Combat the Sexual Exploitation of Children (CONACOES), and this plan was endorsed by the Council (source: CRC/C/OPSC/CRI/1).

308. The National Child Welfare Agency invested US\$ 17,066 in the prevention of sexual, physical and emotional violence and violence by neglect against children during the reporting period (source: Committee of Experts on Violence (CEVI), Follow-up Mechanism of the Convention of Belém do Pará).

309. As of June 2003, the National Commission for the Improvement of the Administration of Justice (CONAMAJ) was disseminating guidelines for the reduction of the revictimization of minors involved in criminal proceedings. These guidelines direct that cases of sexual abuse of girls, boys and adolescents should be promptly reported to the Child and Adolescent Sexual Violence Response Programme of the Psychology and Social Work Department of the Justice Administration System (source: CONAMAJ, June 2003).

310. Prosecutors in the Special Prosecutor's Office for Sexual Offences have been trained in how to deal with underage victims. The Judicial Office for Social Work and Psychological Counselling also has a support programme for children and young persons who are victims of sexual offences (source: CRC/C/OPSC/CRI/1).

311. The country has continued to investigate and identify procurers (of Costa Rican and other nationalities) by raiding locations where such activities are taking place (source: CRC/C/OPSC/CRI/1).

312. An important step towards improving the laws in this area was taken in June 2007 with the passage of legislation to help the country to combat the sexual exploitation of minors. This law raises the age at which the victim's consent becomes valid to 13, defines the possession of pornography as an offence, and lengthens the period of time before the statute of limitation comes into effect for sex offences committed against minors by setting the starting date for that period at the time that the victim comes of age. In addition, if a victim of rape is impregnated, that counts as an aggravating circumstance.

(b) *Action by civil society and international organizations*

313. As part of the Project to Reinforce Protection from Commercial Sexual Exploitation for Children and Adolescents in Central America, the PANIAMOR Foundation, the Women's Studies Centre (CEMUJER), ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) International, the European Union, Save the Children and other organizations worked to produce and issue a basic handbook on police interventions in the case of children and adolescents who were victims or at risk of commercial sexual exploitation in 2004.

314. The PROCAL Foundation ran two shelters for girls and adolescents who were pregnant or who were already mothers, but had to close one of them in 2003; the other was closed in 2005 (source: Committee of Experts on Violence (CEVI), Follow-up Mechanism of the Convention of Belém do Pará).

315. In October 2004, a manual entitled *Un buen trato periodístico para los malos tratos contra las mujeres* ("good journalistic treatment of the mistreatment

of women”) was produced as a result of research done on the way the media deals with the topics of domestic violence and sexual violence against women and minors. This study was carried out by CIEM and the Women’s News Service (SEM).

316. The focus on these issues (human trafficking, migrant smuggling and the commercial exploitation of minors) in the media and in special campaigns has been one of the areas of work undertaken during the reporting period.

317. In mid-2003 a campaign entitled “Child Safety on the Internet: Surfing Risk-Free” was conducted in an effort to prevent the Internet from being used to commit sexual violence, especially in the form of pornography, against children and adolescents (source: CRC/C/OPSC/CRI/1).

318. In April 2005, a campaign was conducted at Juan Santamaría Airport entitled “Combating Human Trafficking, Migrant Smuggling and Commercial Sexual Exploitation of Minors”. It is estimated that 74 per cent of all migrants pass through this airport and that the campaign therefore reached some 2,500,000 persons (source: CRC/C/OPSC/CRI/1).

319. In May 2003, the Regional Consultation for the Americas on the Protection of Children from Sexual Exploitation in Tourism was held in Costa Rica in order to underscore the importance of promoting healthy, responsible, ethical forms of tourism and to involve public and private organizations in the tourism sector in preventing and reporting these reprehensible practices (source: CRC/C/OPSC/CRI/1).

Article 7

Adoption of appropriate measures to eliminate discrimination against women in the political and public life of the country

(a) Right to vote in all elections and to be eligible for election

Participation of women in elective office

320. The country is still far from achieving the goal of balanced representation by women and men in elective office and in executive positions in the public and private sectors. Nonetheless, major inroads were made during the 1990s, including the amendment of electoral laws and regulations and advances in women’s exercise of their right to stand for election (source: State of the Nation Programme, 2002, cited in *Política para la Igualdad y Equidad de Género*, 2007).

321. A major stride forward in the representation of women in some elective offices was taken in the 2002 elections. In the 2006 congressional elections, women’s representation rose by slightly over two percentage points but, in the local elections, the percentages fell considerably (INAMU, *La participación política de las mujeres*, 2007).

322. A total of 2,550,613 persons were registered to vote in the general elections of 2006 according to the Civil Registry Office. This figure is 11.9 per cent higher

than the figure for 2002; 76 per cent of these people lived in the central provinces, while the other 24 per cent resided in the provinces of Guanacaste, Puntarenas and Limón, which are located along the coast and are more rural. For the first time ever, female voters outnumbered male voters (by 501) (source: State of the Nation Programme, *Brechas de Equidad de Género*, Goldenberg, 2006).

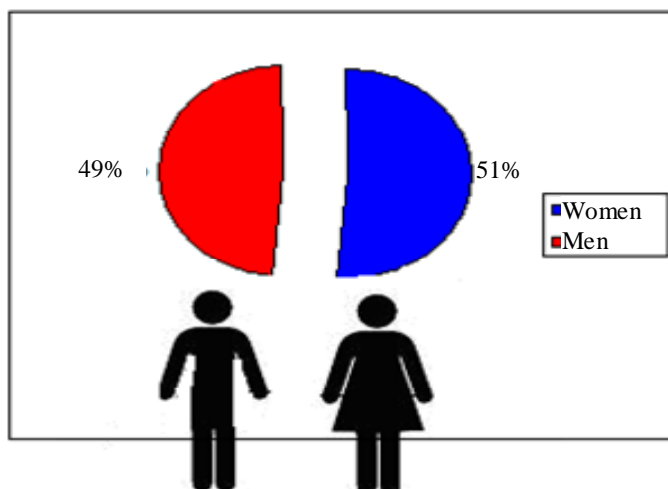
323. In order to be elected to public office, women have had to break down enormous barriers within political parties (Torres 2001, cited by Goldenberg, 2006). According to statistics compiled by the Supreme Electoral Tribunal, in the last elections 11,996 persons stood for election to public office, and 6,128 (51 per cent) of those candidates were women. In quantitative terms, this exceeded the minimum quota of 40 per cent set as an affirmative action measure to promote the participation of women in elections. These statistics refer to candidacies, however, not results.

324. The different methodologies used by the political parties in implementing this quota skew the results in terms of the way in which this affirmative action measure is applied, however. The 40 per cent quota as a minimum standard for political participation is mandatory for all political parties, but there are problems with the methodologies and mechanisms which they use for its application.

325. The Supreme Electoral Tribunal has ruled that the quota applies to “electable” posts, i.e., those for which there is a real chance of being elected, and has put forward two methodologies for the quota’s application: the historical method and the alternating lists methods. Most parties have used the historical method, which is also the one used by the Supreme Electoral Tribunal in monitoring compliance with the quota for electable posts. The problem is that the traditional parties’ historical average varies, and the new or emerging parties either do not have a historical average or their historical average is equivalent to 1, which means that they are not required to place women candidates at the top of their lists.

326. The existence of the quota ensures that women will be placed on the lists, while the mechanisms identified by the Tribunal determine where they will figure on those lists and, in part, the outcome. Mechanisms need to be found for bridging the gap between the two by ensuring not only women’s placement on the lists but also the outcomes. The following figure illustrates the nearly matching numbers of men and women candidates (51 per cent women versus 49 per cent men). The next section contains figures showing the percentages of men and women who were elected so that the lists of candidates can be compared with the election results in the various branches of government and municipalities (INAMU, 2007).

Figure 3
Percentage of candidates standing for public office, by sex
 National elections, 2006



Source: *Brechas de Equidad entre los Géneros*, State of the Nation Programme, 2006.

327. The candidates can be broken down into the categories shown in the following table, which disaggregates candidates by sex and type of office for 2006.

Table 8
2006-2010 term

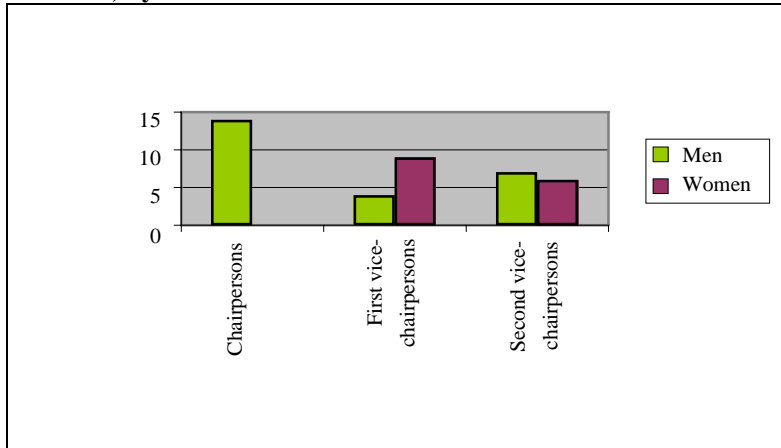
<i>Type of office</i>	<i>Total</i>	<i>Men</i>	<i>Percentage</i>	<i>Women</i>	<i>Percentage</i>
	14	14	100.0	-	-
	13	4	30.8	9	69.2
	13	7	53.8	6	46.2
	1 167	573	49.1	594	50.9
	10 789	5 720	48.8	5 519	51.2
	11 996	5 868	48.9	6 128	51.1

Source: Alfaro, based on the Supreme Electoral Tribunal, 2006, cited in *Política Nacional para la Igualdad y Equidad de Género*, 2007-2017.

328. The percentage of women on the lists for second vice-chairpersons, deputies and municipal councillors is very close to the percentage of male candidates for those posts, but the same is not true for chairpersons, for which there were no women candidates, and vice-chairpersons, for which the female candidates outnumber the male candidates.

Figure 4

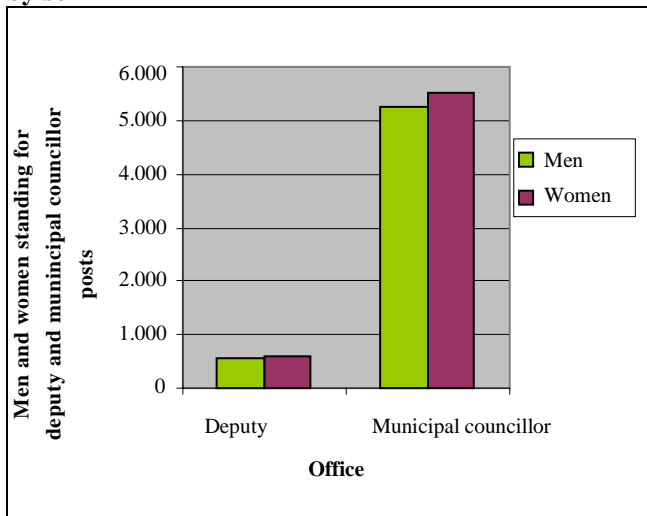
Candidates for the positions of chairperson and vice-chairperson, 2006 elections, by sex



Source: Original tabulations based on statistics from the Supreme Electoral Tribunal, 2006.

Figure 5

Candidates for deputy and municipal councillor seats, 2006 elections, by sex



Source: Original tabulations based on statistics from the Supreme Electoral Tribunal, 2006.

329. The following table provides an overview of the candidates for seats in the Legislative Assembly in the latest elections, broken down by political party and percentage of women candidates. A total of 27 political parties fielded candidates for the Legislative Assembly, but the table shows only those that had candidates who were elected. In all cases, the 40 per cent quota was exceeded.

Table 9
Candidates for seats in the Legislative Assembly, by political party and percentage of women, 2006

<i>Political party</i>	<i>Candidates</i>	<i>Percentage of women</i>	<i>Level</i>
National Union	40	53.3	National
Libertarian Movement	38	50.7	National
Citizen Action	37	49.3	National
Christian Social Union	35	46.7	National
National Liberation	34	45.3	National
Other national parties	305	53	National
Other provincial parties	105	57	Provincial

Source: Original tabulation based on statistics provided by the Supreme Electoral Tribunal for the State of the Nation Programme, *Brechas de Equidad de Género*, 2006.

330. This shows that the Government's efforts to find better ways of ensuring the effective application of the minimum quotas established to promote women's political participation, which were mentioned in the preceding report, have been successful. Capacity-building measures were also undertaken by INAMU and by civil society women's organizations in order to help women play an active role as citizens. In recent years, the Government has targeted two main areas of endeavour: the promulgation of affirmative action laws (mainly dealing with quotas) to ensure that women gain access to decision-making posts, and the provision of training in active citizenship for women (State of the Nation Programme, 2002, cited in *Política Nacional para la Igualdad y Equidad de Género*). The progress made in this respect is also attributable to the work of INAMU in monitoring compliance with the quotas by following up on decisions issued by the Supreme Electoral Tribunal during the candidacy registration period and analysing the election results. Nationwide information activities have also been carried out.

331. In March 2005, the Inter-Agency Commission on Women's Political Rights was established to monitor and support legislation dealing with relevant issues. In November 2005, this commission convened the Forum on Women's Political Rights: A Democratic Challenge. The forum, which was attended by over 200 women from a range of sectors, was designed to raise the profile of women's political rights as a dimension of human rights and to provide an opportunity for women to make their demands heard. One of its outcomes was the formulation of the Agenda of Unfinished Business in the Promotion of Women's Political Rights. The chief items on this agenda are: the right to participate in social organizations and in a range of political, social and economic forums and groups; the right to

take part in the formulation and application of public policies and laws and in decision-making; the right to be elected; the right to access to economic resources for training and political participation; political accountability and oversight; and institution-building for public bodies that provide services to women. This agenda was presented at an event open to all presidential candidates on 11 November 2005. Few (just three) attended; a number of the other candidates sent representatives in their stead (source: INAMU, 2005).

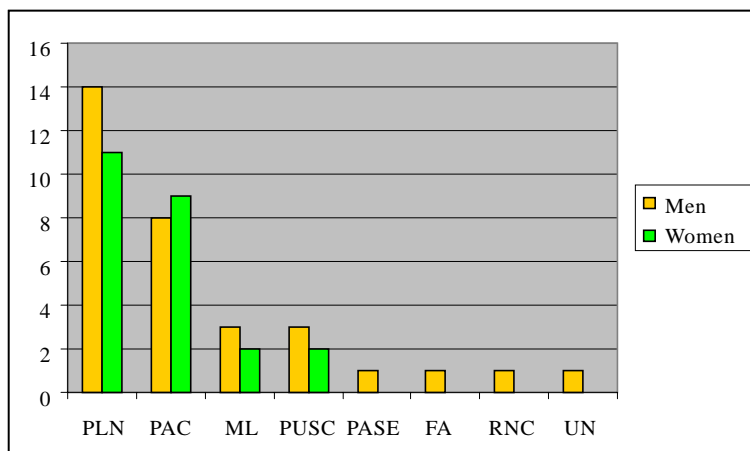
332. The bill to amend articles 58 and 60 of the Electoral Code in order to establish a balanced form of political participation by men and women (File No. 15 312), which was first submitted in 2002, contains a specific article for the establishment, by law, of a 50/50 system for alternating male and female candidates on the party lists for elective offices. It is hoped that the discussion of these provisions and the topic of gender parity will recommence during the 2002-2010 session (source: Zamora, 2006, cited in *Política Nacional para la Igualdad y Equidad de Género*).

333. The following data are available on women elected to the legislature in 2006 from the various parties that hold seats in the Legislative Assembly:

- The National Liberation Party (PLN) won 25 seats, of which 11 are occupied by women. This party has been using the historical method, which yields an estimate of the seats to which there is a real chance of being elected which then serves as a basis for calculating the share corresponding to women under the terms and percentages established by law.
- The Citizen Action Party (PAC) has fielded candidates in two elections and applies the parity principle. Of the 17 seats won in the last elections, 9 are held by women. This party uses an alternating system to make up its lists for elective offices.
- The Christian Social Unity Party (PUSC) uses the historical method. In the last elections it won five seats, two of which are held by women. One of them was at the top of the list for Alajuela Province and the other was in second place on the list for San José Province.
- The Libertarian Movement Party (ML) has fielded candidates in three elections. In the first and second elections, there were no women elected from this party, owing to the women's candidates places on the party list. In the third election, six men and one woman won seats. The woman was in first position on the list for San José Province. The last elections, in February 2006, were the first time that this party was required to place a woman candidate in the first or second position on the list for San José Province (source: INAMU, "Participación Política de las Mujeres, Elecciones 2006-2010", *Revista Olimpia*, September 2006, Issue No. 3).
- The parties with only one representative each in the Legislative Assembly during this term are the Broad Front, the Accessibility for All (PASE) Party, the National Renewal Party and the National Union Party (UN). All of these representatives are men.

334. The following figure shows the distribution of male and female representatives from the various parties who won seats in the Legislative Assembly in the 2006 elections.

Figure 6
Male and female legislators elected in 2006



Source: Original tabulation based on statistics from the Supreme Electoral Tribunal, 2006.

Registration and participation of the New Feminist League Party in the last elections

335. The registration and participation of the New Feminist League Party in the Province of San José was an important development in the last elections.

336. This political party has stated that one of its fundamental objectives is to analyse the situation in the country from the standpoint of attitudes and experiences relating to the exclusion and subordination of women and discrimination against them and to try to turn that situation around by helping to change the existing power structure, since the elimination of inequalities between women and men is a sine qua non for the country's social, political, economic and environmental development. Its strategic objective is therefore not simply to have its candidates elected to the legislature but also to have a political voice and a feminist agenda in an arena in which only registered parties carry any weight. None of this party's candidates won seats in the last election, but there is now, nonetheless, a registered feminist party in operation (source: State of the Nation Programme, *Brechas de Equidad entre los Géneros*, Goldenberg, 2006).

337. This is the first time in Costa Rica's contemporary history that women have participated in elections within a specific political framework of their own. Interestingly, when this party's founders went to register it as a political party, their application was initially rejected on the basis of a misconception about what affirmative action actually is, with the argument being that the party did not have an equitable proportion of male members (see article 4).

338. In a related development that attests to a growing awareness on the part of students and faculty, chapter II of the Ministry of Public Education's regulations governing the student body states that at least 40 per cent of electable offices in student government should be held by women. The enforcement of this provision is overseen by the governing body (Regulation of February 2002 (Application No. 1328), C-186300, (D30225-18465)).

(b) Right to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government

A. Participation of women in the executive branch of government

339. The preceding report discussed the considerable progress that had been made in terms of the number of women holding public office. In this reporting period, there were further improvements in respect of some types of posts and setbacks in others. The 2006-2010 Administration's 18 ministries are headed by 13 men and 5 women. In the 2002-2006 Administration, 5 out of the total of 20 ministries were headed by women, whereas in the Administration before that, only 3 of the 15 ministries were headed by women.

340. In the 2006-2010 Administration, 10 out of 27 Deputy Ministers are women, while in the preceding Administration, 12 out of 25 were women. Of the 19 executive presidencies, only two (INAMU and the National Radio and Television System (SINART)) are held by women, or 10.5 per cent. In the previous Administration, 18 per cent of the executive presidencies of autonomous bodies were headed by women (source: INAMU, 2007).

341. The figures for the current Administration are shown below.

Table 10
Women appointees, 2006-2010

<i>Posts</i>	<i>Total posts</i>	<i>Posts headed by women</i>	<i>Percentage</i>
Ministers	18	5	28
Deputy Ministers	27	10	37
Executive Presidents	19	2	10.5

Source: Original tabulation of institutional data.

342. In 2006 the practice of according ministerial rank to the Executive President of INAMU, which had been instituted in 1998 with the promulgation of Act No. 7801, was discontinued. The current Administration took this decision in order to do away with the post of minister without portfolio (i.e., an official of ministerial rank who does not preside over a ministry). Formerly, ministers without portfolio were permanent members of the Government Council. As part of the same decision, the post of Minister for Children and Adolescents was also eliminated.

343. A clear gender imbalance existed in the make-up of the governing boards of the country's main autonomous or decentralized institutions in 2003-2004, with 81.14 per cent of these seats being held by men and 18.86 per cent by women. Of

the 22 institutions that were surveyed, five had no women at all on their governing boards: ICE, AyA, the National Production Council (CNP), the Costa Rican Railroad Institute (INCOFER) and the Agrarian Development Institute (IDA). The Office of the Ombudsperson has stated that the 40 per cent quota for women at political decision-making levels is not being enforced, which clearly affects the figures on women appointees.

344. In the 2002-2006 Administration, women made up 26 per cent of the governing boards of autonomous public institutions, while in the 2006-2010 Administration, the figure is 29 per cent. The following three institutions have had no women whatsoever on their governing boards during either of these Administrations: ICE, INCOFER and SINART (source: INAMU, *Revista Olimpia*, September 2006, Issue No. 3).

B. Participation of women in public office

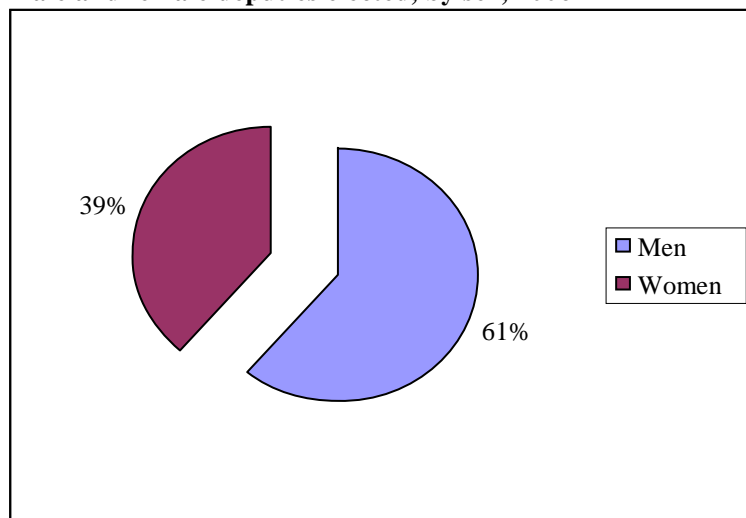
(a) Participation of women in the legislative branch

345. In the previous section, on the participation of women in political parties, an analysis was made of candidacies for posts in the Legislative Assembly, by sex. For the 2006-2010 term, 22 of the 594 female candidates for deputy were elected (38.6 per cent), while 35 of the 573 male candidates were elected (61.4 per cent). Even with more candidates, women did not achieve the 40 per cent quota established by the current electoral law.

346. Of the female deputies who were elected, four were chosen to lead their party's caucus during the first year of the legislative term; these women represented four of the eight political parties represented in the Legislative Assembly (source: INAMU, *Revista Olimpia*, September 2006).

347. The following figure shows the percentage of male and female deputies, by sex, who were elected for the 2006-2010 term. The percentage of women deputies is significant when viewed in the context of the country's electoral history.

Figure 7
Male and female deputies elected, by sex, 2006



Source: Original tabulation based on statistics from the Supreme Electoral Tribunal, 2006.

348. The following table shows the share of women serving in the Legislative Assembly between 1990 and 2006. As noted in the previous report, during the 1990s the increase in the number of female deputies was not significant. In three elections between 1990 and 1998, the share of women rose from 12.3 per cent to 19.3 per cent. In the 2002 elections, this figure rose significantly, by 35.8 per cent, and in 2006, by 38.6 per cent. The outcome of the latter two elections was possible thanks to the proper application of the affirmative-action quota. The Costa Rican Legislative Assembly is now the congress with the highest female representation in all Latin America (source: INAMU, 2007).

Table 11
Female and male participation in the Legislative Assembly, 1990-2010

<i>Term</i>	<i>Absolute total deputies (male and female)</i>	<i>Absolute total female deputies</i>	<i>Absolute total male deputies</i>	<i>Percentage women</i>
1990-1994	57	7	50	12.3
1994-1998	57	9	48	15.8
1998-2002	57	11	46	19.3
2002-2006	57	20	47	35.8
2006-2010	57	23	44	38.6

Original tabulation based on previous report and updates.

349. At the “Miss Gaddy” First Forum of Women of African Descent of Limón Province, which was held on 12 and 13 August 2005, questions were raised regarding the representation of the Afro-Costa Rican population and black women

in the Legislative Assembly. Reference was made to the fact that only four women of African descent had participated in Congress throughout its entire history; that was due in part to a rejection of multi-culturalism and multi-ethnicity both within and outside of Costa Rica. Further studies of the values and cultural attitudes that might be influencing those results are needed (source: Active Citizenship, Leadership and Local Affairs Unit, INAMU, 2007, Report of the “Miss Gaddy” First Forum of Women of African Descent of Limón Province).

350. INAMU has facilitated opportunities for studying the importance of women’s participation in politics. At the forum for female candidates to the Legislative Assembly, entitled “Challenges of Political Leadership for Costa Rican Women during the 2006-2010 Electoral Process,” discussions were held on the challenges facing Costa Rican women as they engaged in political participation during the 2006-2010 elections (INAMU, *Revista Olimpia*, September 2006. No. 3). In addition, plans have been drawn up for the National Centre for the Development of Women’s Political and Cultural Leadership; it is hoped that this centre will become a training school and a centre for discussions on this issue (source: INAMU, 2005).

(b) *Participation of women in the judiciary*

351. In 2005, the judicial branch had 744 posts for judges and 22 for magistrates; of these, 353 (47.4 per cent) were held by women, and 388 (52.1 per cent) by men; 0.5 per cent of posts were vacant. By 2007, the number of posts had increased to 760, and 49 per cent of them were held by women. Thus, in only two years, the number of female judges rose by almost two percentage points. As mentioned in the previous report, the percentage of women judges increased slowly; the figure has now risen from 42 per cent in 2000 to 49 per cent in 2007. At the magistrate level, 14 posts are held by men and six by women, an indication that the gap is still significant. The High Council of the Judiciary, which is also a directing body, has three women and two men (source: Personnel Department, Judicial Branch, 2005 and 2007).

352. These averages may be masking the fact that there are differences in the opportunities available to women to hold high-level posts. In the judiciary, there are five categories of judges. In 2005, 43 per cent of the judgeships at levels 1 and 2 were held by women and 34 per cent by men. At levels 3, 4 and 5, 66 per cent of posts were held by men and 57 per cent by women. The lower share of men at levels 1 and 2 is offset by the higher percentage of men at the more senior ranks. For every ten judgeships in category 4, six are held by men and four by women. In category 5, only one post out of a total of eight was held by a woman (source: Personnel Department, Judicial Branch, 2005).

353. Other posts within the judiciary are distributed as follows: in the Office of the Public Defender, there are 151 women and 134 men, i.e., 53 per cent of public defenders are women (source: Personnel Department, Judicial Branch, 2007).

(c) *Participation of women in the Supreme Electoral Tribunal*

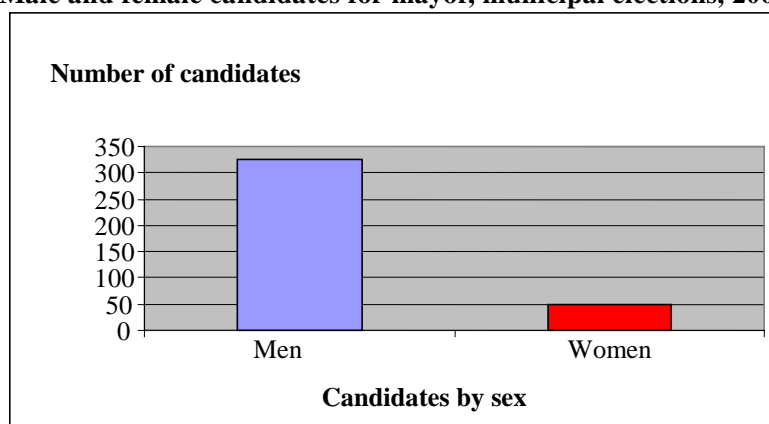
354. During the current reporting period, the Supreme Electoral Tribunal has two full magistrates, one man and one woman, and one vacancy. There are currently six alternate magistrates, two of them women.

(d) *Participation of women in local government*

355. The outcome of elections to municipal mayorships is an example of the disparities between men and women in the political sphere. During the 2003-2004 term, in 81 cantons throughout the country, only nine women held the post of municipal mayor; in two of these cases, a woman was filling a vacancy left by the resignation of the elected mayor.

356. Women holding municipal positions were distributed as follows: 70 per cent of chairpersons of municipal councils were men, and 30 per cent were women. Among the vice-chairpersons, 56 per cent were men, and 44 per cent were women (source: Supreme Electoral Tribunal).

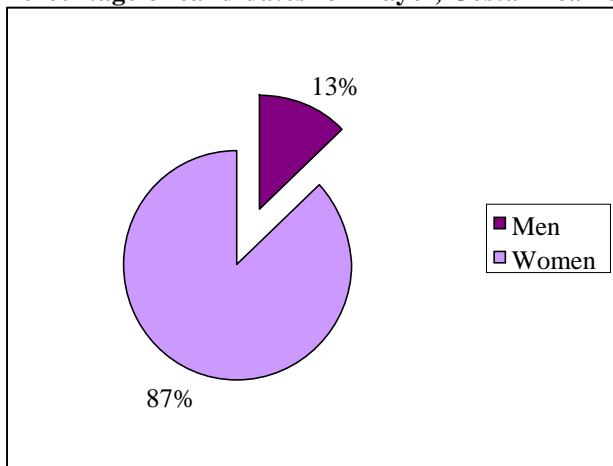
Figure 8

Male and female candidates for mayor, municipal elections, 2006

Source: Original tabulation with statistics from the Supreme Electoral Tribunal, 2006.

357. Figures 8 and 9 show the gap that exists between men and women with respect to candidacies for mayor in 2006.

Figure 9
Percentage of candidates for mayor, Costa Rican elections, by sex

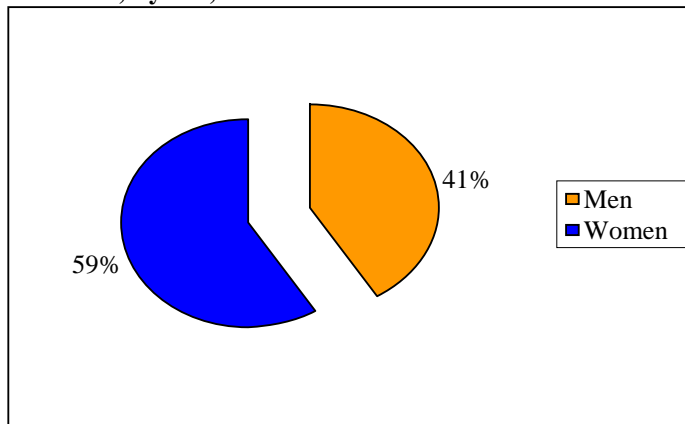


Source: Original tabulation with statistics from the Supreme Electoral Tribunal, 2006.

358. For the 2006-2010 term, women accounted for 47.6 per cent of all municipal councillors were women, and 53.3 per cent of alternate councillors. It was in these lower-level posts that women held a higher share.

359. Among candidates elected to the post of municipal councillor, 59 per cent were men and 41 per cent were women. In this case, the gap between men and women is narrower, contrary to the situation with regard to mayorships.

Figure 10
Percentage of male and female candidates elected to the post of municipal councillor, by sex, 2006



Source: Original tabulation with statistics from the Supreme Electoral Tribunal, 2006.

(c) Right to participate in nongovernmental organizations and associations concerned with the public and political life of the country
Women's movement

360. In previous reports, reference was made to the development of the women's movement in Costa Rica and the variety of ways in which it had shown its commitment to eliminating inequalities and gender discrimination. The reports also described the strengths and weaknesses of the movement and the surge it has experienced over the past decade.

361. The most recent data show that women have been active in a large number of civil society organizations throughout the country (associations, NGOs, forums, peasant organizations, organizations of indigenous peoples and people of African descent, among others). These organizations serve a variety of causes (production projects, environmental projects, combating violence, cultural projects, among others). In addition, feminist organizations work in the political realm to fight for the rights of women and combat different forms of discrimination. The law establishing INAMU provided for the creation of the Women's Forum, a body comprised of different women's organizations that is represented on the Board of Directors of INAMU (source: *Política Nacional para la Igualdad y la Equidad de Género*, 2007).

362. In reviewing the available sources of information for a study of organizations involved in the women's movement, however, the State of the Nation Programme found that the records on these civil society organizations were incomplete, owing to the scattering of information and the lack of a single data base. Some of the data show the existence of many women's organizations in the country, as mentioned above, and considerable diversity in terms of their origins and their purpose. Although these organizations are located throughout the country, it is not possible to determine in which regions or geographic areas they are concentrated. Some agencies have records of women's organizations and institutions that follow a gender approach in their work (Source: State of the Nation Programme, *Brechas de Equidad entre los Géneros*, Goldenberg, 2006).

Table 12

Records on women's organizations and institutions involved in gender issues, 2005

<i>Institutions that keep records</i>	<i>Number of organizations</i>
Arias Foundation	32
Members of the Women's Forum, INAMU	51
SIAMIN-INAMU	15
CEFEMINA	68
Fundecooperación	31
IDA (Organizations)	157
Registry of active organizations	353

Source: State of the Nation Programme, 2006.

Note: Some organizations are included in several databases.

363. Reporting on the overall situation for this most recent period, the aforementioned research study suggests that the country is currently at a standstill in terms of the struggle for equality and equity and that it is quite likely to fall behind. This conclusion is based on interviews with representatives of women's organizations. In their view, the progress that has been made to date is seen as a threat by the more conservative sectors of society, and this has created a backlash. This resistance is being expressed spontaneously, and the resources are available to mobilize public opinion towards traditional family-oriented positions in which women are reduced to the role of mother and homemaker (ibid.).

364. Despite this negative environment that may have weakened the movement, however, progress is still being made, and the women's organizations have not been idle. Advances have been made despite the obstacles encountered. According to Torres (cited by State of the Nation Programme), there is more diversity, and more women are committed to the task of overcoming inequalities. This diversity has been made possible, among other reasons, by the determined efforts of some leaders to promote partnerships between women from different backgrounds.

365. Some research studies on this issue have been conducted in Costa Rica. According to Camacho and Flores, around 1995 the embryonic women's movement had managed to start raising awareness and constructing gender identity. These organizations took part in efforts carried out jointly by NGOs and government institutions (Camacho and Flores, 2001, cited in State of the Nation, *Brechas de equidad entre los géneros*, Goldenberg, 2006).

366. The same authors point out that a significant shortcoming is the fact that the Movement has not yet succeeded in constructing its own identity as a social and political entity that can be the standard bearer for emancipation. This situation limits its ability to initiate discussion and to influence and mobilize opinion, as well as to form alliances and relationships with other social actors, political parties and the State (ibid.).

367. In 2003, 2004 and 2005, INAMU continued its strategy of promoting programmes and round-table discussions and negotiations with women's organizations in the provinces of Limón and Puntarenas. This also involved drawing up lists of women's needs and suggestions to be used in negotiating with institutions so as to facilitate agreement and obtaining commitments to meet those needs. Around 300 women leaders took part in these processes.

368. In 2004 and 2005, several training activities were carried out for teams of negotiators and participants in the round tables held in Puntarenas and Limón. The purpose of the training was to improve the skills of women leaders and promote the creation of regional networks to support the leadership of negotiators. Women were provided with tools for rethinking the type of leadership they were developing, the way they were organizing and the negotiations they were conducting with public institutions that participated in the round tables.

369. In 2005, in the context of the commitment undertaken by INAMU and as a result of the Limón round table for negotiation and social dialogue, the Forum of Women of African Descent embarked on a process of training and participatory

organization for 63 women leaders in Limón Province. The Forum drew up an agenda for women of African descent which includes the following subjects: work and jobs, health, worker education and training, political participation and organization, human rights and specific proposals for institutions such as the Legislative Assembly, INAMU, the Ministry of Public Education, the State universities, the municipality of Limón and Forum participants themselves. Participatory activities were subsequently carried out to encourage discussion on the issues of diversity, ethnicity, gender, identity, rights, citizenship and interests.

Legislative action

370. With regard to article 7 of the Convention, which stipulates that States parties shall take all appropriate measures to eliminate discrimination against women in political and public life, the Committee on the Elimination of All Forms of Discrimination against Women recommended that the State party should redouble its efforts and strengthen legislative or procedural measures, as necessary, to ensure proper application of the legislation in force and ensure women's participation both in party structures and in elective posts, including the alternation of men and women in lists of candidates submitted for election by political parties.

371. As regards legislative action to ensure women's participation, three bills have been submitted during the period covered by this report. One bill promotes equal rights in trade unions, and the other two deal with amendments to the Electoral Code so as to incorporate parity for men and women in political participation.

372. The first bill stipulates the minimum percentage of women who should be on the boards of directors of union organizations (File No. 15 160). The idea is to promote and guarantee equal rights for men and women in the political, economic, social and cultural spheres. The bill is based on the Promotion of Social Equality of Women Act and provides that at least 40 per cent of the positions on the boards of directors of all labour unions should be filled by women. The Ad Hoc Standing Committee on Women's Issues has issued a unanimous favourable finding on this bill, but it has not yet been discussed in plenary sessions. Since September 2006, efforts have been made to request an extension.

373. A proposal to amend articles 58 and 60 of the Electoral Code (File No. 15 312) is also before the Congress. This bill incorporates the principle of parity -- going beyond the quota system -- and provides for financing for training in politics for women in the context of the amendments to be considered by the Ad Hoc Electoral Reform Committee. The Ad Hoc Standing Committee on Women's Issues issued a unanimous favourable finding on the bill on 26 July 2004, but it has not been discussed by the plenary. Efforts are being made to request an extension.

374. This bill was discussed in the context of the comprehensive reform of the Electoral Code (File No. 14 268). During this reporting period, several substitute texts have been drafted which leave out inclusive language. They also leave out explicit references to the principles of equality and non-discrimination as guiding principles in electoral matters and instead use the phrase "general principles of law". The principle of parity is eliminated, as are the Electoral Code rules on

quotas. Advocates of the bill have tried to reverse this trend. The bill is being considered by an inter-agency committee on follow-up and advocacy for bills on the political rights of women. It is now being considered by the Ad Hoc Committee on Electoral Reform and Political Parties.

375. Different groups are working together to incorporate into the substitute text the principles of equality and non-discrimination, parity, the alternation mechanism, political training, sanctions for parties, the responsibilities of parties in this field and other aspects pertaining to the strengthening of political participation by women (source: Legislative Assembly of Costa Rica, March 2007).

Article 8

Adoption of appropriate measures to ensure to women the opportunity to represent their Governments at the international level and to participate in the work of international organizations

376. As shown in the following table, in 2007 more women than men were employed in the foreign service. In relative percentages, the participation of women was always higher than that of men in 2005 and 2007.

Table 13
Staff of the Ministry of Foreign Affairs and Worship, by sex and by type of service

System	2005		2007	
	Women	Men	Women	Men
Office of the Minister - Civil Service system	57	41	58	42
Diplomatic Service	35	23	34	22
Foreign Service	83	105	92	86
Total	175 (51%)	169 (49%)	186 (55%)	150 (45%)

Source: Original tabulation based on data from the Ministry of Foreign Affairs and Worship, 2007.

377. Despite the fact that a majority of the staff were women, fewer women than men held high-level positions. In 2007, the gap was narrowed in the Office of the Minister-Civil Service system and in the Foreign Service. It should also be noted that in 2005, more women than men held high-level positions in the Diplomatic Service, as the figure rose from 44 per cent in 2005 to 49 per cent in 2007. This shows progress with respect to the previous reporting period, when 60 per cent of the high-level positions in the system were held by men.

Table 14
Staff of the Ministry of Foreign Affairs and Worship who hold high-level positions, by sex

<i>System</i>	<i>2005</i>		<i>2007</i>	
	<i>Women</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>
Office of the Minister - Civil Service system	9	10	6	8
Diplomatic Service	11	10	9	10
Foreign Service	74	98	21	82
Total	94 (44%)	118 (56%)	96 (49%)	100 (51%)

Source: Original tabulation with data from the Ministry of Foreign Affairs and Worship, 2007.

378. The composition of Costa Rica's delegations to international organizations and meetings is determined on a case-by-case basis, taking into account the technical requirements that must be met to ensure that the country is well represented. In making up the delegations, every effort is made to include equal numbers of women and men. Official delegations are often made up of officials from the embassies accredited in different countries; as shown above, the Foreign Service has around 92 women out of a total staff of 178 (source: Report submitted by the Ministry of Foreign Affairs and Worship, 2007).

379. Although there are no records of the number of women or men representing Costa Rica who have been elected to different international agencies, there were six cases between 2003 and 2007 in which Costa Rican women stood for election. Three of the six were elected, namely: Rocío Barahona Riera, to membership of the Committee on Economic, Social and Cultural Rights (2004); Mercedes Muñoz Nuvia, to the Management of Social Transformations Programme of the United Nations Educational, Scientific and Cultural Organization (UNESCO) (2005) and Cristiana Figueres Olsen, to membership of the Clean Development Mechanism, United Nations Framework Convention on Climate Change (2006) (source: Report submitted by the Ministry of Foreign Affairs and Worship, 2007).

380. By contrast, the candidacy of Dr. Elizabeth Odio Benito to a judgeship on the International Court of Justice was not supported by the Government (during the Administration of 2002-2006). She was elected only because Panama promoted her candidacy. She had the support of several women's groups in Costa Rican civil society, which carried out promotional activities at the national level on her behalf.

Article 9

Grant women:

1. **Equal rights with men to acquire, change or retain their nationality;**
2. **equal rights with men with respect to the nationality of their children.**

381. As mentioned in prior reports by Costa Rica, Costa Rican women enjoy the same rights as men to acquire, change or retain their nationality.

382. The situation of migrant women, which was dealt with in prior reports, is discussed in greater detail in this report in the context of article 2(d).

Article 10

Take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) **The same conditions for career and vocational guidance, for access to studies;**

(b) **Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality.**

Education and training

383. Over the last ten years, women have taken better advantage than men of opportunities for education and vocational training (CEDAW/C/CRI/4). Male enrolment in urban and rural centres was higher up until 1990; after that date, it fell slightly as female enrolment began to rise steadily (MIDEPLAN, 1995, cited by INAMU, *Indicadores de género*, 2007). From the earliest levels of schooling, female enrolment in formal educational systems is greater than or very similar to that of men; however, there have recently been some differences. Women have higher attendance and coverage rates and lower dropout rates.

384. At the preschool and primary levels, there are no significant gender gaps in gross and net schooling rates by sex. The greatest differences are found in secondary education, where net rates are lower for men than for women; this trend is associated with higher dropout rates and early insertion of men into the job market (source: *Política Nacional para la Igualdad y Equidad de Género*, 2007).

385. The overall functional literacy rate, which is measured by years of schooling, is 0.6 per cent higher among women, with some variations by region and area. In urban areas, more men than women are functionally literate, the difference being -0.6. The opposite is true in rural areas, where more women are functionally literate, the difference being 2.0. The absence of significant

differences between men and women is an indication of the progress that has been made towards achieving equality between men and women (source: State of the Nation Programme, *Brechas de equidad entre los géneros*, State of the Nation Programme, Goldenberg, 2006).

(a) *Preschool education and social infrastructure for childcare*

386. Over the last few years, there has been a significant increase in demand for enrolment at the preschool levels. This may be explained in part by the fact that so many women are working and by the need for a social infrastructure for childcare, increasing the need for preschool arrangements. The increase in preschool enrolment levels has been especially notable from 2000 onward. In 2005, enrolment levels for two and three-year-olds (“maternal II”) totalled 1 619; for three and four-year-olds (“interactive”), 3 170; for four and five-year-olds (“interactive II”), 33 754; and at the transition level (five and six-year-olds), 74 089. In terms of distribution by sex, enrolment was practically equal for boys and girls (51 per cent and 49 per cent). From the standpoint of supply, most of the two and three-year-olds were enrolled in private schools in urban areas, although more and more children aged four and over are in the public system; public education was also predominant in the rural areas. Public schools took in a little less than half the children at that age, and the geographic distribution was 60.8 per cent urban and 39.1 per cent rural (source: *Política Nacional para la Igualdad y Equidad de Género*, 2007).

387. As noted above, preschool coverage rates have been rising. Up until 2000, coverage for five-year-olds (“interactive II”) was limited; the net schooling rate in 1990 was 5.1 per cent, and by 2000, it had only grown to 6.9 per cent. After that date, however, there was significant movement; in 2001, enrolment rose to 19.8 per cent and in 2005, to 42.0 per cent. The rate of girls enrolled is slightly higher than that of boys, although the differences were lower than one percentage point in most years. Significant changes also occurred at the transition level (six-year-olds), where coverage was almost universal. In 2005, the net rate rose to 91.8 per cent, which is significant, considering that in 1990, coverage was 61.7 per cent. At this level there were no significant differences between boys and girls, although girls were slightly higher than boys. Nonetheless, the differences amount to less than two percentage points (source: *ibid.*, p. 39, 2007).

388. The Nutrition and Child Development Programme of the Ministry of Health also provides childcare for the preschool population through its education and nutrition centres (CEN) and its child nutrition and comprehensive care centres (CINAI), which served around 24 000 boys and girls in 2005. Other programmes provide meals and milk; these served nearly 80 000 boys and girls in 2005. These may operate as either intramural or extramural programmes, depending on the situation (*ibid.*, p. 39, 2007).

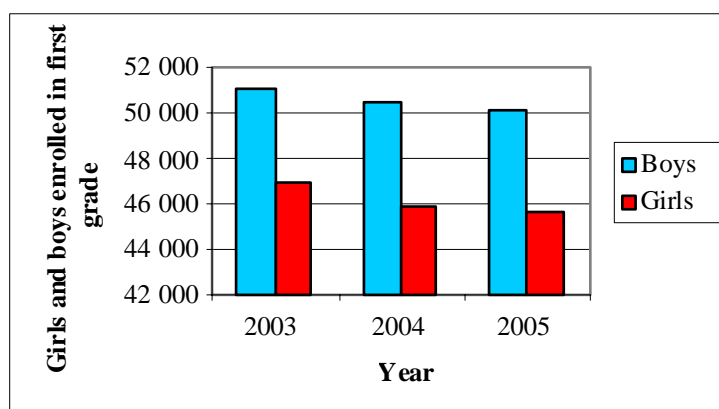
(b) *Primary school: first and second cycles. Secondary education: basic secondary (third cycle) and upper-secondary (fourth cycle).*

389. During the current reporting period, more women than men were enrolled in secondary schools; in preschool and primary education and in night schools, female enrolment was slightly lower than male enrolment. Initial enrolment in

education-for-work programmes was much higher for women than for men, who only accounted for 16 per cent of participants in the options provided by the Ministry of Education (source: Ministry of Public Education. *Expansión del Sistema Educativo Costarricense*, Department of Statistics, June 2004, cited by INAMU, 2007).

390. In 2003, 2004 and 2005, enrolment in first grade was higher for boys than for girls. The difference during these years amounted to around 4 000 boys; there was an overall decline of around 2 000 boys and girls, as shown in the following figure.

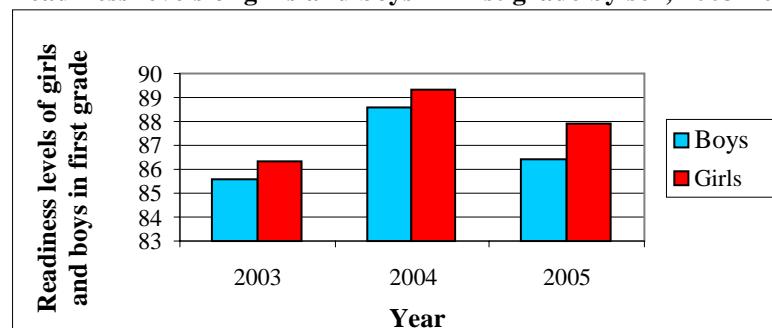
Figure 11
Enrolment in first grade by sex, 2003-2005



Source: Original tabulation with data from *Informe Estado de la Nación 2006*.

391. As shown in the following figure, however, in first grade, girls achieved higher levels of readiness¹⁰ than boys during the aforementioned period, as they surpassed boys by almost one point in 2003 and 2004 and by 1.5 point in 2005. This reflects better performance on the part of girls.

Figure 12
Readiness levels of girls and boys in first grade by sex, 2003-2005



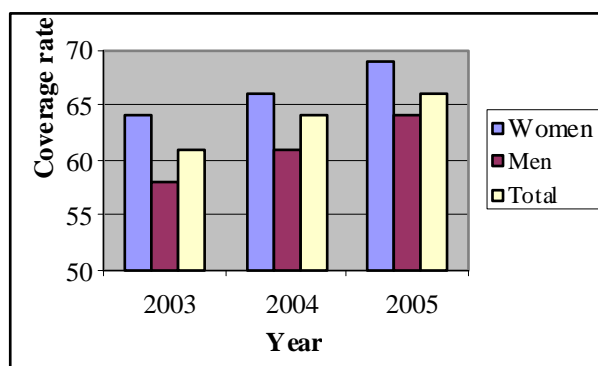
Source: Original tabulation with data from *Informe Estado de la Nación 2006*.

¹⁰ Readiness refers to the introduction of first-grade boys and girls to reading and writing, an area in which girls have an advantage over boys.

392. Despite these minor differences, according to the National Policy on Gender Equality and Equity, the gross and net figures for schooling by sex do not show any significant gender gaps in primary education. The greatest differences are found in secondary education, where the net rates for men are lower than the rates for women; in diversified education, enrolment rates for men were 36.2 per cent and for women, 44.2 per cent. This difference is associated with higher dropout rates among men and their early entry in the labour market.

393. The following figure shows the coverage of secondary education in Costa Rica between 2003 and 2005, broken down by sex. During those three years, the coverage rate for men was lower than for women; the rate for women rose from 64 per cent in 2003 to nearly 70 per cent in 2005, whereas the rates for men rose from 58 per cent to 64 per cent during the same period.

Figure 13
Coverage rates in secondary education,
Costa Rica,



Source: *Brechas de equidad entre los géneros, Informe Estado de la Nación, 1995-2005*.

394. This confirms the idea that in secondary education, as well as at the university level, women have higher rates of coverage, they stay in the system longer, and they perform better than men (source: State of the Nation Programme, cited by INAMU, 2007).

395. In secondary schools, however, there has been an increase in expulsions,¹¹ both of men and of women; 10.4 per cent of students were expelled in 2003, 11.6 per cent in 2004, and 12.5 per cent in 2005. In seventh grade, in day schools, the figures were 16.6 per cent, 18.3 per cent and 19.2 per cent for those same years. The highest rates occur during periods of transition, i.e., upon entry into secondary school (seventh grade) and entry into diversified programmes (tenth grade) (source: State of the Nation Programme, 2006).

¹¹ Earlier in this report, reference was made to students who “dropped out” of school; the term “expulsion” refers to cases when the school expels a student.

396. Among the population that is not in the educational system, 71.3 per cent of men between the ages of 15 and 17 are in the workforce; in the case of women, only 28.4 per cent are employed, and 61.9 per cent carry out household tasks (ibid.).

397. A look at the different combinations of work and study among the 13-to-17 year old population shows that most of them are full-time students (72.5 per cent of men and 77.0 per cent of women). The “work-study” combination is more prevalent among men than among women (7.8 per cent and 4.0 per cent); the same is true of those who only work and do not study (12.8 per cent and 4.9 per cent). The opposite is the case with those who neither work nor study, among whom women account for 14.2 per cent and men, 6.9 per cent. In rural areas, 19.9 per cent of women neither work nor study (*Política Nacional para la Igualdad y Equidad de Género*, 2007).

398. The following reasons have been given for not attending school: “can’t afford it”, 20.8 per cent; “studying is too hard”, 12.3 per cent; “not interested in formal learning,” 28.5 per cent; and “prefer to work”, 8.4 per cent. In the case of women, pregnancy or marriage are also important factors in 9.1 per cent of cases, and 5.7 per cent are not in school because they have to do household chores (source: *Política Nacional para la Igualdad y Equidad de Género*, 2007).

399. To address the problems leading to expulsion of young people from secondary schools, the 2006-2010 Administration put underway the Avancemos (“let us move forward”) Programme, an inter-agency initiative designed to encourage young people to stay in the educational system. The programme is carried out by the Rectoría del Sector Social y Lucha contra la Pobreza (office in charge of the social sector and the fight against poverty). The following public agencies are participating in the programme:

- Ministry of Public Education
- INA
- Ministry of Housing and Human Settlements
- IMAS
- National Scholarship Fund
- CCSS

400. The Avancemos Programme is a selective social welfare programme whereby poor families are provided with money, subject to certain conditions, in order to encourage them to keep or reinsert their adolescents and youth in formal secondary education programmes. The National Development Plan 2006-2010 attaches high priority to this programme.

401. The programme is being implemented by IMAS and the National Scholarship Fund of the Ministry of Public Education. Operating and coordination mechanisms have been set up to facilitate implementation, as well as coordination

with the technical secretariat of the programme. The programme services adolescents between the ages of 12 and 18 and young people up to the age of 21 who belong to poor families who are vulnerable, at risk and socially excluded. Young people older than 21 may, however, also be included when they have special problems. The programme covers both nationals and foreigners. No difference is made between men and women; an effort is made to ensure that equal numbers of men and women are included, but no selection mechanism has been established to ensure that this is the case.

402. Funds are transferred to the families following an established scale, and the amount is increased depending on the students' grade level, thus providing an incentive to success and academic performance. The families share responsibility and sign a family contact in which they undertake to:

- Support the adolescents and young people, ensuring that they attend school regularly and on time;
- Support the adolescents and young people so as to enable them to pass their courses.

403. This programme was begun in 2006; as yet no evaluations have been conducted that would make it possible to measure its effectiveness and its impact on the female student population.

404. Since 2001, the Ministry of Public Education has been promoting the establishment of the Aula Abierta ("open classroom") project in some schools in 20 regions of the country. This programme is aimed at boys and girls between the ages of 13 and 15 who have been excluded from the educational system or who are at risk of dropping out. The programme was conceived with equity in mind, taking into account the actual ability of the population to complete primary education. In 2007, 20 regions had 2 272 women and 3 213 men enrolled in the "Open Classroom" (source: Ministry of Public Education, *Programas y Proyectos SIMED para la excelencia y la equidad*, San José, 1 March 2007).

(c) *Technical training*

405. The National Learning Institute is responsible for providing technical training for work along with the vocational schools mentioned above. The enrolment of women in training activities carried out by INA between 2003 and the first half of 2006 was distributed as follows:

- Agricultural 24 718
- Industrial 120 778
- Commerce and services 177 419

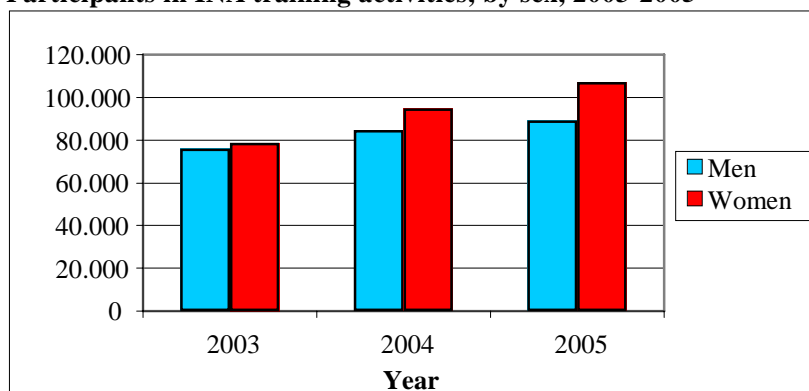
Total 322 915

406. Commerce and services are the sectors in which the largest number of women work.

407. In 2003, women accounted for 55.7 per cent of enrolment in INA; in 2004, women accounted for 54.6 per cent and men, 45.4 per cent. In 2006, 55.5 per cent of students enrolled were women, while 44.4 per cent were men (source: Development and Statistics Unit, 2007).

408. The following figure illustrates the above statements. During the reporting period, more women than men were enrolled in training activities at INA. The gap widened during this reporting period; while the difference was small in 2003, in 2005, around 20 000 more women than men were enrolled.

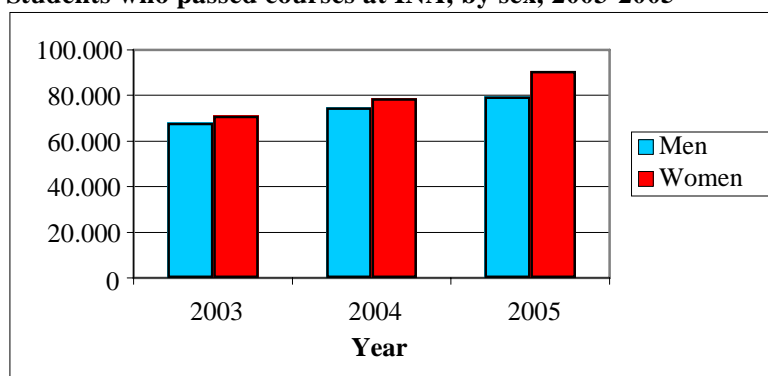
Figure 14
Participants in INA training activities, by sex, 2003-2005



Source: Original tabulation with data from *Informe Estado de la Nación*, 2006.

409. As regards achievement by male and female students, the following figure shows that more women than men passed their courses. There are more women than men, and their performance was better than men in terms of students who passed.

Figure 15
Students who passed courses at INA, by sex, 2003-2005



Source: Original tabulation based on *Informe Estado de la Nación* 2006.

410. The data show some progress in terms of the number of women who have access to technical and vocational training, but they do not indicate which specific

areas are chosen by women or whether there have been changes with respect to the previous reporting period in those areas that have traditionally been considered “feminine” and others that are considered “masculine”. Areas such as cabinet-making, metalworking and mechanics, electricity and others have traditionally been chosen by men, while courses available to women have included embroidery, making stuffed animals, bakery and others that do not offer opportunities for jobs that would bring about any real change in a woman’s income or help her become independent. Change has been slow, given the persistence of stereotyped views of women’s occupations.

411. The distribution of enrolment by sector of production and by sex shows that women receive training mainly in programmes related to the commerce and services sector. Although there has been some progress and training in non-traditional areas is being offered in industry-related sectors, the focus has mostly been on the food industry and crafts and textiles. Very few women are engaged in metalworking and mechanics and in electricity (source: Summary of data on women’s participation in training and vocational education services. 2003-2006; *Informes de Evaluación al POA 2003-2006*; February 2007).

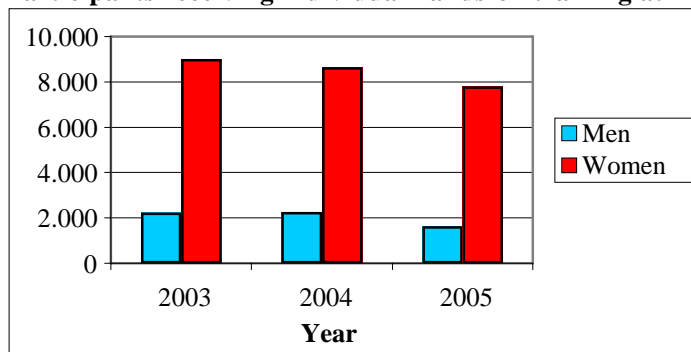
412. According to a project carried out in conjunction with CIEM, technical training programmes, both in secondary schools and at INA, still offer separate specializations according to sex. It is very hard to overcome that approach. This is due to the obstacles that women have had to face whenever they have tried to work in fields that have traditionally been left to men (source: CIEM, 2007).

413. In 2006, most of the students enrolled were under 29 years old. Women accounted for 59.6 per cent of the student body in all age groups (source: Summary of data on women’s participation in training and vocational education services. 2003-2006; *Informes de Evaluación al POA 2003-2006*; February 2007).

414. Data on schooling indicate that students admitted to INA had a high level of schooling, as most had either completed their secondary education or had at least attended high school. Women had a higher educational level than men. Most of the students who were classified as unemployed were women (source: Summary of data on women’s participation in training and vocational education services. 2003-2006; *Informes de Evaluación al POA 2003-2006*; February 2007).

415. INA also offers opportunities for students with lower levels of schooling in the form of individual hands-on instruction at regional technical/vocational training centres throughout the country. As shown in the following figure, an even higher proportion of women than men participate in this type of training, given that courses are offered closer to their homes and schedules are more flexible. Although enrolment dropped slightly during the three years covered by the study, female students were still in the majority.

Figure 16
Participants receiving individual hands-on training at INA, by sex, 2003-2005



Source: Original tabulation based on *Informe Estado de la Nación 2006*.

416. Up until 2006,¹² technical training for women living in poverty was provided by INA through the personal and collective development component of the *Creciendo Juntas* Programme. INA also offers technical training for these women that is tailored to their schooling levels and their particular needs (see the discussion under article 13 on programmes for women living in poverty).

(d) *Public higher education*

417. As noted in the previous report, progress in regard to access for women to higher education has continued. More women than men enrol in universities, although differences remain in terms of areas of study (source: State of the Nation Programme, cited in CEDAW/C/CRI/4).

418. Information on the specialized units of public universities was provided in the section on article 3; the discipline of women's studies is relatively new in Central America. In the region, Costa Rica has the most experience. The two main public universities -- the National University and the University of Costa Rica -- have carried out programmes in this field for over ten years. During this reporting period, in 2004, the Technological Institute of Costa Rica established its Gender Equity Unit. This is a significant development, considering that men are predominant in this institution which focuses on the traditionally male fields of science and technology (source: CIEM, 2007).

(c) **Elimination of social stereotypes regarding male and female roles at all levels and in all forms of education**

419. Concerning this article, the Committee has recommended to the State party that it "continue to implement measures aimed at changing social stereotypes that encourage discrimination against women and impede their egalitarian performance in society." In this regard, despite the progress made in education and technical training, CIEM has pointed out that the Costa Rican educational system faces major challenges when it comes to eliminating sexist stereotypes, especially in

¹² After 2006, the strategy for working with women living in poverty was revamped, given that the *Creciendo Juntas* Programme was discontinued, and a different model of assistance to this population was proposed (see the section on article 13).

terms of eradicating the “invisible pedagogy of gender”, whereby teachers treat boys and girls differently, a problem that persists both in formal and in hidden curricula. Messages are unwittingly transmitted which reproduce and legitimate unequal power relations, instead of striving to change attitudes and promote equality. This has a negative impact on women as citizens (source: CIEM 2007, *Proyecto Análisis situacional de los derechos de las niñas y las adolescentes en Costa Rica*).

420. According to the research conducted by CIEM, there is some discussion regarding the right to sex education. In the public school system, there are different views regarding the materials to be used; the matter is only dealt with consistently in some of the private schools. The main issue arises from disagreement about the content of sex education textbooks for primary and secondary schools.

421. Despite the efforts made in recent years, more needs to be done to eliminate sexism and promote respect for different ethnic groups and cultures, in order to bring them fully into mainstream educational practice.

422. According to a report on non-compliance with the Social Equality of Women Act and International Labour Organization (ILO) Convention 111 in regard to the distribution of posts in the Ministry of Public Education of Costa Rica, the Ministry is not in compliance with article 7(b) of the Convention on the Elimination of All Forms of Discrimination against Women, as attested to by the percentages of men and women who are supervisors, school principals, directors of special education and directors of regional offices of the Ministry. There is inequity between men and women, especially at the higher levels, despite the fact that only 27.85 per cent of persons working in the education system are men. A breakdown of the data to show the distribution of high-level posts in the Ministry shows that women educators take on a maternal, nurturing role in the Costa Rican educational system, and they are excluded from a large percentage of high-level positions (source: ANDE, 2006).

423. Through the Deputy Secretariat for Women and the Standing Committee on Women, the National Educators Association (ANDE) formally requested Government of the Republic and the Ministry of Public Education to apply policies designed to guarantee that women working in the educational system would enjoy the full right to serve in any high-level position in the Ministry (source: written communication, 5 February 2007).

424. The document on policies and strategic actions for 2002-2006 of the Office for the Rights of Children and Adolescents of the Ministry of Public Education (28 February 2007) includes Policy No. 19, on gender equity in technical training. This policy promotes access for women to non-traditional and well-paying trades and aims at achieving a 20 per cent increase in female enrolment in non-traditional fields.

425. Chapter II, article 4 of the Ministry of Public Education’s regulations on the student community provides for gender mainstreaming and stipulates that at least 40 per cent of electable posts must be filled by women, and that compliance with this rule shall be monitored by the relevant supervisory body. The Ministry’s

report on the student government programme shows the percentage distribution of student governments and the participation of women in the 2006 elections. In the case of San José, in primary schools, 42.3 per cent of students participating were girls and 57.7 per cent, boys. In secondary schools, female participation was 74.7 per cent, and males accounted for 25.3 per cent (source: Ministry of Public Education, Office of Student Community Services, San José, 2007).

(d) The same opportunities to benefit from scholarships and other study grants

(e) The same opportunities for access to programmes of continuing education

426. The National Scholarship Fund of the Ministry of Public Education provides scholarships and other subsidies for study purposes. The purpose of this Fund, which receives financial support from other State institutions, is to provide scholarships to low-income students in order to enable them to study at any academic level within or outside the country. Scholarships are granted on the basis of the personal merits, socioeconomic situation and academic performance of beneficiaries. The law creating the Fund makes no distinction between male and female students. The only amendment adopted during this reporting period was the result of a decision handed down by the Constitutional Court in July 2003 ruling that the requirement that scholarship recipients must be Costa Rican was unconstitutional and calling for the elimination of that provision so as to enable foreign students who study in Costa Rica to receive scholarships.

427. The amount of scholarship aid provided to recipients (of either sex) is based on the results of a study of the student's socioeconomic situation, how many courses the recipient is enrolled in and his or her personal merits. In order to qualify for the benefit, a student's grades must be no lower than the minimum passing grade established by the competent body. A student's scholarship will be suspended if he or she commits a serious offence resulting in expulsion or suspension from the educational centre or if the student decides to drop out of school. (This was added by article 1 of Act No. 8417 of 18 June 2004).

428. The Ministry of Foreign Affairs and Worship does not keep a record of scholarships broken down by sex.

429. The matter of offering the same opportunities for access to programmes of continuing education was discussed above, in connection with the first subparagraphs of article 10, regarding the need to provide the same conditions for access to education.

(f) Reduction of female student drop-out rates

430. In 2003, 4.2 per cent of male and 3.7 per cent of female students dropped out of primary school. In secondary school the rate was higher, as well as the gap between the sexes: 12.1 per cent of male students and 8.8 per cent of female students. In seventh grade, 19.9 per cent of male students and 15.1 per cent of female students were expelled (source: INAMU, Gender indicators, 2007).

431. According to data from the Statistics Department of the Ministry of Public Education, dropout rates were as follows in 2005: in preschool, 2 483 girls and 2 547 boys; in the first and second cycles, 7 735 girls and 9 706 boys; in night schools, 134 women and 162 men; and in the third cycle and diversified education, 15 136 women and 20 306 men. In every case, drop-out rates were higher for men than for women (source: Ministry of Public Education, 2004).

(g) The same opportunities to participate actively in sports and physical education

432. The report of the National Advisory Office on Physical Education of the Ministry of Public Education recommended that physical education classes should be co-ed and that the same instructor could teach the classes, in order to ensure that women and men have the same opportunities to participate actively in sports and physical education (source: Ministry of Public Education, Curriculum Development Division, National Advisory Office on Physical Education, 27 February 2007).

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning

433. This aspect is discussed in the section on article 12, on access to health care.

Article 11

Take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure the following rights:

Article 11.1

- (a) The right to work**
- (b) The right to the same employment opportunities**
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training**

A. Access to and stability in the labour market

- (a) Net participation rate of women in the labour market*

434. As shown below, women's participation in the labour market has increased significantly over the last few decades; however, they are still at a disadvantage.

Table 15
Basic employment figures for men and women

	2003		2004		2005		2006	
	Women	Men	Women	Men	Women	Men	Women	Men
Labour force (absolute)	622 654	1 134 924	612 687	1 156 072	688 981	1 214 087	719 563	1 226 392
Labour force (%)	35.4	64.6	34.6	65.4	36.2	65.8	36.9	63.0
Net participation rate	38.5	73.3	36.8	73	40.4	73.9	40.7	73.5
Employment rate	35.3	69	33.6	69	36.5	70.2	37.2	70.2
Unemployment	8.2	5.8	8.5	5.4	9.6	5	8.7	4.4
Visible underemployment	7	4.6	7.5	4.1	7.5	4.4	7.3	3.9
Invisible underemployment	2.2	3.1	1.8	3.1	2.1	3.3	3.1	4.2
Total underutilization rate	17.4	13.5	17.8	12.6	19.2	12.7	19.1	12.5
Full employment ^a	65.4	63.7	65.6	65	65.61	65.58	63.79	64.09
% of income received by employed women compared with income of employed men ^b	80.8		83.06		78.2		79.65	

Source: INAMU, "Tendencias del empleo femenino," 2005. INEC. Multi-Purpose Household Survey. *Política Nacional para la Igualdad y Equidad de Género*, 2007.

^a Full employment: percentage of labour force.

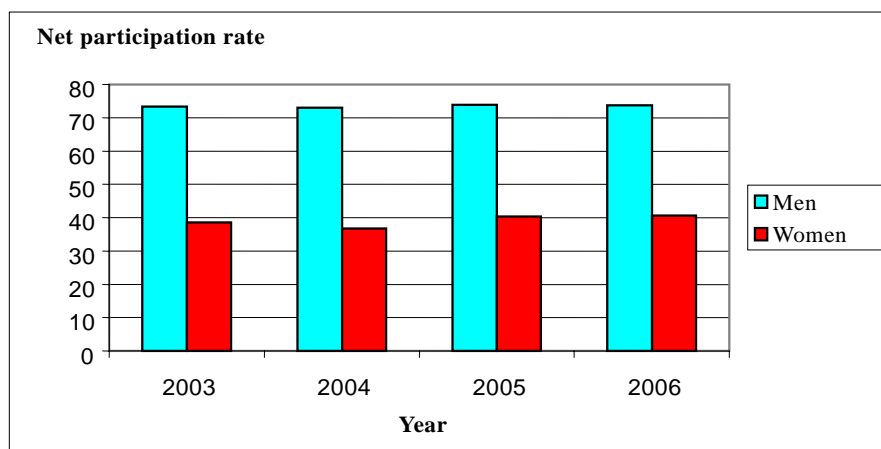
^b Employed population with known income and total average monthly income (except unpaid workers).

435. The entry of women into the labour force rose significantly between the late 1990s and 2006, when it peaked at a net female participation rate¹³ of 40.7 per cent. In 1990, 30.3 per cent of working-age women were employed; in 2000, the figure rose to 35.0 per cent and in 2006, to 40.7 per cent, consolidating the upward trend of female participation in the labour market (source: *Política Nacional para la Igualdad y Equidad de Género*, State of the Nation Programme, 2007, INAMU, 2007. Multi-Purpose Household Survey, INEC, 2006).

436. During this reporting period, in 2003, women accounted for 38.5 per cent of the labour force; the participation rate dropped slightly in 2004, to 36.8 per cent, rising to 40.4 per cent in 2005, and then to 40.7 per cent in 2006 (source: INAMU, "Tendencias del Empleo Femenino," 2006).

¹³ Net female participation rate = Female labour force x 100. Female working-age population.

Figure 17
Net participation rate by sex in Costa Rica, 2003-2006



Source: Original tabulation based on Multi-Purpose Household Survey, INEC, Fuerza de Trabajo 2006.

437. Women represented 28.5 per cent of the economically active population (EAP) in 1990 and 36.2 per cent in 2005. In that year, the total EAP rose to 1 903 068; this figure included 1 214 087 men and 688 012 women. Among the female EAP, 623 012 were employed (source: *Política Nacional para la Igualdad y Equidad de Género*).

438. According to INEC, in July 2006, women accounted for 36.98 per cent of the economically active population, and men accounted for 63.02 per cent (source: INAMU, 2006).

439. Some components of economic work are often masked because they are not declared or because certain activities are not included in the employment figures, e.g., production for self-consumption, which is more prevalent among women. The expanded net female participation rate, which includes other unpaid activities, was 48.2 per cent in 2005, 7.8 per cent higher than the net female participation rate for that year (source: *Política Nacional para la Igualdad y Equidad de Género*).

(b) *Employment rate, by occupational category*¹⁴

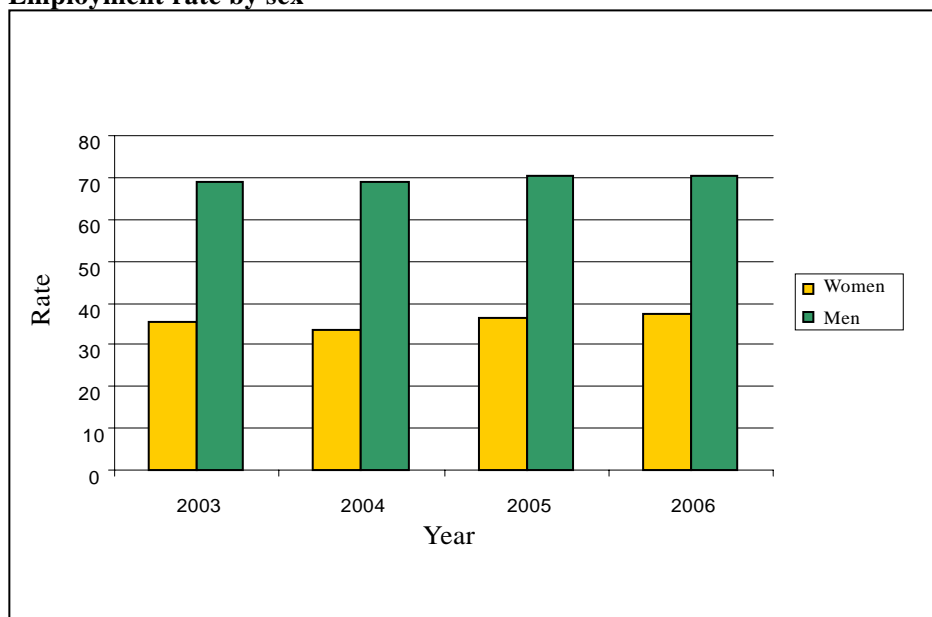
440. As regards the employment rate,¹⁵ in 2003, 35.3 per cent of women were employed, compared with 69 per cent of men; in 2004, the employment rate for women was 33.6 per cent and for men, 69 per cent; and in 2005, the rate for women was 36.5 per cent and for men, 70.2 per cent. In 2006, the rate for women

¹⁴ This makes it possible to analyze the real or actual percentage of persons over 12 years of age who find employment, excluding those who are unemployed.

¹⁵ The employment rate is the percentage of the employed population with respect to the working-age population (Leandro at <http://www.edebedigital.com>). Employment rate = Employed population divided by 100. Working-age population.

rose to 37.2 per cent, while the rate for men remained at 70.2 per cent. This means that for that same year, 37 of every 100 women over age 12 were employed, while in the case of men, the figure was 70 out of every 100 men over age 12 (source: INAMU, 2006).

Figure 18
Employment rate by sex



Source: Original tabulation based on INAMU, 2006.

441. As regards the distribution by occupational category, the percentage of women working as managers, employers or active partners remained relatively stable over the last few years, ranging between 4.8 per cent in 2003 and 4.3 per cent in 2005. In 2006, the figure was 4.7 per cent (source: INAMU, 2006).

442. The nationwide trend up to 2004 was towards a slight increase in the number of women who were self-employed. Thus, in 2000, 17.2 per cent of women were in this occupational category, and in 2004, the figure rose to 21.4 per cent. In 2005, however, it dropped to 19.5 per cent; in 2006, to 18.4 per cent and in 2007 (June), to 17.1 per cent.

443. The informal sector increased by over four per cent in the case of women, who have had to seek jobs that involve higher risks, provide fewer benefits. This means they are at a disadvantage, especially in terms of income. Moreover, in the informal sector, men are able to work longer hours than women because women have the added duty of their household and reproductive tasks (source: INAMU, 2006).

444. This category of employment is highly vulnerable, given that women in the informal sector usually work in low-productivity sectors in which a subsistence economy is predominant. Occupations in this sector are not governed by any

formal regulatory system, and workers therefore receive no benefits such as pension funds (source: INAMU, 2006).

445. As far as institutions are concerned, over the last five years the percentage of employed women who worked for the State rose only slightly. In 2005, 19.8 per cent of employed women worked in the public sector, compared with only 11.1 per cent of employed men. In 2006, 19.9 per cent of women and 11.4 per cent of men worked in the public sector. In the private sector, female participation is slightly lower than that of men, although there is an upward trend. The share of employed women working in the private sector rose from 79.4 per cent in 2003 to 81.1 per cent in 2007.

446. The demand for labour in the private sector declined slightly. In 2000, 42.7 per cent of the occupations that attracted women were provided by this sector; in 2003, the figure dropped to 38.5 per cent, and in 2006, it rose slightly (40.6 per cent). The highest percentage of jobs in private enterprise is generated in the central region of the country: more than 40 per cent of employed women in the central region worked in the private sector (source: INAMU, 2006).

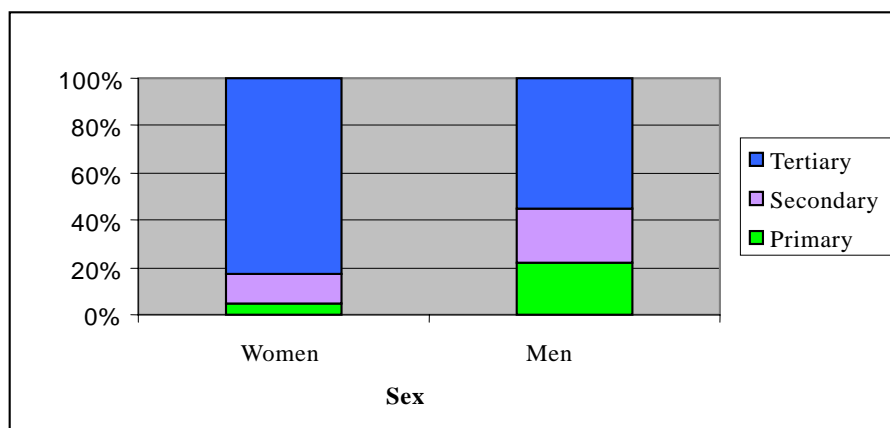
447. The share of employed women in domestic service has been approximately 12 per cent since 2001, except in 2004, when it fell to 10.6 per cent; in 2006, it rose to 13.3 per cent. A significant segment of Central American immigrants, particularly Nicaraguan women, work in this sector; because of their undocumented status, there may be significant underreporting (source: INAMU, 2006).

448. According to data compiled by INAMU, from 2000 to 2006, between 3.2 per cent and 4.4 per cent of employed women were performing unpaid work; this phenomenon was least predominant in the Central region. Aside from the fact that a smaller percentage of women than men were employed, as shown in figure 17 (discussed above), these data show the broader implications of the social mandate for women, who are expected to almost single-handedly take responsibility for social reproduction, thus making it more difficult for them to participate fully in the labour market. Thus, even though they are in the workforce, they must also devote time to reproductive and nurturing tasks for which they receive no pay (source: INAMU, 2006).

(c) *Distribution of the employed population by sector of activity*

449. An analysis of the distribution of the employed population by sector of activity shows that in 2005, most employed women (82.9 per cent) worked in the tertiary sector; 12 per cent worked in the secondary sector, and only 4.9 per cent, in the primary sector. Among men, the tertiary sector was also the main source of employment, although to a lesser degree than for women; thus, slightly over 50 per cent of employed males worked in this sector. One fourth of employed men worked in the secondary sector, and little under one fourth in the primary sector (source: *Política Nacional para la Igualdad y Equidad de Género*, 2007).

Figure 19
Distribution of the employed population by sector of activity and by sex, 2005



Source: *Política Nacional para la Igualdad y Equidad de Género, 2007*

(d) *Distribution of the employed population by branch of activity*

450. A breakdown of jobs by branch of activity shows that in 2006, the highest percentage of women worked in trade and repairs (19 per cent), which was followed by households with domestic service (17.8 per cent), education (11.8 per cent) and manufacturing (11.7 per cent). The highest percentage of men worked in business (19.4 per cent), followed by agriculture (18.6 per cent), manufacturing (14.2 per cent) and construction (10.6 per cent) (source: INAMU, 2007).

(e) *Distribution of the employed population by occupational group*

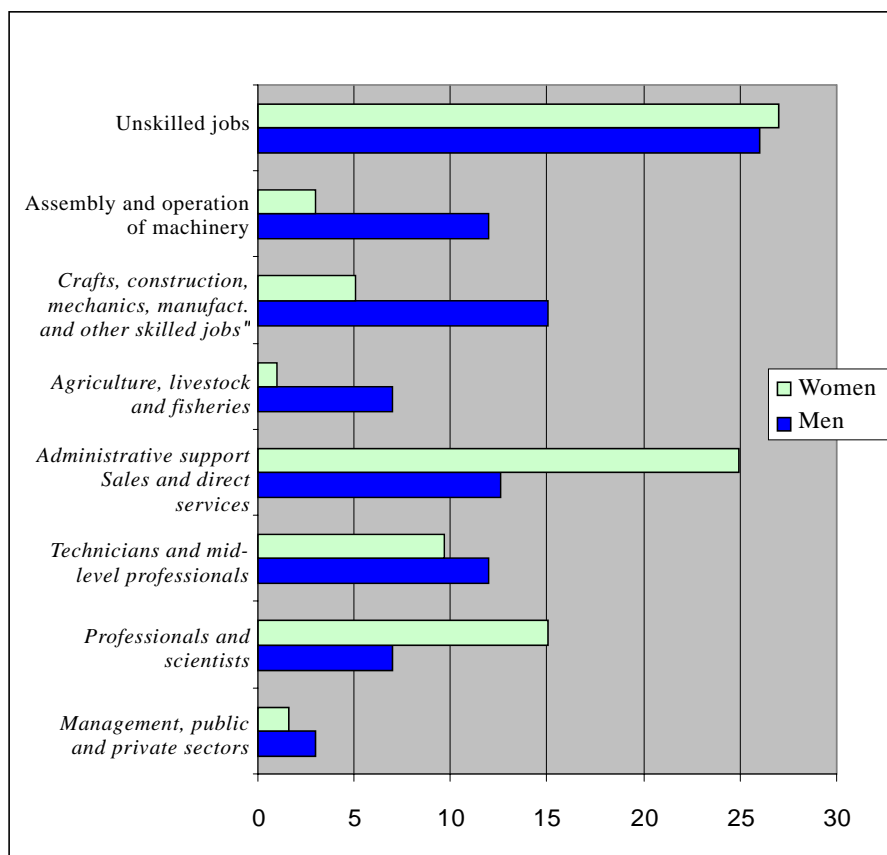
451. In 2006, 28.6 per cent of women had unskilled jobs; 23.3 per cent worked in sales and services; 14.7 per cent were professionals; 12.1 per cent had administrative support positions; and 10.8 per cent were technicians. Unskilled jobs also accounted for the largest percentage of male workers (26.4 per cent); these were followed by crafts, construction and other skilled jobs (16.2 per cent), technician jobs (12.0 per cent), assembly and operation of installations and machinery (12.0 per cent) and sales and delivery of services (11.4 per cent) (source: INAMU, 2007).

452. The segmentation that is evident in occupations such as construction, mechanical repairing, agricultural production and other categories shows that some types of work are still predominantly male, with very little female participation.

453. The barrier to “typically female” jobs has been breaking down, with men playing a greater role in occupations that had previously been considered “female”. A significant percentage of men now work in the service sector, which has generally been dominated by women.

454. While 19 per cent of men hold jobs in predominantly female occupations, only 12.7 per cent of all employed women work in predominantly male occupations (source: *Política Nacional para la Igualdad y Equidad de Género, 2007*).

Figure 20
Distribution of the employed population by sex, 2005



Source: *Política Nacional para la Igualdad y Equidad de Género, 2007*

455. In its annual reports for 2003 and 2004, the Office of the Ombudsperson draws attention to the discrimination that exists against women fire fighters, police, security agents and umpires. Women are treated differently in all these predominantly male occupations, and this prevents them from improving their skills (source: Office of the Ombudsperson, annual report for 2004-2005).

(f) *Educational level of the employed population*

456. Women entering the labour market have a higher level of formal education than men. In 2005, employed women had an average schooling level of 9.7 years, while men had an average level of 8.5 years (source: INAMU, 2006). The fact that

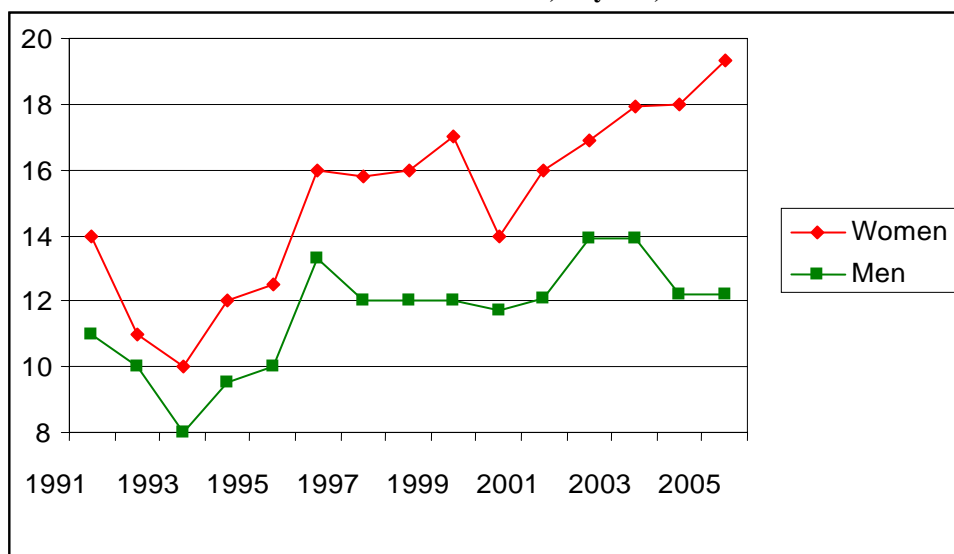
women had more training did not mean that they were paid better wages; thus, for example, the gaps between wage earners of both sexes were widest at the lower and upper ranges of schooling (source: *Política Nacional para la Igualdad y Equidad de Género, 2007*).

(g) *Job instability among women*

457. The fact that more women have entered the labour market does not necessarily mean that the conditions for insertion have improved. That is evident in the overall underutilization rate for women, which in 2006 was 6.6 points higher than for men; this can be explained by the higher rate of open unemployment (8.7 per cent in 2006) and of visible underemployment (7.3 percent) among women. Over the last ten years, the total underutilization rate for women rose by nearly 6.5 points, while the increase for men was 2.4 points. The high female underutilization rates reflect their job instability or the poor quality of their jobs (estimated by social security coverage), or they work part-time (i.e., visible underemployment) or in temporary or fixed-term jobs, or their jobs are fraudulent (this is hard to measure, but is partly related to invisible unemployment) (*Política Nacional para la Igualdad y Equidad de Género, 2007, INAMU, 2007*).

Figure 21

Evolution of the overall underutilization rate,* by sex, 1991-2005



Source: *Política Nacional para la Igualdad y Equidad de Género, 2007*.

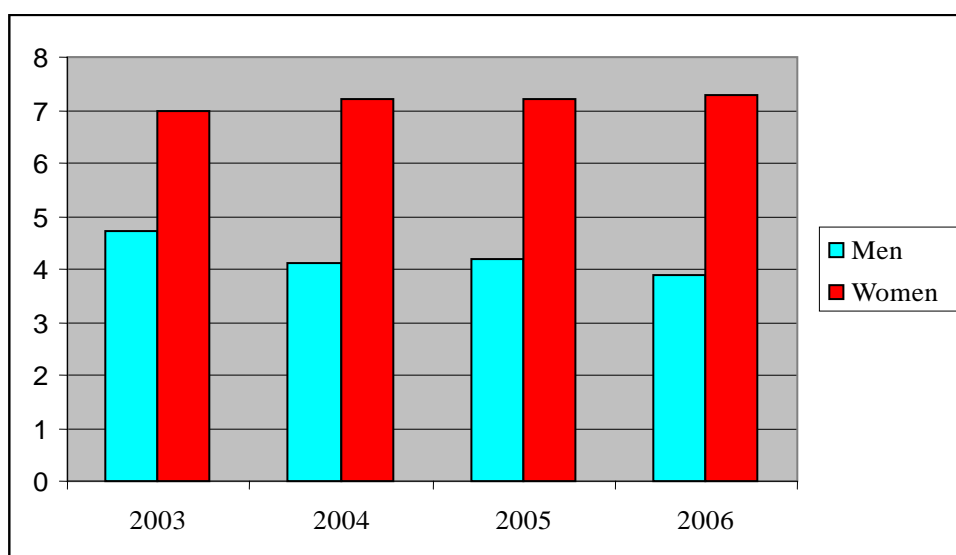
*This is the sum of open unemployment, underemployment due to insufficient working hours and underemployment due to insufficient income. Represents overall underutilization of labour.

458. Part-time jobs are very important to women who do paid work. In 2005, slightly over half of all employed women worked 47 hours a week or more, 17.1 per cent worked 40 to 46 hours, and one fourth worked less than 30 hours per week. In the case of men, two thirds worked 47-hour weeks or more, and only 10.2 per cent worked less than 30 hours. On average, women worked 39 hours and men, 48 hours. Part-time jobs were usually associated with situations in which workers'

rights, both in terms of benefits and of wages, are not respected (*Política Nacional para la Igualdad y Equidad de Género, 2007*).

459. The visible underemployment rate (shorter work day not by choice) is higher among women than among men. The rate for women rose from 4.9 per cent in 1995 to 7.3 per cent in 2006; that same year, the rate for men was 3.9 per cent. In 2003, the rate was 7 per cent for women and 4.6 per cent for men; in 2004, 7.5 per cent for women and 4.1 per cent for men, and in 2005, it was 7.5 per cent for women and 4.4 per cent for men (source: INEC. Multi-Purpose Household Survey, 1999-2006 and *Política Nacional para la Igualdad y Equidad de Género, 2007*).

Figure 22
Visible underemployment rate by sex, 2003-2006

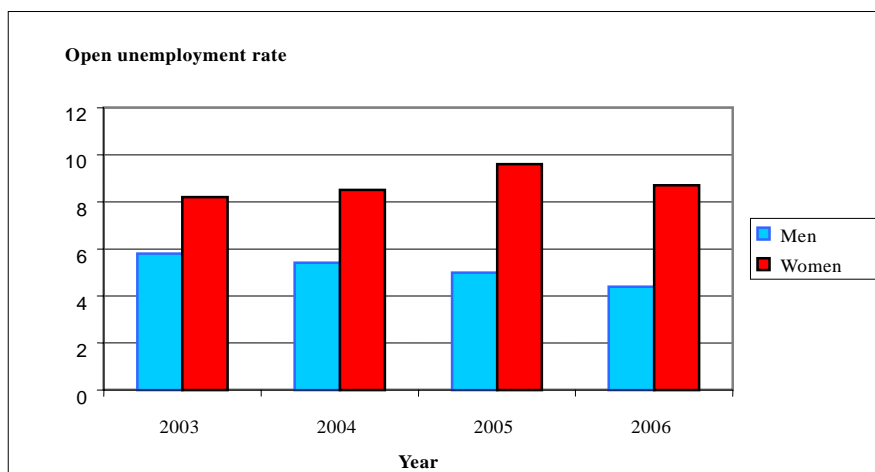


Source: Original tabulation based on *Informe Estado de la Nación, 2006*.

(h) *Unemployment or open unemployment rate*

460. Open unemployment is more prevalent among women than among men. Among women, the rate was 6.8 per cent in 2000 and 8.7 per cent in 2006 (4.3 point higher than the rate among men). During the other years in this reporting period, the open unemployment rate for women was 8.2 per cent, and for men it was 5.8 percent (2003); in 2004, it was 8.5 per cent for women and 5.4 per cent for men, and in 2005, 9.6 per cent among women and 5.0 per cent among men. The following figure shows the upward trend in open unemployment among women (source: INEC. Multi-Purpose Household Survey, 1996-2006, INAMU 2006, *Política Nacional para la Igualdad y Equidad de Género, 2007*).

Figure 23
Open unemployment in Costa Rica by sex, 2003-2006



Source: Original tabulation based on *Informe Estado de la Nación 2006*.

(i) *Distribution of the workforce in State institutions*

461. The findings of studies conducted in some State institutions indicate that as a general rule, public institutions need to do more to eliminate inequalities between women and men in terms of distribution of the workforce and incumbency in management positions, which are usually held by men.

462. In the Ministry of Public Education, for example, 73 per cent of supervisory positions are held by men (source: Report on non-compliance with the Social Equality of Women Act and International Labour Organization (ILO) Convention 111 in regard to the distribution of posts in the Ministry of Public Education, 2006).

463. In July 2005, only 18 per cent of all jobs at ICE were held by women, while men held 82 per cent. Although ICE has not adopted affirmative action measures for recruitment and selection of its personnel, the share of women in the workforce increased by 3 percentage points between July 2003 and July 2005 (source: Human Resources Information Systems Unit, ICE - Informe de avances y desafíos en la promoción de la igualdad y equidad de género. Distribución de la fuerza laboral del ICE al 13 de julio del 2005).

464. Finally, the Ministry of Justice and Pardons does not have specific policies relating to access to management, coordination or supervisory positions. In the specific case of the Social Rehabilitation Department, although women have opportunities to apply for non-traditional jobs, such as security agents, most of the security personnel are men (source: Ministry of Justice and Pardons, *Informe Bianual de Avance de las Instituciones 2004, 2005*).

B. State action to promote gender equality and equity in employment

(a) Gender Equality and Equity Unit of the Ministry of Labour and Social Security

465. In the context of the Plan of Action on Gender Equality and Equity 2003-2006, the Gender Equity Unit of the Ministry of Labour and Social Security was reinforced in 2003 with the addition of a part-time position to the three full-time positions already in place. Thanks to the continuing support of INAMU, the Unit has carried out sensitization and gender training activities in coordination with other departments, with a view to mainstreaming the gender perspective in the Ministry. It has also organized outside training activities in order to promote women's labour rights, and it provides advisory services in this area.

466. In 2004, in-house training activities included seven workshops led by specialists from INAMU, which was attended by 58 male and female staff members of the departments responsible for social organizations, human resources, international affairs and pensions. In 2005, personnel of the regional inspectors' offices received training on non-sexist language. In 2006, 23 lectures were given on the use of non-sexist language; these were attended by 122 staff members (56 men and 66 women) from most of the departments in the Ministry (source: Reports by the Gender Equity Unit, Ministry of Labour and Social Security, 2004, 2005 and 2007).

467. During the period 2004-2006, the Unit provided outside training to 2 062 persons. In 2004, 613 people received training; the number rose to 806 (536 women and 270 men) in 2005, and fell to 634 (388 women and 255 men) in 2006. The personnel who received this training included domestic servants, homemakers, microentrepreneurs, professionals (secondary school teachers, nurses, legal advisors, accountants, doctors), students from vocational training and para-university schools, salespeople, cashiers, farm workers, warehouse employees, janitors, tractor operators, chauffeurs, hair stylists, electricians and civil servants (Municipality of Escazú). Training activities were also carried out in different communities in the provinces of San José, Alajuela, Heredia, Cartago, Limón and Puntarenas. The main issues addressed were protection of workers who were pregnant or breastfeeding, protection of female workers in the workplace, gender discrimination in the workplace and sexual harassment on the job (source: Reports by the Gender Equity Unit, 2005, 2006, 2007).

468. The Unit also provides labour-related advice to people who inquire about their rights. In 2004, 55 people received assistance; in 2005, 45; and in 2006, 27 people (24 women and 3 men) were helped. The main subjects of the queries were pregnancy and breastfeeding; sexual harassment and bullying in the workplace; verbal, physical and emotional abuse; discrimination in the workplace and occupational health.

(b) 800-Trabajo phone line of the Ministry of Labour and Social Security

469. This phone line, which is used to provide information on the application of labour laws, was greatly enhanced by the establishment in 2005 of a database that allows for greater flexibility and efficiency. Each incoming call is registered electronically, and the information obtained can be used to quickly access data and

to cross-reference variables (date, sex, economic activity, domicile, position, query, age, nationality and time on the job). This tool was developed jointly by the Gender Equity Unit and the Labour Market Unit of the Ministry. The electronic registry was launched in January 2006 (*Memoria*, Gender Equity Unit of the Ministry of Labour and Social Security, December 2005 and January 2007).

470. In 2003, 1 930 queries were answered through this phone line; in 2004, 7 470 queries were received, representing an increase of 287 per cent. At least 45 callers were women asking for information on matters relating to pregnancy, breastfeeding, sexual harassment and occupational health. Another 4 350 women and 3 075 men asked questions on subjects such as wages, holidays, vacations, termination and resignation. In 2004, a special effort was made to reply to queries regarding the *aguinaldo* (end-of-year bonus); a total of 407 queries from 238 women and 169 men were answered. Most questions were made by workers in the services sector (208) and business (144). Between January and November 2005, a total of 5 482 queries on labour-related issues were received, 3 118 from women and 2 364 from men. The queries had to do with issues such as vacations, holidays, termination, resignation, wages and severance pay. Twenty-two women asked questions regarding pregnancy, breastfeeding, sexual harassment and occupational health. From January to June 2006, while the Unit was in charge of the phone line, a total of 2 293 calls were received from workers and employers, all requesting labour-related advice on a number of issues (Reports by the Gender Equity Unit, January 2005, December 2005).

471. Bearing in mind that only a small number of women call the help line on issues that directly affect them, it is clear that a massive campaign is needed to disseminate information about the help line.

(c) *Sex-disaggregated statistics in the Ministry of Labour and Social Security*

472. In March 2007, the Labour Relations Department of the Ministry of Labour and Social Security stated that it had no statistics on the number and type of complaints received from women who had suffered labour discrimination in public and private institutions (source: Official Communication No. DRT-147-2007 of 26 March 2007 from the Department of Labour Relations to the Chief Administrative Officer of the Ministry of Labour and Social Security).

473. In order to address the situation, INAMU and the Gender Equity Unit of the Ministry of Labour and Social Security drew up Directive No. 002-2006 of 7 April 2006 with the aim of encouraging the Ministry to develop sex-disaggregated data and generate statistics that take into account the gender perspective.

474. Developing data broken down by sex is one of the most useful tools for monitoring access of workers to the services provided by the Ministry. Classifying complaints by sex makes it possible to draw attention to violations of women's labour rights.

(d) *National Information System. Job orientation and placement*

475. The National Information System, Job orientation and placement was created in 2001 by Decree No. 29219-MTSS. It was not until late 2003, however,

that the Ministry of Labour and Social Security, as the lead agency in this area, convened the members of the Council and of the Technical Secretariat of the System in order to officially set it up (source: Labour and Employment, INAMU).

476. In 2005, INAMU, working with the Technical Secretariat of the System, advised the Employment Office on how to put the System underway and work to achieve consensus on an amendment to the decree creating the System with the aim of including the gender perspective. Consensus was reached on the proposed amendment in 2006, and the amendment was supported by the incumbent Minister of Labour. It was not signed into law before the change of Administration in 2006, because the Laws and Decrees Department of the Ministry of the Presidency was opposed to the included language included in the Decree (source: Ibid.).

477. As a result, in May 2006, negotiations were undertaken with the new Administration, but they have not yet been concluded. Thus, INAMU, INA and the Ministry of Public Education have decided to explore the possibility of undertaking in 2007-2008 an intermediation experiment in which the three institutions would work together, serving as a model that could be adopted by the Ministry of Labour and Social Security. Financing has been made available through the Women's Economic Agenda project for Central American women (UNIFEM) (source: Ibid.).

(e) *Inter-Agency Commission on the Advancement and Protection of Women's Labour Rights*

478. The Inter-Agency Commission on the Advancement and Protection of Women's Labour Rights was reactivated in 2003. The Commission is made up of the Public Policy Management Unit and the Legal Status and Protection of Women's Rights Unit of INAMU, the Gender Equity Unit of the Ministry of Labour and Social Security, the Office of the Ombudsperson forewomen of the Office of the Ombudsperson and the Women, Justice and Gender Programme of the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD).

479. The Commission has worked jointly with other bodies on the review and analysis of existing and proposed labour legislation and its possible impact, drawing up criteria, proposing substitute texts for or amendments to regulations, with the aim of ensuring compliance with the labour rights of women.

480. In 2003, the Commission undertook an analysis of the "labour flexibility" bill, pointing out the negative implications of the proposed legislation for working women. It also drafted a bill amending chapter 8 of the Labour Code so as to regulate regulating paid domestic work, as noted below.

481. Other bills on labour issues are currently on the agenda of the Legislative Assembly, including an amendment to the Labour Code regarding discrimination in employment which extends the prohibition to discrimination based on age, ethnic origin, gender, disability, religion, sexual preference and others, and a bill on protection of the rights of adolescents performing domestic work which provides for changes in article 97 of the Code on Children and Adolescents and the addition of an article 94 *bis* to provide greater protection to adolescent workers.

(f) *Reconciling national economic policies and the economic agenda for women*

482. In 2003, UNIFEM and UNDP launched the Women's Economic Agenda project in all six Central American countries. The purpose of the Project is to conduct research on the participation of women in the paid labour market and to prepare public policy proposals for mainstreaming the gender perspective in national economies so as to shed light on the fact that economic processes are not gender neutral in matters relating to the labour force. The idea is to strengthen women's human rights within the framework of the national economies. The challenge is to incorporate the economic agenda of women into the national agenda.

483. In Costa Rica, the project was aimed at generating and transferring knowledge on how the economy works and on the gender-related implications for key stakeholders; strengthening the capacities of public institutions for gender analysis of the economy. The project is being implemented by INAMU, which in turn has entered into partnerships with other public institutions, namely, the Ministries of Labour and Social Security, of the Economy, of Planning and of Finance; INEC, the Central Bank and the Ministry of Foreign Trade.

484. In 2005 a series of research studies were carried out in the framework of the Women's Economic Agenda - Costa Rica programme which helped identify the status of women in high-technology jobs. The aim is to guide public policy bearing in mind the successes and missteps of employers in practices that affect women. This is especially important because of the encouragement Costa Rica is giving to high-technology companies. The findings of this research are discussed below.

C. Current situation with regard to paid domestic work

485. Female domestic workers are widely scattered and difficult to locate. They have very few social contacts, given the nature of their work, and they are much more vulnerable to their employers than most wage earners. Even the Labour Code includes specific provisions regarding these workers which include discriminatory exceptions. Because of their particular working conditions, domestic workers are uninformed about their rights, and they have very little leverage when it comes to lodging a complaint. Paradoxically, this group of workers performs tasks that are essential to the health of the families they work for, providing a clean environment and proper nutrition and caring for children, the elderly and the sick (source: *XII Informe del Estado de la Nación 2006*).

486. An important step towards enforcing the labour rights of domestic workers was taken by the Constitutional Chamber of the Supreme Court of Justice¹⁶ in its decision of March 2007 regarding the constitutional challenge brought by ASTRADOMES against the labour regulations for domestic workers, specifically, three paragraphs in the Labour Code that violated the principle of equality for domestic workers.

¹⁶ See annex 10, decision of the Constitutional Chamber.

487. In this ruling, the Constitutional Chamber granted domestic workers one day off per week instead of half a day, as specified in the Labour Code. They were also granted a whole day's rest on holidays instead of half a day. However, the Chamber confirmed the stipulation that the work day for domestic workers shall have a maximum duration of 12 hours, but it prohibited employers from requiring them to work overtime. It also ruled that it was unconstitutional for employers to distribute the 12 hours of work over a 15-hour period, bearing in mind that the work day is supposed to be continuous. The Constitutional Chamber also eliminated the provision in the Labour Code according to which domestic workers who were older than 12 but younger than 19 could only be required to work up to 12 hours a day. Three of the magistrates abstained, arguing that the work day should only be eight hours, not 12. Domestic workers still face the challenge of achieving an eight-hour work day so as to be on an equal footing with all other workers.

488. Despite the fact it has been on the legislative agenda for 15 years spanning three Administrations, the bill amending chapter VIII of the Labour Code, regulating the employment of paid domestic workers, has still not been adopted.

489. The purpose of the bill is to eliminate all remaining discriminatory provisions from the Labour Code and align the rights of domestic workers with those of other workers, in particular, by establishing an eight-hour work day, overtime pay, pay for days off and holidays, social security benefits and compensation for accidents in the workplace.

490. A substitute text for this initiative was submitted in September 2003, thanks to the efforts of an inter-agency committee made up of INAMU, the Office of the Ombudsperson for Women, advisors from the Social Affairs Committee and ASTRADOMES. Contributions were also made by the Gender Equity Unit of the Ministry of Labour and Social Security.

491. The bill received a majority affirmative vote and a minority negative vote in the Social Affairs Committee. It was placed on the agenda for the ordinary session held from May to December 2006, but was not discussed by the plenary. It was not placed on the agenda for the extraordinary session held between 1 December 2006 and 30 April 2007. The four-year period for consideration of the bill expires on 18 September 2007. Since September 2006, the proponents have been urging advisors to the Ad Hoc Standing Committee on Women's Issues to persuade the deputies to request an extension.

492. The Gender Equity Unit of the Ministry of Labour and Social Security is currently working on a proposal for a research study on the working conditions of domestic workers and the impact these conditions have on their lives. The Unit is also a member of a commission whose main aim is to obtain more equitable treatment for domestic workers than the discriminatory conditions imposed by current legislation (source: Fifth Periodic Report on compliance with the International Covenant on Civil and Political Rights, 2006).

(d) To equal remuneration

Earnings: a reflection of the unequal treatment of male and female workers

493. Pay scales are another example of the unequal treatment of male and female workers. Men have an advantage over women when it comes to income differences between male and female workers. The income gap between women and men has ranged around 0.8 per cent since 1990, and there is no indication of a trend towards improvement. In 1990, the income gap was 21 per cent; in 2000, it was 18 per cent, and in 2005 and 2006, 20 and 23 per cent, in that order (*Política Nacional para la Igualdad y Equidad de Género, 2007*).

494. From 2000 to 2005, employed women with known incomes have received approximately 80 per cent of the earnings received by men. In 2003, women earned 80.8 per cent of what men earned; in 2004, 83.1 per cent; and in 2005, 78.2 per cent. Percentages in the Central region were lower than the national average; in this region, women receive between 75 and 78 per cent of the pay received by men, and as little as 73.9 per cent in 2005 (INAMU, 2006).

495. In some occupational categories, women's wages are sometimes only 40 per cent of the amount paid to men. The smallest differences occur among persons who work in the public sector, in technical occupations and in administrative support, and among male and female wage earners. The differences are lower in the case of wages paid by the public sector, although average wages are still lower for women than for men.

496. In terms of specific occupations, the largest gaps occur in crafts and in management positions; these are followed by professional activities and unskilled labour. There is hardly any gap between the sexes in administrative support jobs. The differences between men and women are significant in the informal sector. Thus, in 2005, women earned 58.02 colones for every 100 colones earned by men. The gap is slightly smaller in rural areas than urban areas. In terms of educational level, the income ratio is lowest (0.70) at both ends of the scale (persons with no schooling and persons with a university degree); the gap is largest among employed persons with a primary education (*Política Nacional para la Igualdad y Equidad de Género, 2007*, INAMU, 2006).

Table 16
Ratio of average monthly income of persons employed in the main occupation between women and men, by branch of activity, occupational group, occupational category, institutional sector and educational level, 2002-2006 (except unpaid workers)

	2002	2003	2004	2005	2006
Branch of activity ^a	0.82	0.81	0.83	0.77	0.77
Agriculture and livestock	0.82	0.88	0.8	0.8	0.9
Manufacturing	0.66	0.67	0.66	0.6	0.64
Electricity, gas and water supply	1.03	0.8	1.32	0.78	1.57
Construction	1.03	1.19	1.04	0.9	1.21
Wholesale and retail trade; repair	0.62	0.65	0.69	0.64	0.66
Hotels and restaurants	0.59	0.65	0.65	0.61	0.64
Transport and communications	1.01	1.09	1.12	1.15	0.99
Financial intermediation	0.8	0.74	0.66	0.63	0.72
Real estate	0.81	0.72	0.91	0.89	0.75
Public administration	0.97	1.08	0.97	1.07	0.93
Education	0.77	0.87	0.9	0.94	0.91
Health and social work	0.9	0.69	0.82	0.71	0.7
Community and personal service activities	0.6	0.56	0.62	0.69	0.77
Private households as employers	0.6	0.74	0.72	0.65	0.63
Occupational group ^b	0.82	0.81	0.83	0.77	0.77
Management level, public and private	0.95	0.89	0.58	0.81	0.9
Professional, scientific and intellectual level	0.75	0.73	0.75	0.71	0.62
Mid-level technical and professional	0.84	0.76	0.81	0.88	0.92
Administrative support	0.92	0.91	0.96	0.65	0.89
Sales in stores and supply of services	0.62	0.65	0.66	0.42	0.6
Agriculture and fisheries, "skilled"	0.54	0.54	0.58	0.4	0.58
Crafts, construction, mechanics, graphic arts and manufactures, "skilled"	0.51	0.43	0.54	0.44	0.4
Assembly and operation of machinery	0.65	0.72	0.75	0.75	0.7
Unskilled occupations	0.72	0.73	0.69	0.66	0.67
Occupational category	0.82	0.81	0.83	0.77	0.77
Employer or active partner	1.03	0.9	0.84	0.73	0.54
Own-account worker	0.66	0.56	0.61	0.5	0.52
Wage earner	0.86	0.9	0.91	0.85	0.87

	2002	2003	2004	2005	2006
Institutional sector	0.82	0.81	0.83	0.77	0.77
Public sector	0.87	0.91	0.9	0.73	0.86
Central Government	0.92	0.98	0.88	0.5	0.8
Rest of public sector	0.86	0.88	0.95	0.85	0.94
Private sector	0.71	0.7	0.71	0.66	0.66
Educational level	0.82	0.81	0.83	0.77	
No schooling	0.72	0.59	0.7	0.7	
Primary – incomplete	0.62	0.61	0.64	0.59	
Primary - complete	0.59	0.6	0.61	0.55	
Secondary - incomplete	0.59	0.65	0.66	0.64	
Secondary – complete	0.74	0.67	0.74	0.74	
University and parauniversity	0.72	0.71	0.71	0.71	

Source: *Política Nacional para la Igualdad y Equidad de Género, 2007*.

^a International Standard Industrial Classification of All Economic Activities (ISIC, Rev.3).

^b *Clasificación de Ocupaciones de Costa Rica (COCR-2000)*.

497. A research study entitled *Del Trabajo al Trabajo. Orientaciones hacia el Trabajo Remunerado de las Mujeres en Costa Rica*¹⁷ was conducted by the aforementioned Women's Economic Agenda - Costa Rica Programme. Following are some of the findings of the study:

- The data confirm the existence of tension between job and family responsibilities, with the greatest tension among women with under-age children.
- Whether or not a woman is the single provider or the main provider of household income strongly influences her participation in the labour market.
- Female heads of household, wives and partners are more likely to participate in the labour market when their husband or partner is inactive. The fact of a woman being the main provider of household income increases the likelihood of her taking a job, even if she also has major responsibilities for childcare; this suggests that economic necessity is a determining factor in a woman's decision to seek paid work.
- The higher the socioeconomic level, the greater the participation of women in the job market. The direct linkage between socioeconomic

¹⁷ This research study focused on women who have paid work. It included the female population between the ages of 25 and 44 who were part of the economically active population (EAP). The qualitative analysis was conducted in the Central Region.

level and participation in the job market is confirmed by an analysis of the linkage between participation in the labour market and educational level: the higher the educational level, the higher the rates of women's participation, both for the category of heads and the category of wives and partners.

- Women who have entered the labour market are in a precarious situation. This is reflected in the fact that a high percentage of them are engaged in informal or own-account activities, or marginal or subsistence activities, usually earning very little.
- Women who have paid work always have to apply strategies for reconciling their paid work with their unpaid work. Any programme aimed at changing women's participation in the labour market will need to take into account the different types of work, both paid and unpaid, that are part of a woman's life.
- The State provides little or no assistance with childcare. The State does very little to facilitate conditions to encourage women to join the workforce, even in providing access to services by setting worker-friendly schedules and providing services in prompt and timely fashion. Many women handle the situation through their choice of job and working hours, or at least they try to. Interviews with working women show that what they need is flexibility during the work day, not during the week. What they need is to be able to stop one task to do another, and nothing would be more counterproductive than working long hours over a four-day period, as proposed in the bill that has been before the Legislative Assembly for quite some time.
- One short-term public policy measure that would be helpful would be to raise public awareness of the fact that without childcare there can be no society and that women cannot be expected to continue as the sole or main providers of that care.
 - If the aim is to expand the options available to women for combining different types of work and sharing certain tasks with men, public policies should promote measures that take into account the needs and interests of women.

(e) The right to social security; the right to paid leave

(f) The right to protection of health and to safety in working conditions

Access to social security: a right not exercised by many women

(a) Situation of female domestic workers

498. On the question of social security, the issue of female domestic workers arises once again, given that they are still the least insured group of workers in the country. Of all female domestic workers reported in statistics, only 28.2 per cent

have health coverage (compared with 57.9 per cent of the economically active population in the private sector), and 23.1 per cent have coverage for disability, old age and death (compared with 48.8 per cent of the economically active population in the private sector) (source: *XII Informe Estado de la Nación, 2006*).

499. In the case of coverage for disability, old age and death, a high percentage of female domestic workers are immigrants, and most of them return to their country of origin before they earn the right to a pension. In the absence of agreements between CCSS and the social security institutions in their countries of origin, their contributions towards old-age insurance do not count towards a pension in their country of origin, and this discourages them from joining the programme in Costa Rica.

500. Their status as foreigners adds another obstacle to these domestic workers. The staff of CCSS do not have a clear idea of the requirements for affiliating this population or any other immigrants. There is a belief that in order to be covered by the CCSS plans, immigrants must have their papers in order and a valid residence permit. This means that even when immigrants have paid work (either as wage earners or as independent workers), they find it very difficult to get coverage (Ibid.).

(b) *Situation of women performing unpaid household tasks (“housewives”)*

501. “Housewives” as a category represent an important segment of the population that should be covered by health insurance and disability, old-age and death insurance. They play a fundamental role as mothers and in carrying out responsibilities relating to child-rearing, hygiene, nutrition, care of the sick, education of girls and boys and daily activities; they are also instrumental in managing family resources and generating new jobs and additional income. Housewives also carry out other activities, many of which do not generate income, such as working with community groups, caring for patients in medical centres and helping with training activities (Ibid.).

502. A total of 620,577 people are engaged in unpaid housework (“housewives”). Women account for the great majority of this population (98.8 per cent). Most of the people in this population have health insurance (85 per cent): 59 per cent are covered indirectly by contributing workers; 8 per cent are covered by contributing pensioners; 16 per cent, by the State (because they live below the poverty line); and two per cent are covered by the non-contributor pension system. Fifteen per cent of housewives, however, have no health coverage (Ibid.).

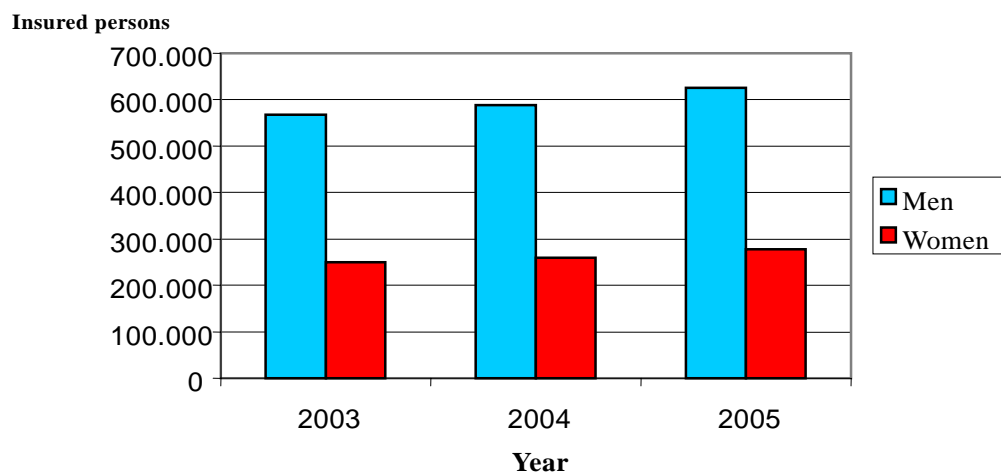
503. Contrary to the situation with respect to health insurance, most of these people have no protection for disability, old age and death. Only persons who are insured directly are covered by the pension system (Ibid.).

504. The following figures provide an illustration of the situation of women under the pension system. The first figure shows the gap between men and women in regard to the number of persons insured directly under the system during the period between 2003 and 2005. These data illustrate the predominance of men in more stable jobs which enable them to join the pension system. The figure also shows that fewer women are insured, owing to the fact that fewer women are in

the workforce as well as to the large number of women in the informal sector of the economy.

Figure 24

Active persons with direct pension coverage by sex, 2003-2005



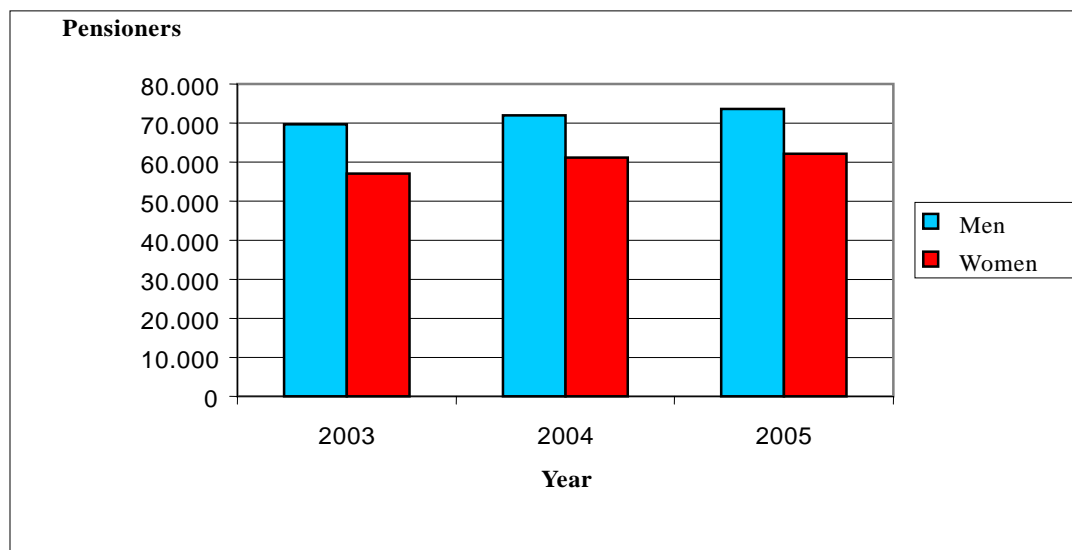
Source: Original tabulation based on *Informe Estado de la Nación 2006*.

505. In addition, during 2005, figures provided by CCSS show that out of a total of 113 114 persons registered with the Disability, Old Age and Death System, 54.4 per cent of beneficiaries are men, and they receive their pension at an average age of 65; by comparison, 45.6 per cent of women are insured, and they receive their pension at age 64. Of the total of 42 369 persons who receive disability pensions, 71.3 per cent are men, and 28.7 per cent are women; their ages average 59 and 55, in that order (source: *Indicadores y Análisis de indicadores de género, Costa Rica 2005*).

506. Although most of the persons covered by the pension system are men, an almost equal number of women receive pensions, as they are covered through their husbands/partners or children.

507. As shown in the following figure, the gap between men and women is narrower in terms of the number of persons who receive pensions; however, men still have more access to this right.

Figure 25
Persons receiving pensions under the pension system, by sex, 2003-2005



Source: Original tabulation based on *Informe Estado de la Nación, 2006*.

(c) *Situation of self-employed women*

508. From 2002 to 2006, between 17.2 and 18.4 per cent of women were working on their own account. These women are required to contribute to the social security system as employers. During the period 2002-2007, CCSS extended coverage to include disability, old age and death. A small percentage of this group are covered by social security, and even when they are covered, the State does not cover sick leave or maternity leave.

509. A study on women's access to Costa Rican social security benefits (*Estudio exploratorio sobre el acceso de las mujeres a los beneficios de los seguros sociales en Costa Rica (2003)*) which was conducted by INAMU provided input for a proposal that was submitted in negotiations called for by CCSS with a view to reforming the system of coverage for disability, old age and death in 2004-2005 (source: INAMU, *Memoria Institucional, Administración 2002-2006*). On the basis of this study and the agreements reached as a result of the discussion and adoption of the reform, during the period 2002-2006, INAMU promoted extension of social security services for women, seeking to guarantee them pension benefits and to increase the number of women eligible for regular health services.

Article 11.2

Take appropriate measures to guarantee protection for women during pregnancy and maternity

Need to strengthen the system of special protection for women workers who are pregnant or breastfeeding

510. The rules aimed at protecting working women who are pregnant or breastfeeding are often violated, leading women to lodge complaints for the violation of their rights. These complaints account for one third of all the complaints dealt with by the General Directorate of the Labour Inspectorate. As of September 2004, this office had received 266 complaints from women who had been terminated because they were pregnant or breastfeeding and 50 from women whose employers had started termination procedures. These women are victims of unjustified dismissal or suspension, they are denied promotion, they are assigned to other duties that are harmful to them psychologically or socially, or their years of service, pension benefits or seniority are reduced because of their taking maternity leave (source: Office of the Ombudsperson and Proposal by the Gender Equity Unit on articles 97 and 100 of the Labour Code, on leave for breastfeeding).

511. This violation of women's rights has an adverse effect on their quality of life which is reflected in unemployment and underemployment rates. Being excluded from the labour market deprives them of the right to work and to receive the special protection that should be afforded them by the State and by society as a whole.

512. In the workplace, the Office of the Ombudsperson for Women has founded cases of women who are waiving maternity and breastfeeding leave. The office of the Ombudsperson is aware of the fact that the Ministry of Labour and Social Security has received a large number of requests for authorization to terminate pregnant women and feels that the ministry should be more cautious and vigilant when deciding whether to accept or reject such requests. It is possible that women are being pressured or harassed so as to persuade them to accept termination if they do not resign (Ibid.).

513. The Office of the Ombudsperson for Women has emphasized in its reports that pregnancy and breastfeeding cannot be held against women in terms of hiring practices and working conditions, and such situations cannot be used as grounds for termination or discriminatory practices. Pregnant women can only be terminated when there are objective and proven grounds for such action. The aforementioned reports also stress the need to strengthen and guarantee compliance with the regulations on special protection for pregnant women which are envisaged in labour legislation (*Régimen de Protección Especial de las Mujeres Embarazadas*) (Source: Office of the Ombudsperson's annual reports for 2003-2004, 2004-2005 and 2005-2006).

514. Despite the situation described above, this report identifies a number of actions that have been taken to improve protection of labour rights for pregnant

and breastfeeding women, as suggested by the Committee in connection with the previous report from Costa Rica.

515. Thus, for example, in 2006, the Gender Equity Unit of the Ministry of Labour and Social Security submitted to the Ministry a proposal for amending articles 97 and 100 of the Labour Code. The proposal, known as the Breastfeeding Project, covers two aspects of the issue:

(a) Breastfeeding mothers should be allowed, in their workplaces, one full and continuous hour for nursing their child. This is important because the current legislation provides that a breastfeeding woman may have a 15-minute break every three hours or, if she prefers, half an hour twice during the course of her work day. This prevents many women from enjoying this benefit, given that their workplaces are far from the homes where the children are, or the workplace does not have an appropriate place for breastfeeding. Some public institutions have internal regulations requiring that women be allowed one hour for breastfeeding, thus enabling them to start work one hour later or leave one hour earlier than the times scheduled for the regular work day.

(b) All companies, regardless of their size, should be required to set aside an appropriate place for working mothers who are breastfeeding to nurse their child and/or extract and store their milk, under suitable conditions. The existing article establishes this obligation for companies that hire more than 30 women workers. There are many small companies that have fewer female employees than the number established by the law for enjoyment of this benefit. These rules therefore discriminate against working mothers. Upon receiving this proposal, the Office of the Minister of Labour requested the Directorate of Legal Affairs to issue an opinion on the matter; that was provided on 28 February 2006, in Document DAJ-D-030. The next step is for the proposal to be sent to the Legislative Assembly (source: Gender Equity Unit of the Ministry of Labour and Social Security, *Informe de Labores*, January 2007 and Directorate of Legal Affairs Document DAJ-D-030 of 28 February 2006).

516. On 23 November 2006, the Ministry of Labour and Social Security carried out a workshop on progress in assistance to pregnant women within the Ministry of Labour, with the aim of reporting on progress made by the Ministry in providing assistance to pregnant women who sought its support (source: Gender Equity Unit of the Ministry of Labour and Social Security, *Informe de Labores*, January 2007).

517. The Advisory Office for International Labour Affairs of the Directorate of Legal Affairs of the Ministry of Labour and Social Security initiated the process of drafting and submitting to the Legislative Assembly a bill providing for ratification of ILO Convention 183 concerning the revision of the Maternity Protection Convention (Report of the Directorate of Legal Affairs of the Ministry of Labour and Social Security No. DAJ-D-030 of 15 March 2007).

518. In 2003, the Directorate of Legal Affairs of the Ministry of Public Education, acting on a specific case, issued a decision in favour not only of the rights of mothers but also of minors, in regard to the breastfeeding time allowed by law. Thus, it decided that the necessary arrangements must be made during

working hours for women to take time for breastfeeding, and that they should be allowed to start work half an hour later and finish their work day half an hour earlier than the regularly scheduled time.

Article 12

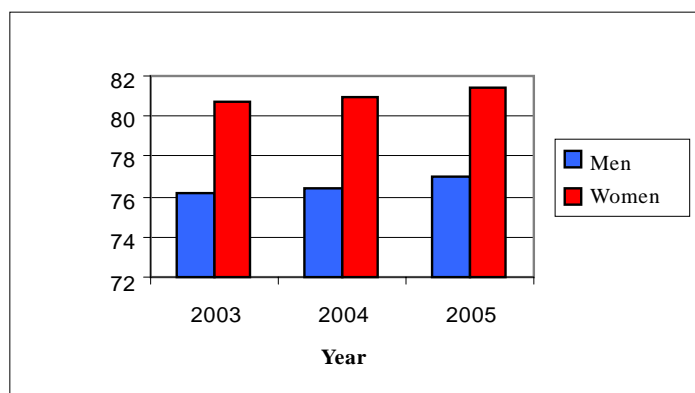
1. Take all appropriate measures to eliminate discrimination against women in the field of health care

2. Ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period

(a) Access to health care

519. Costa Rica has made significant progress in the area of health, as reflected in key indicators such as life expectancy. Life expectancy in 2005 was at the highest level recorded for the country: 79.1 years for both sexes; 76.9 for men and 81.4 for women (*XII Informe Estado de la Nación, 2005*). By comparison with the previous report, this marks a difference of one percentage point in the life expectancy of women, i.e., from 80.2 in 2000 to 81.4 in 2005. The following figure shows this difference in terms of life expectancy at birth, by sex, for 2003 to 2005.

Figure 26
Life expectancy at birth, by sex, 2003-2005



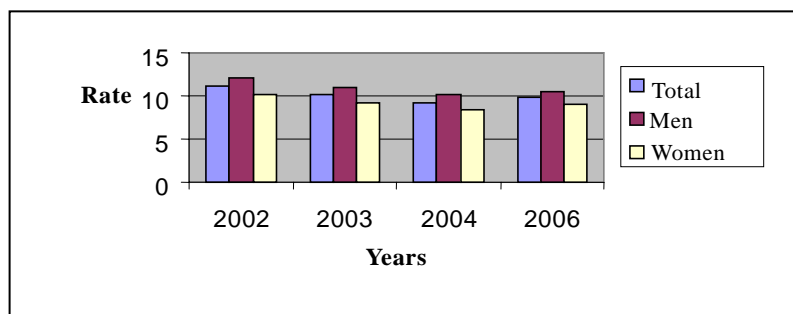
Source: Original tabulation based on *Informe Estado de la Nación 2006*

520. During the past decade, life expectancy has risen by around two years and four months, while infant mortality has dropped to fewer than ten deaths of children under one year old per 1 000 live births. These changes, together with the decline in fertility rates, mark the final stage in the demographic transition and the appearance of a new epidemiological profile in which progress in mortality rates will be related to prevention and the adoption of healthy habits, as well as with improvements in liquid and solid waste disposal (*ibid.*). The following figure shows the infant mortality rate per 1 000 live births, by sex. As shown, during the

three years in question, the infant mortality rate for females was lower than the rate for males.

Figure 27

Infant mortality rate, per 1,000 live births, in Costa Rica, by sex, 2002-2005



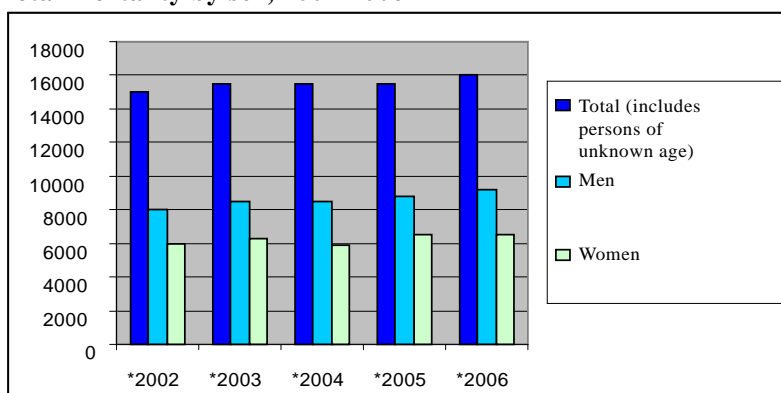
Source: Original tabulation based on Ministry of Health, Epidemiology and Demographics Component

521. The total fertility rate has been falling; in 2003, it was 2.08, which is considered the replacement rate. The fertility rate declined especially among women aged 30 and over. Women between the ages of 20 and 29 contributed the highest number of births, and women under 20 accounted for 20.3 per cent.

522. Approximately 10 per cent of the higher life expectancy among both men and women is due to the drop in infant mortality. Half the changes in men and two thirds in women are the result of variations in mortality between the ages of 65 and 89. This is consistent with the changes that have taken place in the epidemiological profile: more than two thirds of deaths occurred among persons over 60 years old, and only five per cent were among children under five (ibid.). The following chart shows total mortality by sex between 2002 and 2006; as shown, there were fewer deaths among women than among men.

Figure 28

Total mortality by sex, 2002-2006



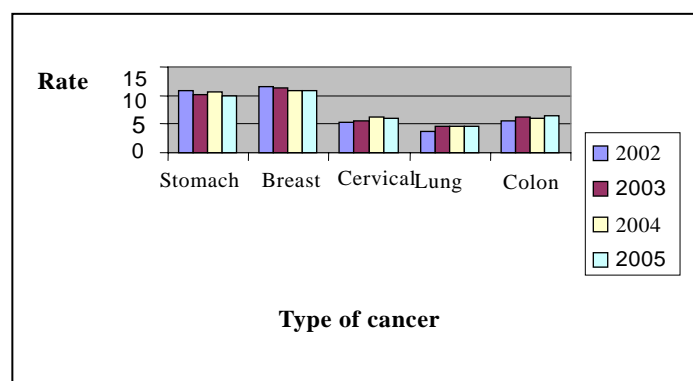
Source: National System of Sustainable Development Indicators, Ministry of National Planning and Economic Policy, 2007.

523. Among persons aged 65 and over, 37 per cent of male deaths and 44 per cent of female deaths were due to cancer, cardiovascular disease and diabetes. The following figure shows mortality by the most common types of cancer in women between 2002 and 2005; breast cancer has the highest incidence.

Figure 29

Mortality by type of cancer most common among women, in Costa Rica, 2002-2005

(Adjusted by every 100 000 women)



Source: Original tabulation based on Ministry of Health, Epidemiology and Demographics Component. 2006.

524. Breast cancer is the second cause of death from malignant tumours among women, and cervical cancer is the third. Based on the number of complaints it has received, the Office of the Ombudsperson has concluded that there is no clear policy on breast and cervical cancer, and moreover, there is a lack of equipment for early detection of those types of cancer. The most sensitive issue is the lack of mammogram equipment in third-tier hospitals. There have also been complaints about the shortage of breast prostheses; the lack of pharmaceuticals for radiation treatment and chemotherapy; waiting lists for cytology tests, mammograms and sonograms. Prevention campaigns require equipment and trained human resources, which must be available in timely fashion in order to make it possible to detect the problem and provide the necessary care. The challenge is to expand prevention mechanisms, ensure early detection of the disease, provide comprehensive health care and overcome inequalities and inequities in access to all types of treatment (source: Office of the Ombudsperson. Informe Annual 2005-2006).

525. Tumours are usually the second cause of death in the country, the first cause being diseases of the circulatory system. Cancer currently accounts for over 20 per

cent of all deaths. The main types of cancer affecting the total population (both male and female) are skin, stomach and colon cancer. Among women, the most common cancers are breast and cervical cancer, and among men, prostate cancer.

526. More than 650 new cases of breast cancer are diagnosed every year; this is the second most prevalent cancer among women. The incidence of this cancer has rose by over 45 per cent during the period 1990-2000. In terms of age, a significant number of cases are diagnosed among women between the ages of 40 and 50, and the risk increases with age. As regards geographic distribution, the disease is concentrated in the urban areas of the Central Valley. Mortality has fallen by around 10 per cent in recent years, although there are still over 200 deaths per year, especially among the older age groups; deaths occur in the same geographic areas as the incidence (source: Ministry of Health. Demographics and Epidemiology Component).

527. Cervical cancer now accounts for the highest number of new cases of female cancer. Around 900 cases are diagnosed each year; fortunately, most of them are detected in time, and only around 300 cases are invasive. A significant number of cases are diagnosed beginning around age 30, and the risk rises with age. Contrary to the situation with breast cancer, cervical cancer is distributed mostly in rural areas, especially in the coastal regions. Mortality has dropped in recent years, as reflected in the fact that rates have fallen by over 25 per cent over the last five years. More than 100 women die of cervical cancer every year.

528. This reduction has been at least partly due to the efforts made over the last ten years to improve the quality of detection programmes. During the 1990s, the early detection programme for cervical cancer was reorganized, and measures were taken to increase coverage, as well as the quality and timeliness, of cytology testing. The National Cytology Laboratory, which was established for this purpose, currently conducts more than 90 per cent of all testing in the country. Centralizing this service has made it possible to keep the specialized staff in one geographical area and maintain automated records and quality-control systems. One reason for the decline in the incidence of and mortality from cervical cancer is the reduction in the fertility rate, given that having a large number of children is a determining factor in the incidence of cervical tumours. Despite these efforts, there are still serious shortcomings in regard to the coordination of these programmes, among other things, because of the elimination of the Cancer Control Department in CCSS, which had played an important role in coordinating efforts to control this disease. The decisions of the Board of Directors of CCSS on the matter are discussed below.

529. The Guanacaste Epidemiology Project (www.proyectoguanacaste.org) is a research centre that has been conducting studies on the causes and prevention of cervical tumours for over 20 years. Researchers at the Project, in cooperation with the National Cancer Institute in the United States, have reported in detail on the epidemiological characteristics of infections with the human papilloma virus (HPV) and its relationship with precancerous lesions. They are currently conducting a study to independently assess the efficacy of a vaccine against the two main types of this virus (HPV 16 and 18) (Dr. Herrero, Project Coordinator, 2007). CCSS has also participated in this project, which was the subject of an investigative journalism report owing to some questions that had been raised

regarding the methods used. An ethics committee has been set up to monitor developments with the project.

530. CCSS has drawn up a plan called the *Plan de atención a la salud de las personas 2001-2006*. Under this plan, a study was conducted of the status of health, mortality, diseases and dynamic changes in life patterns. In addition to these areas, a number of problems affecting women were studied, including cervical and breast tumours and maternal and child health, as well as the interventions proposed for dealing with them.

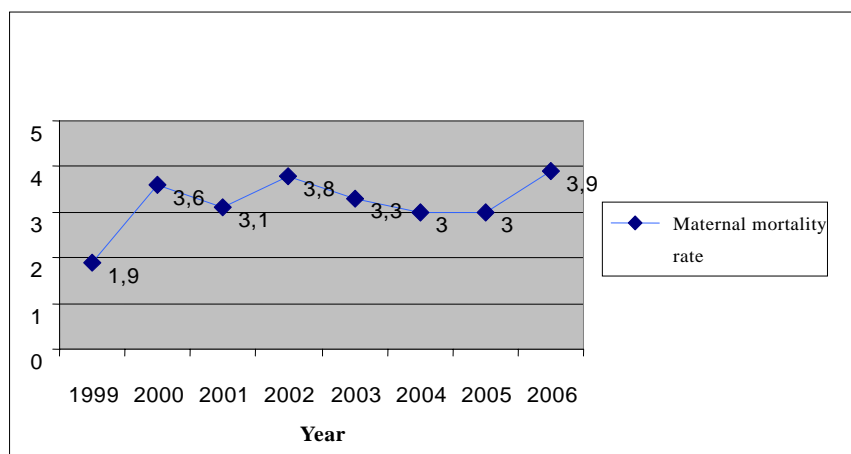
531. The Plan has confirmed the findings mentioned above, namely, that malignant tumours are the second cause of death in the country. In the case of women, the first cause is breast cancer (23.1 per 100 000); the second, stomach cancer (16.6), and the third is cervical cancer (14.4) (source: *Registro Nacional de Tumores, Ministerio de Salud. Plan de atención a la salud de las personas 201-2006*).

532. At its meeting number 8057, of 18 May 2006, CCSS adopted a decision on strengthening of the National Oncological Network, including a number of policy guidelines that will enable CCSS to establish a mechanism for coordination with the Ministry of Health and the Costa Rican Cancer Institute (ICCC). These guidelines provide for the development of a national plan to control cancer (source: CCSS, Decision of the Board of Directors of CCSS on the strengthening of the National Oncological Network, 2006).

533. In the context of the annual report of the National System for the Analysis of Maternal and Infant Mortality, a national plan on the prevention of infant mortality and promotion of maternal and perinatal health for 2002-2006 was drawn up which provided for specific objectives and goals, as well as a study of trends in infant mortality. With regard to maternal mortality, the annual average is 23.4 deaths; in 2003, there were 24 deaths; in 2004, 26, and in 2005, 29. Most cases (41 per cent) occurred among women aged between 19 and 25 (source: *Informe Annual 2005, Sistema Nacional de Análisis de la Mortalidad Infantil y Materna - SINAMI-SNEMM*, May 2005, Ministry of Health).

534. The following figure shows the maternal mortality rate in Costa Rica between 1999 and 2006; the peak occurred in 2006, at 3.9 per 1 000 live births. The maternal mortality rate is calculated by dividing total deaths from complications during pregnancy, childbirth and the postpartum period by the total number of live births during the same period; the result is then multiplied by 10,000.

Figure 30
Maternal mortality rate, 1999-2006



Source: *Sistema Nacional de Indicadores para el Desarrollo Sostenible, Ministry of National Planning and Economic Policy, 2007.*

535. In 2005, the causes of maternal deaths, in descending order of importance, were eclampsia, septicaemia and postpartum haemorrhage. It is worth mentioning that in 2005, there were no maternal deaths from AIDS, which was one of the main causes in 2004 (source: *Informe Annual 2005, Sistema Nacional de Análisis de la Mortalidad Infantil y Materna - SINAMI-SNEMM*, May 2005).

536. The Ministry of Health found that in 2004, 85 per cent of maternal deaths were preventable, compared with 15 per cent which were not (source: Ministry of Health. *Indicadores y Análisis de Indicadores de Género*, Costa Rica 2005). In 2005, 21 of the 29 maternal deaths were studied, and it was found that 52 per cent of them were preventable. Although the goals for reducing this problem have not been met, the case studies show the areas in which measures are needed. Among the preventable cases, the main shortcomings identified were the weak response of the health system and poor training of health personnel for prenatal and postnatal care and poverty among the households concerned. The social situation of families is an important aspect that must be considered. Poverty and changes in family dynamics are critical factors (source: *Sistema Nacional de Análisis de la Mortalidad Infantil y Materna*, 2006, cited in *XII Informe del Estado de la Nación*).

537. Coverage of comprehensive care of pregnant women is practically the same as it was five years ago, i.e., around 80 per cent. Between 2000 and 2005, no significant changes were achieved in terms of the percentage of women over 35 years old who had received vaginal cytology testing, although almost 100 per cent of those whose results showed abnormalities were followed up (source: *XII Informe del Estado de la Nación*, 2006). CCSS is carrying out a programme to provide services population foci of immigrant adolescents who do not have access

to health care, taking the services to the areas where this population is concentrated (CCSS, 2007).

538. The Ministry of Health, the Pan American Health Organization (PAHO) and the World Health Organization (WHO), working with other institutions such as INAMU and CCSS, conducted a study on the health of women in Costa Rica from the perspective of gender (*Salud de las mujeres en Costa Rica, desde la perspectiva de género*) in April 2005. This study showed the status of women's health by age groups, trends in infant and maternal mortality, sexual and reproductive health, nutrition and violence.

539. Among the female population aged 10 to 14, pregnancy, childbirth and postpartum complications are the second cause of hospitalization; among 15 to 19 year olds, these causes account for 79% per cent of hospitalizations and the second cause of emergency admittances. Deaths among women between 20 and 44 are caused by the following tumours: breast cancer, cervical cancer, stomach cancer and leukaemia.

540. According to WHO, overall mortality declined between 2000 and 2005, bringing the adjusted rate for women to 442.7 per 100 000 inhabitants and for men, to 603.7.

541. The Ministry of Health is drawing up the policy on gender equality for the health sector with the aim of mainstreaming the gender perspective in all policies, programmes and strategies of institutions in the sector.

542. The National Commission on Gender and Health was created by Executive Decree No. 33296-S, of July 2006. Several public institutions are represented on the Commission, which operates within the Ministry of Health as a consultative body of the Sectoral Council on Health. It will provide support for the formulation and implementation of the national policy in connection with the regulation, leadership and management of plans, programmes and projects aimed at ensuring mainstreaming of the gender perspective and protection of rights and eliminating inequities in regard to health care. Among its other duties, it will assist with gender mainstreaming, protection of rights and reduction of gender inequalities in the health sector.

543. In 2006, the national strategic plan for healthy and safe motherhood and childhood for 2006-2015 (*Plan estratégico nacional para una maternidad e infancia saludable y segura 2006-2015*) was drawn up with the participation of the Ministry of Health, CCSS, the University of Costa Rica, PAHO and WHO. This plan was developed in the context of the international and national agreements and commitments signed by Costa Rica on 7 April 2005, World Health Day, at which time the National Alliance for Healthy and Safe Motherhood was established. On that occasion, government agencies, nongovernmental organizations, civil society and local governments undertook to meet the Millennium Development Goals and the goals of the initiative on risk-free motherhood and to develop a health system that would ensure gender equality, women's autonomy and universal access to quality health care with equity.

544. CCSS has issued two circulars explaining the provisions currently in force regarding services for pregnant women and the different types of coverage available to them. The aim is to guarantee that they are uniformly applied in all medical and health care units in the system. The circulars are identified as No. PEO 224-03 of 30 January 2003 and No. 6794 of 12 February 2004.

545. These circulars make it clear that care must be provided for pregnant adolescents, regardless of their situation. In these cases, affiliation procedures must be followed, but they should not be a prerequisite for providing health care services. Service must be provided first, and then the affiliation procedures should follow. In the case of pregnant adults who are not covered, service should be provided in cases of emergency (risk of premature birth and labour); the woman must take responsibility for paying, but she may pay after receiving care. When the situation is not an emergency, the uninsured person must pay before receiving care; however, CCSS offers several options for coverage.

546. Pregnant women who are Costa Rican citizens or legal aliens and who lack the means to pay for medical services may choose State-provided coverage. If they have the necessary means to pay for the health services received, they may choose to be covered as independent workers or by a voluntary plan. Illegal or undocumented adult women who are pregnant and who are not covered may receive free primary care, either on an outpatient or an inpatient basis, but they are not eligible for State-provided coverage. Costa Rican citizens or resident aliens who have no other type of insurance may receive State-provided coverage (source: CCSS, circular No. PEO 224-03 of 30 January 2003 and No. 6794 of 12 February 2004).

(b) Sexual and reproductive rights

547. During the period 2003-2004, the Office of the Ombudsperson for Women of the Office of the Ombudsperson conducted a research study with the aim of protecting the sexual and reproductive rights of men and women. The study focused on identifying obstacles to full compliance with Executive Decree No. 27913-S of 14 May 1999 on the creation of the Inter-Agency Commission on Reproductive and Sexual Health and Rights. The Decree recognized the right of men and women to be sterilized, respecting the principle of freedom of choice and the right of individuals to make their own decisions, with informed consent (source: Office of the Ombudsperson, *Informe Annual 2003-2004*).

548. In mid-2003, the Comprehensive Care of Persons Unit of CCSS carried out an analysis of the conceptual and operational framework of reproductive and sexual health services. In 2006, an analysis was made of the institution's work in reproductive health from the standpoint of comprehensive health care (based on the conceptual framework mentioned above), including the gender and rights approach. This study laid the foundation for developing an institutional plan for integrating actions in this field into services at the different levels of care and different population groups. The programme is included in the annual plan of operations of the *Área de Atención Integral a las Personas* (source: CCSS, PAO 2007).

549. In 2004, the Office of the Ombudsperson for Women conducted another study for the purpose of updating information on sterilizations and, in particular, identifying the sterilization policies of hospitals throughout the country, especially with regard to vasectomies. Twenty-four hospitals were surveyed, and 23 responded. Following are some of the findings of the study: Most of the hospitals stated that their sterilization policies were in line with the aforementioned decree, but not all of them were complying in every respect, especially on the matter of vasectomies (5 hospitals, including the Women's Hospital, do not perform this procedure); Dr. Tony Facio Castro Hospital in Limón takes it upon itself to refuse surgery when patients are "at a youthful and fertile age". With regard to surgical sterilization of women, no request is refused, but waiting lists are growing; with regard to men, the reply was that requests are not refused, but they are on a waiting list. Of sterilizations performed in the country, 90.9 per cent were on women, and 9.08 per cent on men; this confirms the idea that responsibility for birth control is still up to the women, especially when it comes to voluntary sterilization (source: Office of the Ombudsperson, 2004).

550. No information or sensitization campaigns targeting men have been conducted to encourage them to take their share of the responsibility for sexual and reproductive health. As of August 2003, San Rafael Hospital in Alajuela and San Vicente de Paúl Hospital in Heredia were not performing vasectomies because they had no specialist on staff; as of April 2004, the Guápiles Hospital and San Francisco de Asís Hospital in Grecia were not performing them either. One of the main findings of this study was the fact that many of the hospitals in the country were failing to comply with article 16(1)(e) of the Convention on the Elimination of All Forms of Discrimination against Women, on the right [of women] to decide freely and responsibly on the number of their children. In view of the fact that many hospitals were not complying with the existing regulations and that many were unaware of certain decisions requiring compliance, the Office of the Ombudsperson recommended that the Inter-Agency Commission on Reproductive and Sexual Health and Rights, as well as the Tripartite Board, should intensify their efforts to provide more training to the hospital committee responsible for such matters, regarding the implications of ruling No. 3791-2002 of the Constitutional Chamber of the Supreme Court and to reinforce the educational campaign directed at men regarding sexual health and reproductive rights, especially with regard to birth control methods and vasectomies.

551. CCSS has complied with the recommendation to issue a circular to urologists clarifying the scope of articles 123 and 124 of the Penal Code and to provide to public health centres the necessary equipment for this type of procedure. However, CCSS has pointed out that certain hospitals do not yet have a urology department (ibid.).

552. In October 2003, a working committee was set up to analyze the regulations governing the concepts of miscarriage, premature births of non-viable foetuses and convalescence of women who have experienced such situations. The committee drafted a bill amending articles 40 and 41 of the health insurance regulations and articles 18, 19 and 23 of the regulations for granting sick leave and leave to beneficiaries of health insurance, in the light of article 96 of the Labour Code. The committee was made up of representatives of CCSS, the Ministry of Labour and the Office of the Ombudsperson. The Office of the Ombudsperson for Women is

currently reviewing these proposals and will state its opinion on the matter (source: Office of the Ombudsperson's annual report for 2003-2004).

553. The Inter-Agency Commission on Reproductive and Sexual Health and Rights, which is coordinated by the Ministry of Health, the Tripartite Board, INAMU and the Office of the Ombudsperson, has taken actions such as the following:

- It prepared and carried out a campaign to promote sexual and reproductive health and rights; the campaign was aimed at governmental and nongovernmental agencies. The campaign included two forums. The first, on the challenge of moving ahead with sexual and reproductive rights, was held in November 2003; the second, a round table on myths, realities and progress in regard to emergency contraception, was held in March 2004. This activity was carried out in partnership with CIEM and the University of Toronto.
- Working meetings were held to discuss amendments to the General Health Act, especially the chapter on sexual and reproductive rights.
- Steps were taken to oppose a request submitted by the Catholic Church to the executive branch of the Government to do away with Decree No. 27973-S which grants adult women, in particular, and men the option to choose voluntary surgery as a means of birth control. Reports were prepared, radio and television programmes were broadcast, and the Commission maintained a presence in the print media. In the end, the Church's request was not accepted by the executive branch (ibid.).

554. The bill amending the General Health Act is currently at a standstill, as parts of it have been eliminated, including the provision on emergency contraception. An addendum on sexual rights and reproductive rights is being submitted; it is currently being reviewed by the Legal Department of the Ministry of Health. This comprehensive reform of the General Health Act (file No. 15 499) is especially important inasmuch as it provides for the recognition in Costa Rican legislation of new rights to the protection and promotion of overall health for everyone, and it adds a chapter providing for the expansion of sexual and reproductive rights with a gender approach that is specifically of interest to women.

555. On 18 October 2005, the Legislative Assembly issued a majority favourable finding on the bill amending the General Health Act. It has not been submitted to the extraordinary session of Congress, held from 1 December 2006 to 30 April 2007. The four-year period for consideration of the bill expires on 26 November 2007. The substitute text on which the opinion was issued was the subject of exhaustive analysis and consultations with different State and private-sector institutions. It was the product of a great deal of hard work on the part of many different individuals and institutions, including NGOs, and received the support of international agencies such as UNFPA (source: Systematic study for the Legal Status and Protection of Women's Rights Unit of INAMU).

556. On 23 April 2002, the Constitutional Chamber of the Supreme Court stated that the right of access to and enjoyment of sexual and reproductive rights should be available to men and women alike, on an equal footing.

557. According to the Office of the Ombudsperson for Women, Costa Rica lacks a gender approach to public policy on health, and sexual and reproductive rights remain a challenge for health policies. The legislative branch has yet to take action in this regard (Office of the Ombudsperson. *Informe Annual 2005-2006*). Two diagnostic studies were conducted by the Costa Rican Women's Alliance, one in October 2003 and another in 2004. The first one is entitled *Diagnóstico Estado de la Salud Sexual y Reproductiva de Mujeres y Hombres*. The second is entitled *Diagnóstico sobre el Estado de Salud de las Mujeres Beneficiarias del Proyecto: Por el Derecho a una Atención a Nuestra Salud Sexual y Reproductiva y la Calidad de los Programas en Salud Sexual y Reproductiva Disponibles en los Centros de Salud de la C.C.S.S.* The studies concluded that although programmes for women have been put in place to promote sexual and reproductive health, they have not been effectively promoted, and the emphasis has been on reproduction but sexual health has been largely ignored. The women surveyed were in the 32 to 42-year-old age group. As regards nationality, 90.69 per cent were Costa Rican (of 234 women who participated), and 2.32 per cent were Nicaraguan. Fifty-two per cent of the women in Costa Rica are not aware of the existence of sexual and reproductive health programmes. Forty-three per cent of women practice family with their partner. The sexually transmitted disease that was most widely known in 2003 was HIV/AIDS, and Guanacaste province is the area with the least awareness of such infections (source: Costa Rican Women's Alliance), 2003-2004).

558. Executive Decree No. 27913-S created surgical sterilization counselling services in the 24 hospitals that carry out such procedures; counselling was subsequently extended to clinics (second-tier) and some healthcare units. Progress has been made towards developing concepts and practical suggestions to enable people to take informed decisions on different aspects of their sexual and reproductive health. The institution's guidelines emphasize that access to birth control methods should be equitable and free of obstacles, to birth control methods (source: SGMR-16508 and SGMSS-18082-00) (CCSS, 2007).

559. CIEM is preparing a survey to measure the amount of unpaid time that women devote to health in the home.

(c) Teen pregnancy

560. The report of the Office for the Rights of Children and Adolescents (28 February 2007) of the Ministry of Public Education shows the number of students in the first, second and third cycles and in diversified education who became pregnant between 2002 and 2004. Over the three-year period, there were 3 198 student pregnancies. The Inter-Agency Council on Care of Adolescent Mothers was created by the General Act on Protection of Adolescent Mothers (Act No. 7899). This Council, along with the Construyendo Oportunidades Programme (which has been suspended and is under review), promotes comprehensive programmes for girls and adolescents who have become mothers and for girls and adolescents who are socially at risk; helps create opportunities to help them become stronger both personally and socially and to develop their independence

and to improve the quality of their lives, enabling them to continue and to complete their academic and technical studies.

561. CCSS has produced up-to-date materials on decision making, as well as birth control methods and protection. It has also prepared materials on prevention of sexually transmitted infections (STIs) and on HIV/AIDS and prevention of pregnancy during adolescence.

562. During the existence of the Construyendo Oportunidades Programme (up to 2006), CCSS worked on improving and providing timely access to health services for pregnant teens and teen mothers and their children; these services are still in operation. A handbook on post-abortion care following the model developed by WHO and Ipas was prepared. A consensus text for a handbook on perinatal and maternal care was drafted based on the conceptual framework of comprehensive care provided by health services and incorporating the gender and rights approach (source: CCSS, Women's Health Department, 2007).

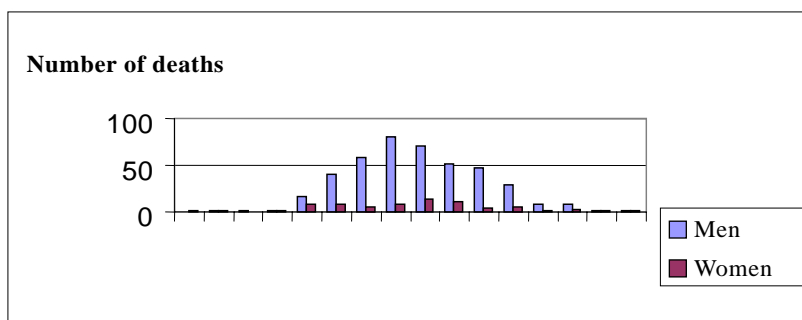
563. Efforts are being made to provide more compassionate care to women during childbirth, with the participation of obstetrical nurses from three national hospitals. Prenatal education at all levels of care is being evaluated with a view to making it more accessible and improving services for women throughout the country. The initiative on mother- and child-friendly hospitals, known as *Hospitales Amigos de la Madre y del(a) Niño(a)*, along with the relevant legislation, is being implemented (source: CCSS, Women's Health Department).

(d) HIV/AIDS

564. The incidence rate of AIDS throughout the country in 2004 was 1.34 women compared with 7.78 men (AIDS incidence per 100 000 inhabitants) (source: CCSS, *Indicadores y análisis de indicadores de género*, Costa Rica 2005). The following figure shows mortality from AIDS in Costa Rica by age group and sex. Although the rate for men is higher, during the last few years, there has been an increase in cases among women, which have increased from one woman testing positive for every 12 men, to one women per 5.4 men (source: Ministry of Health).

Figure 31

Mortality by AIDS in Costa Rica, by age group and sex, 2002-2005



Source: Original tabulation based on Ministry of Health, Epidemiology and Demographics Component. 2006

565. In September 2005, the Plenary Court ruled that rape victims (men, women, boys and girls) must receive preventive treatment so as to avoid infection by the AIDS virus. As of May 2007, 130 women and five men had been treated; none were infected.

566. The idea of carrying out the medical procedure arose in early 2005, when a case of rape was discussed in the Legislative Assembly, and it became apparent that rape victims were not receiving proper care. Following this incident, the magistrates asked the Gender Commission of the Judiciary to draw up a list of measures that should be taken to protect victims, and it was decided to provide treatment to prevent any potential infection with the AIDS virus.

567. The Court sent a circular to all the delegations of OIJ (the judicial police) and the prosecutors' offices, establishing the obligation to inform victims that they had the option to receive the treatment. The main problem, however, has been the fact that most people are not aware of the existence of this plan, and little has been done to raise awareness among hospital staff, who by the way they treat victims, end up revictimizing them. The Court has stipulated that treatment must be free of charge and must be provided within the first 72 hours after the attack has occurred. Victims must give their consent, since the treatment is very harsh and usually has side effects.

568. CCSS carried out an education project to prevent HIV in adolescents; the project was funded by the Global Fund. CCSS also carried out a project with adolescents which involved distributing condoms to homes in San Carlos, in the northern region of the country, where there is a heavy influx of foreign tourists.

569. The Meso-American Project on prevention of STIs and HIV/AIDS is being carried out among migrant populations and truck drivers in the border areas of Guanacaste and San Carlos. A project on prevalence of STIs and HIV/AIDS and socio-behavioural factors among sex workers in Quepos, Limón, Paso Canoas, Ciudad Neily and the Greater Metropolitan Area is being implemented in conjunction with PAHO, UNHCR and CCSS.

570. Training on prevention and early detection of STIs and HIV/AIDS is currently being provided at first and second-tier health care centres. Accordingly, coverage has been provided to 50 per cent of the population served by these centres in the Brunca region and 30 per cent in the Huétar Atlántica region. The Unit on Prevention and Control of STIs and HIV/AIDS provides direct services to male and female sex workers and treats STIs in men as a result of spontaneous demand within CCSS (source: CCSS, 2007).

571. The results of a research study on the inhibitory concentration for *Neisseria gonorrhoeae* are currently being processed. This study was conducted to determine the concentration of antibiotics needed to eliminate the bacterium and improve treatment protocols.

572. A workshop was organized by the National Council on Comprehensive Treatment of HIV/AIDS (CONASIDA) in April 2007 to validate the proposed amendment to Act No. 7771, i.e., the General HIV/AIDS Act. All relevant

Government agencies and civil society and international organizations participated in this activity. The amendment was proposed because of the need to improve the efficiency of implementation measures by promoting policies, programmes and measures on sexual and reproductive health and HIV/AIDS that would protect human rights and eliminate discrimination against persons suffering from HIV/AIDS. The amendment is also aimed at improving compliance with the international commitments undertaken by Costa Rica, such as the Declaration of Commitment on HIV/AIDS (source: United Nations General Assembly Special Session on HIV/AIDS).

573. A workshop on the drafting of the national policy on HIV/AIDS, organized by CONASIDA, was held on 24 July 2007. The main challenges addressed were the matters of gender equity, diversity, the need for a unified national response and quality of comprehensive care.

574. The second national meeting of policewomen of Costa Rica was held on 30 November 2005 to deal with the issue of human rights and prevention of HIV/AIDS among women in the police force. Some of the subjects discussed were gender and citizen security, HIV/AIDS and gender and the gender equality policies of the Ministry of Public Security (source: Ministry of the Interior, Police and Public Security, 2005).

(e) Health insurance

575. In 2004, only 60.7 per cent of the economically active population had insurance (SEM); of these, 68.2 per cent were men, and 31.8 per cent were women. In other words, 62.5 of the economically active male population were covered by health insurance, while only 57 per cent of women were. There is also a wide difference in regard to persons who are insured on their own, i.e., 29.6 per cent of men and 10 per cent of women (source: *Indicadores de género y salud* and Ministry of Health, 2005).

576. According to CCSS, the percentage distribution of people who were eligible for pensions under the system of disability, old age and death benefits in 2004 was as follows: of 133 114 persons covered, 54.5 per cent were men, and 45.6 per cent were women. Men take their pensions at an average age of 65, and women at 64. As regards disability, of a total of 42 369 who are covered, 71.3 per cent are men, and 28.7 per cent are women; their ages average 59 and 55, in that order (source: *Indicadores y análisis de indicadores de género*, Costa Rica 2005, CCSS).

577. In 2005, CCSS and a number of social organizations drafted a proposal for comprehensive reform of the system of disability, old age and death benefits. The reform is aimed at enhancing the social ideals of the system, as it provides for its financial sustainability for at least four decades. If it is adopted, the reform will represent a significant step forward for women, as it improves the situation of those who are already covered as well as of those who are not covered, especially the latter group. The reform would ensure that no change can be made in contributions until coverage goals are met and funded. There are currently 300 000 employed women and some 700 000 unemployed women who have no pension, either of their own or as family members. Many of these women would like to

have such coverage and could contribute to that end, either individually or collectively.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in regard to economic, social and cultural rights:

Poverty and its impact on women

(a) *Poverty and heads of household*

578. In 2006, 22.8 per cent of the population and 20.2 per cent of Costa Rican households were living in poverty.¹⁸ Although Costa Rica was able to reduce poverty significantly during the second half of the twentieth century, the situation has not changed much over the last ten years, as it has not been possible to reduce the proportion of poor households to under 20 per cent (source: *Estrategia para la atención de las mujeres en condiciones de pobreza*, INAMU, 2007).

579. In 2005, more women than men were living in poverty, although the percentages changed for different age groups. Of all women living in poverty, 44.9 per cent were 18 or younger. Nevertheless, this situation is even more notable in the case of men, as 54 per cent of men living in poverty were 18 or younger in 2005. A significant percentage of poor women were in the 19 to 39-year-old group; that was not so much the case with men of similar ages (ibid.).

Table 17

Persons living in poverty, by sex and age group, in Costa Rica, 2005
(absolute and relative figures)

Age group	Women		Men		Total	
	Number	Percentage	Number	Percentage	Number	Percentage
0-6 years old	59 622	12,3	61 609	14	121 231	13
6-12 years old	89 291	18,4	101 743	23	191 034	20,5
13-18 years old	69 103	14,2	75 094	17	144 197	15,5
19-39 years old	141 370	29,2	97 461	22	238 831	26
40-64 years old	88 189	18,2	75 480	17	163 669	18
65 years old and over	36 024	7,4	34 515	8	70 539	7,6

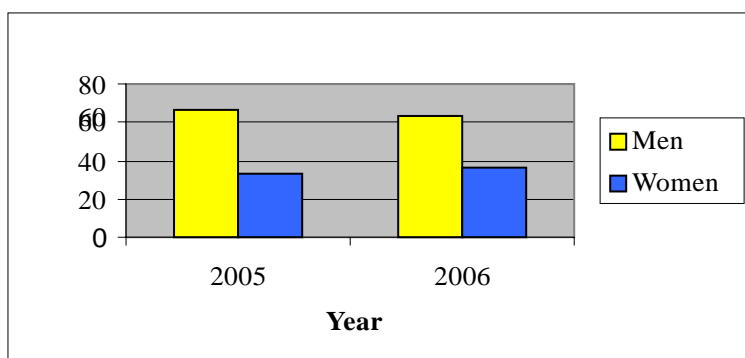
Source: Multi-Purpose Household Survey – INEC, 2005, cited by *Estrategia para la atención de las mujeres en condiciones de pobreza*, INAMU, 2005.

¹⁸ Measurements of poverty in Costa Rica are based on the data supplied by the Multi-Purpose Household Surveys conducted each year by INEC. The information provided by this tool make it possible to measure poverty in terms of income (poverty line method). As a result of the ninth National Population Census and the fifth Housing Census carried out in 2000, an alternative methodology is being used that entails measuring critical lacks and unmet basic needs.

580. The poverty data indicate that on average, the greatest poverty exists among households headed by women, and that the gap between female and male heads of household who were poor has been closing, from 20 percentage points in 2005 to 15 points in 2006. Moreover, poverty is greater in households headed by young women (under 35 years of age), where there are more likely to be children growing up with lack (*Estado de la Nación*, 2004).

581. The following figure shows the percentage of poor households headed by men and by women in 2005 and 2006, when the share of poor households headed by women rose.

Figure 32
Percentages of male and female heads of poor households, 2005-2006



Source: *Informe Brechas de equidad entre los géneros, Programa Estado de la Nación*, 2006.

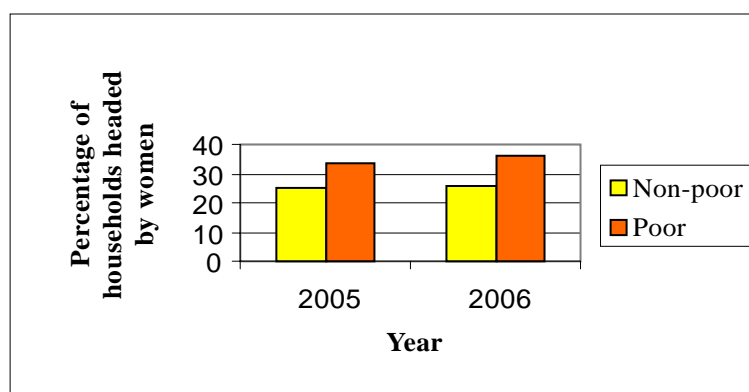
582. As of 2005, one of every four households was headed by a woman; this represents an increase of five percentage points in females heading households between 2000 and 2005. Of the total number of poor households in 2005, 33.5 per cent were headed by women; 29.9 per cent of households that could not meet their basic needs, and 43.5 per cent of households in extreme poverty were headed by women. The rise in these indicators over the last five years is sharper among households headed by women in extreme poverty, which increased by eight percentage points with respect to 2000, whereas at the national level, extreme poverty declined by one percentage point, from 6.1 per cent to 5.6 per cent, during the same period (source: State of the Nation Programme, *Brechas de equidad de género*, Goldenberg, 2006).

583. The highest concentration of poor households headed by women in 2005 occurred in the urban areas, where it was 40.2 percent; in rural areas, it amounted to 26.2 per cent. This indicates a change with respect to the figures shown in the previous report, which stated that poverty was more prevalent in rural areas, both in terms of the average number of households and of those headed by women. This change is a reflection of the urbanization of poverty; although poverty is more severe in rural areas, it is becoming urbanized. The Central Region, followed by

the Huétar Atlántica and Central Pacific regions, have the highest percentages of poor households headed by women, but the Central Region also has the highest level of extreme poverty, i.e., 54.6 per cent.

584. The following figure presents a comparison between the percentages of poor and non-poor households headed by women during the last two years, 2005 and 2006. As noted, there has been a slight increase in poor households headed by women, showing an upward trend in this type of households. These data indicate that most households headed by women fall within the range of poverty, owing to the fact that they only have one source of income, usually from the tertiary or informal sector of the economy.

Figure 33
**Percentage of households headed by women (poor, non-poor)
2005-2006**



Source: Original tabulation based on INEC, Multi-Purpose Household Survey, Poverty, 2006.

(a) The right to family benefits

(b) Services to women living in poverty

585. One of the recommendations of the Committee was the request “to pay specific attention to households headed by women and to groups of women in a vulnerable situation, as well as to rural women, older women, indigenous women and disabled women, in drawing up and implementing programmes to combat poverty, and to seek to ensure their access to production resources, education and technical training.” This section is an attempt to respond to that recommendation.

586. Article 4, on the adoption of temporary special measures aimed at overcoming inequalities, refers to programmes for women living in poverty that are considered special affirmative action measures which must be implemented as long as inequalities exist and women are over-represented among the poor. These programmes are described in detail in this article (see article 4).

587. The previous report included a description of these programmes, which provided the background experience for the drafting of Act No. 7769, on Assistance for Women Living in Poverty. As mentioned in the report, some sectors consider that these policies are geared towards social compensation and targeting of expenditures and work to the detriment of social investment for the integration of women (source: CEDAW/C/CRI/4).

588. During the early part of this reporting period, work was continued with the *Creciendo Juntas* and the *Construyendo Oportunidades* programmes, in coordination with IMAS, INAMU, INA, CCSS, the Ministry of Labour and Social Security, the National Child Welfare Agency, the Ministry of Public Education and the Ministry of Housing and Human Settlements. *Creciendo Juntas* is a programme which provides assistance to women living in poverty, and *Construyendo Oportunidades* provides assistance to pregnant adolescents and adolescent mothers. An evaluation of these programmes was conducted during the latter half of 2006, and under a new Administration, the strategy for assisting these women was reviewed and redefined.

589. An INAMU report dated April 2007, entitled *Estrategia de Atención a Mujeres en Condiciones de Pobreza*,¹⁹ outlines the status of the two programmes and mentions their strengths and weaknesses. The following critical issues were noted:

(a) Both programmes had valid objectives or programmatic design. The problems lay in their execution, which had not been flexible and effective, causing the strategies and objectives to only be partially fulfilled.

(b) Both programmes called for institutional action that would respond to the needs and demands of the many different categories of women served, but they had made little progress in that regard. The options for assistance that were provided did not fit the wide variety of situations experienced by the women; contrary to expectations, this meant that the women had to fit the few options made available by the institutions concerned.

(c) Both programmes lack entry-exit profiles that would allow for feedback on results or impact. Although in its last stage, the *Construyendo Oportunidades* Programme designed and applied this type of tools, it did not achieve continuity over time owing to the technical and operational problems it encountered. The absence of such tools and information made it difficult to follow up and assess the impact of actions on the lives of women.

(d) Both programmes were designed to provide sequential and cumulative services to women which consisted, basically, of three moments or processes. In the first stage, assistance was offered to help women strengthen their life skills; in the second, technical training or academic education, and in the third, insertion into production activities or the labour market. In practice, this design created segmentation, and caused frustration among many women who were not able to complete the full process. Instead of a linear and sequential process, what

¹⁹ See Annex 9, *Estrategia de Atención a Mujeres en Condiciones de Pobreza*. INAMU, April 2007.

is needed is a set of flexible options to which women can have access at different points depending on their own particular situation; there must also be simultaneous and well-coordinated options offering training for life, academic or technical training, and insertion into production and the labour market. In addition, the ultimate objective of insertion into production and the labour market was not often met, limiting the impact of the actions aimed at generating paid jobs and income.

(e) Both programmes had difficulty achieve inter-agency coordination, despite the efforts of the different agencies and technical teams involved;

(f) Neither programme was able to apply effective accountability mechanisms for identifying critical areas in the institutions' strategies and corrective measures for remedying the situations;

(g) Both programmes are dealing with the negative consequences of the lack of coordination between the services for poor women provided by different agencies. However, they have not recognized that this lack of coordination is one of their key obstacles;

(h) Both programmes carry out mechanisms and itineraries for follow-up and monitoring that are inadequate;

(i) Neither programme has managed to develop intervention strategies at the local level.

591. Act No. 7769 is intended to cover all women living in poverty, including adolescents, adults and older persons. Adolescents are covered by Act No. 7735, on Protection of Adolescent Mothers (article 12(f)) and the Code on Children and Adolescents (article 51), which reinforce this comprehensive care.

592. During the period between 1999 and 2006, programmes for women living in poverty (Creciendo Juntas and Construyendo Oportunidades) achieved total coverage in human development for 43 056 women (source: *Propuesta de trabajo interinstitucional para el cumplimiento de la Ley de Atención a Mujeres en Condiciones de Pobreza y Vulnerabilidad Social*, Technical Secretariat, 2007).

Table 18

Persons covered by human development training processes (1999-2006)

<i>Option</i>	<i>Number of persons</i>
Grow Together	30 909
Creating Opportunities	12 147
Total	43 056

Source: Inter-Agency Technical Secretariat, 2007.

593. In the case of the Creciendo Juntas Programme, 21 657 persons were included in technical and academic training programmes during the aforementioned period, as shown in the following table.

Table 19
Follow-up to Creciendo Juntas Programme
Persons covered at educational institutions (1999-2006)

<i>Institution</i>	<i>Number of persons</i>
INA	12 890
Ministry of Public Education	6 895
Other options	1 872
Total	21 657

Source: Inter-Agency Technical Secretariat, 2007.

594. Of the total number of young people who received the strengthening of life skills component of the Construyendo Oportunidades Programme, 3 031 women also participated in academic and technical training activities.

595. The Creciendo Juntas and Construyendo Oportunidades programmes are very similar in their strategies and working methodologies although, as mentioned earlier, they are directed at different populations (Creciendo Juntas for adult women, and Construyendo Oportunidades for adolescent women), which makes each one unique. These programmes were started in 1999; however, the methodologies validated and experience gained from the Heads of Household Programme that was carried out during the period 1994-1998 provided a useful background for the Creciendo Juntas Programme. In fact, that experience provided the necessary background for the adoption of Act No. 7769 of 1998, on Assistance for Women Living in Poverty.

596. These programmes have been in place for eight years, with very positive results. In the first case, participants have expressed favourable opinions about the human development component and the changes this training has brought about in their own lives. Observations have also been made, however, about weaknesses that need to be overcome, as in the case of technical training. There are reservations as to whether this training really helps women find jobs; from the beginning, this has been considered a bottleneck that is hard to overcome. One of the main conclusions of the evaluations is that a sustained effort should be made to follow up with everyone who has participated in any of the programme components.

597. The evaluation of the Construyendo Oportunidades Programme led to the conclusion that its creation was a positive step, and that its weakness was not in its design but rather in the implementation mechanisms created at the political, institutional, operational and structural levels. This is confirmation of the ongoing difficulties involved in inter-agency endeavours and remains a challenge to be overcome. The problems lie in its execution, which has not been flexible and effective, causing its strategies and objectives to only be partially fulfilled (source: *Estrategia de atención a la pobreza*, INAMU, 2007).

598. IMAS, for its part, encountered legal obstacles when it tried to hire a team to implement the Construyendo Oportunidades Programme,²⁰ which was suspended in 2007. The Creciendo Juntas Programme has experienced delays owing to the confusion created by the adoption of the IMAS Reinforcement Act (No. 8563), which amended article 7 of the Assistance for Women Living in Poverty Act (No. 7769)²¹ (source: *ibid.*, 2007).

599. All these circumstances led to many delays in the work with this population of women. In order to meet the commitments undertaken, the effort has continued during the current Administration, which decided that an evaluation of compliance with Act No. 7769 and of the programmes carried out by INAMU should be undertaken by the Directorate for Social Issues and the Fight against Poverty (*Rectoría Social y Lucha contra la Pobreza*). A new strategy for providing assistance to women living in poverty was to be drawn up, with the year 2007 being set aside for the transition to the improved services (*ibid.*).

600. Accordingly, as of May 2006, the current Administration, acting through the Directorate for Social Issues and the Fight against Poverty, drew the attention of the competent institutions to the importance of developing a strategy, including different options, for assistance to women living in poverty on the basis of Act No. 7769. This task was assigned to INAMU, which undertook an analysis and review of the status of policies and programmes relating to women and poverty in Latin America; poverty reduction policies in Costa Rica and the approach towards assistance to women living in poverty; the repercussions, achievements and challenges of the application of Act No. 7769 and the Construyendo Oportunidades and Creciendo Juntas programmes. This work was done by an in-house committee made up of six staff members,²² who prepared a number of reports to serve as background papers for the design of a basic proposal. Two subcommittees were then set up: one to draw up the profiles of women to be served, and the other to lay down the commitments to be undertaken by the different stakeholders providing assistance to women living in poverty.

601. Once the basic proposal was completed, inter-agency consultations were held with representatives of 14 government institutions. Between August and November 2006, five working sessions were held to discuss the guiding principles, approaches, objectives and target population for the new strategy for assistance to women living in poverty. Finally, between January and February 2007, the strategy design was completed, based on the inputs of the products generated with INAMU as well as the external consultations (source: *Estrategia para la atención de mujeres en condiciones de pobreza*, INAMU, 2007).

²⁰ The Construyendo Oportunidades Programme was carried out by a group of facilitators that IMAS hired on an annual basis, but the Legal Department considered that the practice could not be continued because it entailed establishing an employer-employee relationship with the team.

²¹ This Act redefines the use to be made of IMAS funds, as well as some of the competencies of the institution. The responsibility for overall execution of the human development component of the Creciendo Juntas Programme, along with the necessary funds transfers, is assigned to INAMU.

²² Lorena Camacho, Mabelle Figueroa, Nielsen Pérez, Ivannia Monge, María Ester Vargas and Lorena Flores.

602. In drawing up the strategy, a review was made of all poverty plans since 1994. The conclusion was that there was a common approach to poverty and an explicit recognition of the multi-dimensionality and heterogeneity of the phenomenon. The three plans involved citizen participation, local development and decentralization, but there were no effective strategies for defining these elements or for ensuring continuity over time. The problem has not been so much with the design of plans and programmes, inasmuch as comprehensive designs have been developed that included modern conceptual frameworks and approaches. However, the strengths in terms of design have not been translated into flexible and successful implemented; as a result, there has been no significant reduction of poverty, and as tools of public policy, the plans have not achieved their main goal (ibid., 2007).

603. The strategy pursues the following objectives: to reduce the economic and social gaps affecting women in their diversity by increasing their skills and opportunities, in order to improve their quality of life and reduce poverty, and to develop a well-coordinate set of services-transfers and options for women living in poverty, bearing in mind their life cycle and special situation, as an integral part of the network of social safety nets for reducing and overcoming poverty. To achieve this, it will be necessary to promote dialogue between different stakeholders so as to make it possible to establish commitments for shared responsibility by the State, the institutions, local governments, communities and families.

605. The target population is that of women living in poverty, women living in extreme poverty and women at risk of poverty. Priority is given to the following groups: indigenous women, heads of household, adolescent mothers and pregnant teens, older women, women with HIV and women in special situations (ibid., 2007).

(c) *State housing programmes*

606. In April 2005, a forum on long-term State policies in the area of housing and human settlements was held. One of the guidelines considered was that policies on housing and human settlements should incorporate the gender perspective. Such policies should recognize the fundamental role of women in the social construction of habitat. This entails eliminating all barriers preventing women, especially female heads of household, from gaining access to housing programmes. Moreover, the design of housing projects and dwelling units should take into account the needs of women. Urban planning should involve the active participation of men and women living in cities, bearing in mind the specific needs of women and men in order to ensure that they have equal access to public spaces, to citizen security and to services (source: Ministry of Housing and Human Settlements. *Políticas de largo plazo en vivienda y asentamientos humanos: Lineamientos estratégicos para su definición*, Ministry of Housing and Human Settlements/UN-Habitat, State of the Nation Programme, Research Programme on Sustainable Urban Development (ProDUS), San José, Costa Rica, 2005).

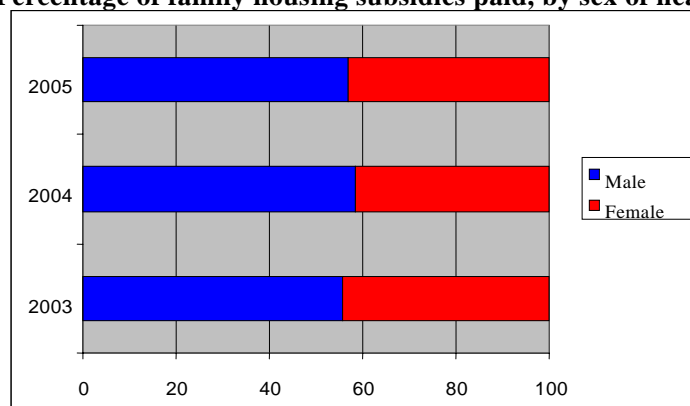
607. The family housing subsidy is a grant given by the State to low-income families, disabled persons, female heads of household and older adults in order to enable them to use their credit capacity to solve their housing problems. In 2004,

the National Housing Mortgage Bank (BANHVI) designed the allowance programme for vertical housing, in order to give urban families the opportunity to solve their housing situation by building dwellings in condominium arrangements, using the savings-allowance-loan (ABC) programme. (Maximum allowance: 3 680 000 colones, minimum: 3 219 000 colones. Minimum wage: 128 778 colones) (ibid.).

608. The number of family housing subsidies paid out, by sex of the head of household, is as follows: in 2003, 3 737 (female) and 4 712 (male), i.e., 44.2 per cent versus 55.8 per cent; in 2004, 4 801 (female) and 6 767 (male), or 41.5 per cent versus 58.5 per cent; and in 2005, 4 267 (female) and 5 650 (male), or 43 per cent versus 57 per cent (source: Ministry of Housing and Human Settlements, 2006).

Figure 34

Percentage of family housing subsidies paid, by sex of head of household



Source: Ministry of Housing and Human Settlement, 2006

609. The amounts invested in family housing subsidies, by sex of the head of household, in millions of colones, is as follows: in 2003, 9 390.4 female and 10 825.1 male; in 2004, 13.135,0 (female) and 16.999,0 (male); and in 2005, 13.281,0 (female) and 16.221,0 (male). In both cases, the data from 1987 onward show that the subsidies were targeted in favour of female heads of household (*Compendio de Estadísticas del sector vivienda y asentamientos humanos*, 2005).

Table 20

Investment in family housing subsidies paid, by sex of the head of household
(In millions of colones)

	2003	2004	2005
Male	10 825,1	16 999,0	16 221,0
Female	9 390,4	13 135,0	13 281,0

Source: Ministry of Housing and Human Settlements, 2005.

(b) The right to bank loans, mortgages and other forms of financial credit

610. During the reporting period, there was an improvement in access to credit and entrepreneurial management for women in micro and small enterprises, as civil servants participating in the Women's Entrepreneurship Commission received technical advice and training on gender issues. During this period, the National Bank of Costa Rica (BNCR) regularly expanded its portfolio of loans to women in micro, small and medium-sized enterprises and rural credit boards. Thus, it granted 1 869 loans in 2002 and 3 027 new loans in December 2005 (source: INAMU, *Memoria Institucional 2002-2006*). This Bank has given women increased access to financial resources through its BN-DESARROLLO programme and its participation in the IMAS-BANACIO-BANCREDITO Trust Fund. This represents a new approach, namely a "development bank" service for the beneficiary population, whereby comprehensive services are coordinated by three types of funds, namely, the guarantee fund, the credit support services fund (training, technical assistance, oversight, advisory services) and the loan fund as such.

611. The amounts loaned and the number of transactions processed have increased steadily between 1999 and 2005. Thus, in 2003, 2 429 new loans were granted (4 590.5 million colones); in 2004, 2 522 new loans (6 029.5 million colones), and in 2005, 3 027 new loans (7 959.5 million colones) (source: INAMU. *Memoria Institucional, Administración 2002-2006*).

612. Information supplied by the Executing Unit of the Trust Fund shows that during the first half of 2007, the Fund was disbursed as follows:

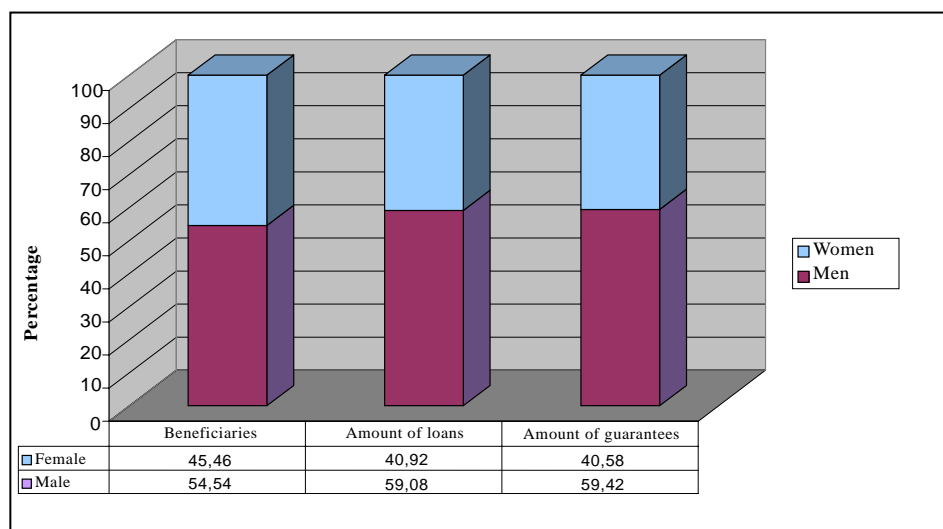
- 50.8 per cent of Trust Fund beneficiaries were in poverty group 2, which is comprised of persons with the greatest lacks in terms of income, education, entrepreneurial opportunities, both as regards setting up and consolidating a business and as regards finding a market for their products or services. Most of these people were in the rural areas.
- In the urban areas, 51.7 per cent of beneficiary families were in group 3, comprised mainly of microenterprises headed by women, i.e., 64.5 per cent.
- Other data show that during the first half of 2007, women accounted for 67 per cent of the loan transactions processed, while 33 per cent went to

men. The loans were earmarked for the following activities, in order of importance: business, services, agriculture and fisheries. Most (58 per cent) were in rural areas, given that the Trust Fund is designed to help reduce poverty, which is more severe in the rural areas, and to changing production patterns with a view to modernizing activities carried out in the rural areas.

- Loans for pre- and post-investment training have mostly been granted to women, who account for 70 per cent of such transactions, compared with 30 per cent for men. Training was provided in areas such as business planning and management of all-purpose farms. Nevertheless, despite the fact that women are so keen on using the training services, it is interesting to note that they only account for 33 per cent of borrowers from the guarantee fund. This may be interpreted in two ways: either that women succeeded in developing their payment capacity and therefore do not require the guarantee fund, or that they do not feel they can request support from the Trust Fund, even when they need it.

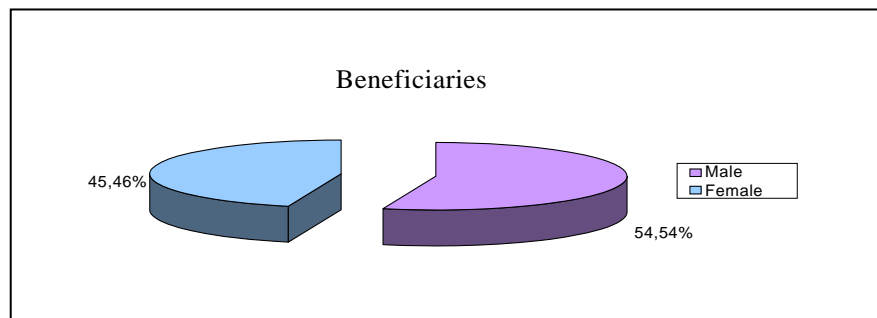
Figure 35

**Comparison between beneficiaries, amounts of loans and amounts of guarantees
(Relative amounts)**



Source: INAMU, 2007

Figure 36
Beneficiary population by sex



Source: IMAS Trust Fund

613. The following conclusions may be drawn from the results of loan transactions processed under this programme in 2006 and the first half of 2007: 283.9 million colones have been transferred; 41 per cent of borrowers were women and 59 per cent were men; women received around 40.5 per cent on average of the amounts loaned, compared with 59.5 per cent for men. Although in general the data indicate that women benefited from the programme, men accounted for a larger share of beneficiaries. It is estimated that 85 per cent of the target population were women, and one would therefore expect that women would account for the same percentage of the demand for this important promotional programme. This situation may be interpreted as an indication that women still do not see themselves as economic subjects requiring financial services, and that they still see themselves as subject of welfare programmes.

614. In 2004, the Community Development and People's Bank launched its People's Development Programme. During its first year of operation, around 20 per cent of the programme's loans went to women in micro, small and medium-sized enterprises. In 2005, the Development Bank Directorate was added; this programme has implemented gender mainstreaming, allowing for special attention to be given to business development for its female clients. The loan portfolio for micro and small enterprises has catered to more and more women every year; in addition, it provides entrepreneurial advice to women clients so as to give them more tools for consolidating their businesses and turning them into generators of employment. Between 2005 and 2006, two pilot educational programmes for women were put underway in San José and in Pérez Zeledón (*ibid.*).

615. In 2005, with advisory support from INAMU, the General Directorate for Small and Medium-Sized Enterprises of the Ministry of Economic Affairs put underway a special programme entitled *Creando Empresarias* ("creating businesswomen"). During its first year of operation, this initiative more than 100 women were taught how to draw up business plans (source: INAMU, *Memoria Institucional 2002-2006*).

616. During this reporting period, IMAS granted 4 704 loans and grants for microenterprises belonging to women and helped them develop ideas on productive undertakings. Nine women received support from the IMAS Trust Fund during 2006 (source: IMAS, 2006).

617. Between 2003 and 2005, 6 493 new loans were granted to women for a total amount of 14 421.6 million colones over the three-year period; these loans were granted for agricultural undertakings, including micro, small and medium-sized enterprises and rural boards (source: Ministry of Agriculture and Livestock, *Evoluciones de las colocaciones en BN-Desarrollo para mujeres. Período 1999-2005*).

618. In 2005, the Small and Medium-Sized Enterprise Development Fund (FODEMIPYMES) and the General Directorate for Small and Medium-Sized Enterprises of the Ministry of Economic Affairs, Industry and Commerce launched the *Creando Empresarias* Programme, which was implemented in several cantons of the country with the cooperation of some of the Municipal Women's Offices. This programme is designed to enable women microentrepreneurs to improve their management skills and their capacity for innovation.

619. In brief, it is clear that so-called "development banks" in Costa Rica are concentrated in two State banks, BNCR, which has more than 100 years' experience in development credit for rural areas and in micro and small enterprises, both rural and urban; and the Community Development and People's Bank (People's Bank), which has been involved in development banking for the last 20 years.

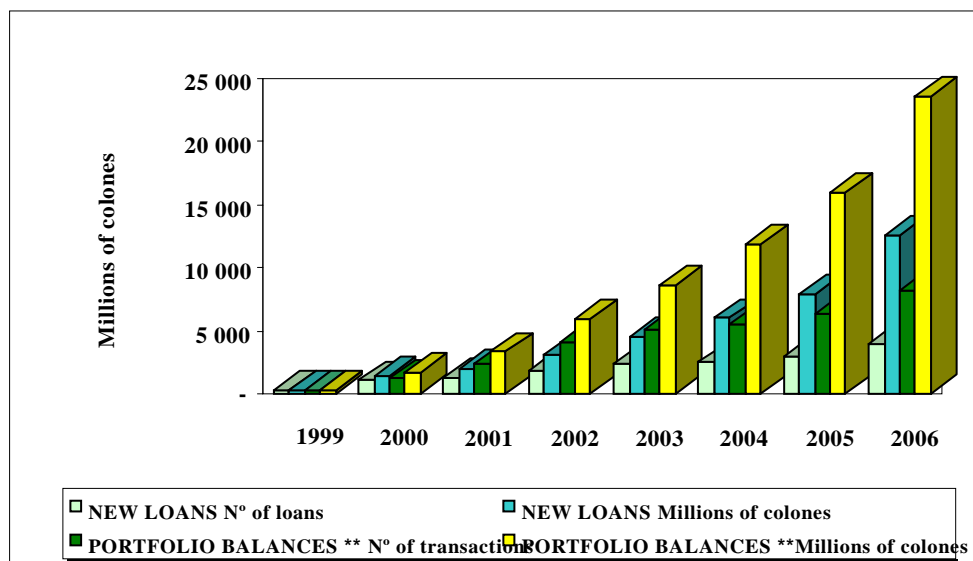
620. INAMU has been working with BNCR since 2000 and with People's Bank since 2001 with a view to implementing gender mainstreaming both in their services and in their organizational culture, given the strategic role played by these banks in promoting women's participation in development banking.

621. That this effort has borne fruit is evident in the increased number of loans granted to women since 2000, as well as in the volume of the portfolio from which these loans are granted. This is illustrated in the following table, based on information supplied by BNCR, 2007.

Table 21
Evolution of lending to women by BN-Desarrollo, 1999-2006

	<i>New loans</i>		<i>Portfolio balances**</i>	
	<i>Number of loans</i>	<i>Millions of colones</i>	<i>Number of transactions</i>	<i>Millions of colones</i>
1999	282	291.70	282	291.70
2000	1 110	1 526.00	1 252	1 789.00
2001	1 308	1 984.00	2 397	3 369.00
2002	1 869	3 129.80	4 167	5 981.60
2003	2 429	4 590.50	5 076	8 577.60
2004	2 522	6 029.50	5 581	11 809.00
2005	3 027	7 959.50	6 429	15 911.60
2006	4 012	12 624.40	8 188	23 498.20
Total	16 559	38 135.40		

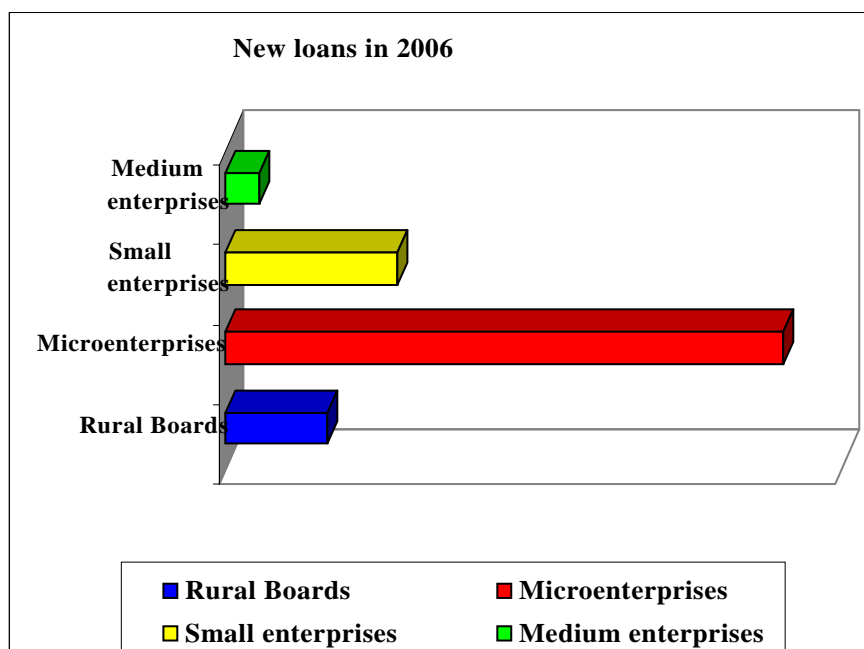
Figure 37
Details of lending



622. It is interesting to note that the greater demand for credit comes from women seeking loans for microenterprises. This is further indication of the lack of job opportunities for women, which has led them increasingly to develop their own small enterprises, usually in the area of business and services. This trend has been even more evident in 2006.

Table 22
Lending to women

<i>Segment</i>	<i>Amount</i>	<i>Loans</i>
Rural boards	1 495 850 805.90	625
Microenterprises	8 127 447 103.50	3 175
Small enterprises	2 507 724 124.20	193
Medium-sized enterprises	493 342 515.10	19
Overall total	12 624 364 548.70	4 012



Source: Central Bank, 2006.

623. In 2004, in the context of implementing gender mainstreaming in BNCR, a joint study was conducted with ECLAC on the job prospects of women in financial services, with a view to assessing the trends in the gender gaps in a key sector such as this. The study showed that in the sector as a whole, and in particular BNCR, although women had a considerable presence, their salaries were consistently lower than the salaries received by men, even though the gap is narrower overall. This is the case even though women are highly educated and well trained.²³

624. The study showed that there was considerable room for improvement in regard to gender mainstreaming within the bank and ensuring that the principles of gender equality and equity were also reflected in the bank's services to women.

625. The People's Bank, with the help of INAMU, managed to democratize its decision-making bodies during the period 1998-2002, and thanks to a law on parity, it also made significant progress in regard to its services. In 2007, with a view to gradually implementing its equality policies in both dimensions, the People's Bank will be launching its gender mainstreaming policy. This policy covers three lines of action: parity participation of women and men in representative and decision-making bodies; gender mainstreaming in the bank's guidelines, policies, plans and programmes; and management of human talent throughout all the bank's branches and divisions. The process of developing the

²³ Martínez, Juliana. *El empleo en los servicios financieros. Costa Rica: buenas y no tan buenas noticias*. ECLAC, Chile, 2005.

policy has been highly participatory, with strong consensus among the staff and authorities of the bank.

626. The following table provides details on the services this bank offers to women.

Table 23
Development banking
Number of development transactions
 (Absolute and relative figures, in colones) 2004-2007

	2004		2005		2006		2007 ¹	
	Abs.	%	Abs.	%	Abs.	%	Abs.	%
Corporations	1 612	17	1 739	17	1 247	18	1 306	18
Men	5 420	58	5 742	57	3 838	55	3 870	54
Women	2 380	25	2 651	26	1 941	28	1 956	27
Total	9 412	100	10 132	100	7 026	100	7 132	100

Source: Community Development and People's Bank, 2007.

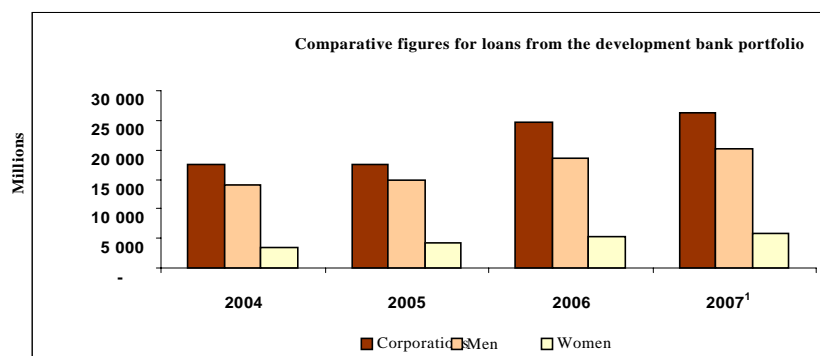
¹ Data on loan portfolio as of March 2007. All other dates are December of the year specified.

² Data on lending decline after 2006 owing to the application of bank classification criteria.

627. Between 2004 and the first half of 2007, the People's Bank processed an average of 10 000 development credit transactions per year. Of these, 27 per cent of the loans from the development bank portfolio were for women. 628. In regard to the amounts allocated, the gender gap was greater, as women received 11 per cent of the amounts loaned from the development bank portfolio, compared with approximately 40 per cent for men. The People's Bank was not immune to the situation prevailing in other formal financial entities, which remained reluctant to see women as subjects of credit. This is evident in the inadequate training and technical assistance offered to women; the limitations they face in terms of the real collateral they can offer; and the limited productivity of their businesses, added to the lack of marketing outlets and the fact that women have double work days and must deal with a difficult power structure within the family.²⁴ All of these factors make it difficult for women to develop their businesses.

²⁴ Pereira and Carcedo. *El perfil de riesgo de la microempresa de mujeres*. INAMU. 2003. p. 50.

Figure 38

Development bank**Amounts of loans from the development bank portfolio, by sex**

Source: Community Development and People's Bank, 2007.

629. This situation explains why the People's Bank is interested in adopting a gender equality and equity policy, as it wants to ensure that all its programmes include the gender approach and design affirmative action measures on behalf of women.

(c) The right to participate in recreational activities, sports and all aspects of cultural life

630. The institutions concerned have not provided specific information on this matter for the current period. The Office of the Ombudsperson has asked the Ministry of Culture, Youth and Sports for information on the policies and actions being promoted in order to expand and guarantee the insertion of women in sporting activities, as well as in regard to their participation as referees in soccer matches (source: Office of the Ombudsperson's annual report for 2003-2004).

Article 14

Take all necessary measures to eliminate discrimination against women in rural areas. Guarantee their right:

- (a) To participate in the elaboration and implementation of development planning;**
- (b) To health;**
- (c) To social security;**
- (d) To education;**
- (e) To economic opportunities;**
- (f) To participate in the community;**

(g) **To have access to agricultural credit;**

(h) **To adequate living conditions.**

A. Participation in the elaboration and implementation of development planning

Social dialogue and negotiation for gender equity and equality

631. In 2003, INAMU promoted and coordinated social dialogue and negotiation round tables in Limón (Atlantic coast) and Puntarenas (Pacific coast), Golfito and Guanacaste. The aim of these round tables was to promote access for women to State services and to improve their living conditions. Another objective was to highlight the particular needs of women and to provide training in negotiating skills. The agendas for these events have come to be effective political instruments for securing responses from regional institutions (source: INAMU, *Memoria Institucional: Administración, 2002-2006*).

632. Participants in the social dialogue and negotiation round table held in Limón drew attention to the fact that black and indigenous women were not well represented during the formulation and negotiation of the agenda. The regional INAMU office in Limón therefore convened a meeting of black women leaders from the province to discuss and organize a conference for black women. As a result of this initiative, the “Miss Gaddy” First Forum of Women of African Descent of Limón Province was held on 12 and 13 August 2005. The forum was attended by 63 women leaders from the province’s six cantons: 9 from Talamanca, 26 from Limón Centro, 7 from Guácimo, 8 from Matina, 5 from Siquirres and 5 from Pococí; one woman leader from San José also attended. The forum’s objectives were to:

- Find out about the needs and concerns of Costa Rican women of African descent in Limón Province, especially in the fields of employment, work, the economy, technical training, political participation, human rights and health.
- Seek out options for mainstreaming Costa Rican women of African descent into the various initiatives being taken to achieve gender equity and equality between women and men, especially in the fields of employment, work, the economy, technical training, political participation, human rights and health.
- Assist Costa Rican women of African descent to learn about and exercise their economic, cultural and social rights as citizens (source: Active Citizenship, Leadership and Local Affairs Unit, INAMU, report of the “Miss Gaddy” First Forum of Women of African Descent of Limón Province).

633. In 2004-2006, INAMU followed up on the implementation of the agreements reached by the participating women’s groups and public institutions in both communities. The action taken in this respect focused on strengthening the women’s networks that have been formed as part of these two initiatives by

providing systematic training opportunities for the working committees in Limón and the thematic working groups in Puntarenas (source: *ibid*).

634. In the specific case of the Huétar Atlántica region, participants include women leaders from the region's six cantons who belong to the Caribbean Women's Network, representatives of public institutions, mayors, international cooperation agencies and the Office of the Ombudsperson. The objective is to provide an opportunity for dialogue and negotiation among women, public institutions and local governments in which women's diversity is honoured and in which agreements can be reached and commitments made concerning the satisfaction of women's needs and the advancement of their strategic interests based on the established agenda and proposals. The first negotiating session was held in November 2003 and focused on the network's strategic proposals regarding: women and health; economic rights; women and poverty; political participation, leadership and organization; the Municipal Women's Offices and the INAMU office in Limón; academic, technical and alternative education; the environment; girls, boys, adolescents and drug addiction; violence; women and the media; and housing. Short-, medium- and long-term agreements were reached at this session, and a follow-up committee to monitor their implementation was established (source: Office of the Ombudsperson's annual report for 2003-2004).

B. Access to economic opportunities and agricultural credit

(b) Gender policy for the agricultural sector

635. In October 2004, the combined efforts of the National Commission of Regional Gender Coordinators for the Agricultural Sector and INAMU led to the issuance of an official gender policy for Costa Rica's agricultural sector for 2002-2010. This policy statement constitutes an important achievement and bears witness to the commitment of agricultural institutions to promoting strategic measures aimed at narrowing gender gaps, especially in connection with production-related and economic issues in Costa Rica's rural sector (source: Office of the Executive Secretary for Agricultural Planning, "Política de género y plan de acción estratégico 2002-2010", 2003).

636. The background material for this policy was provided in the addendum on the agricultural and environmental sectors of the Plan for Equal Opportunities for Women and Men of 1997, as well as the action plan for 1998-2002 (source: *ibid*).

637. This policy is geared towards promoting equality of opportunity and equity for women and men in Costa Rica's agricultural sector. It also seeks to ensure that women will play a genuine role in the various production-related projects being implemented in order to provide access to technology, training, financial services, agribusiness development and markets. It emphasizes actions to foster a culture of human rights and social justice that is in keeping with sustainable rural development and environmentally and diversity-friendly sectoral objectives (source: *ibid*).

(b) *Agricultural statistics*

638. One of the factors that interferes with the achievement of greater equality and equity in Costa Rica's agricultural sector is agricultural institutions' failure to mainstream a gender perspective in the management of routine and strategic information. Neither the male/female variable nor other gender-related variables have been included in the forms used to compile, process and present information. This makes it difficult to monitor the impact of policies properly or to track service coverage for women. After the gender policy for the sector had been issued in October 2003, an effort was made to ensure that, at the least, the male/female variable would be included in these forms so that women's participation would be reflected in the statistics. This has not yet been accomplished, however, and this lack constitutes a major constraint on the preparation of reports such as this.

(c) *Promotion of entrepreneurship among women, especially in rural areas*

639. As part of the Government's efforts to promote entrepreneurship among women, an inter-agency commission was created in 2001 in which the agricultural sector is actively participating. One of this commission's main goals for 2005-2006 was to train staff in institutions devoted to promoting microenterprises that are run by women. A total of 225 staff members of institutions working with the rural population received training on the application of an instrument for determining the gender-related differentials between women and men in a given business enterprise. Thanks to this initiative, at least 90 per cent of the staff members in institutions focusing on production activities at the regional and local levels have been sensitized to the issues involved in promoting entrepreneurship from a gender perspective.

640. The staff who received training are stationed in the western central, Chorotega, Huétar Atlántica, southern central, eastern central and Pacific central regions. They have also passed on the knowledge they have gained by assisting female rural entrepreneurs with the development of business plans to strengthen their production ventures.

641. Costa Rica has a regional institutional platform through which gender coordinators for the agricultural sector promote and monitor these types of initiatives throughout the country.

(d) *Production support programmes*

642. Efforts are being made to bring rural women into production chains, but production support services do not yet have sufficient coverage to meet their needs. In order to arrive at a more accurate determination of the level of women's participation in the various activities involved in the production chain, continued emphasis must be placed on achieving sex-disaggregated statistics so that some indication of this variable can be obtained for use in continued monitoring of progress in this connection.

(e) Rural women's participation in the modernization of the agricultural sector

643. Production restructuring programmes are some of the core modernization initiatives that have been pursued in the agricultural sector by recent Governments in Costa Rica. The aim of these efforts is to adapt mechanisms to local conditions in order to successfully compete in defending the local market and to establish a foothold in foreign markets. To this end, the sector has established the Production Reengineering Programme, which seeks to create new development opportunities for rural communities and improve the living standards of the rural population. These aims are pursued through the implementation of socially and economically profitable plans and projects that, within a framework of consensus-building, solidarity and equity, serve the needs of rural communities, especially within the agricultural production sector.

644. The rate of women's participation in this programme has been quite low, precisely because it is an innovative initiative, and the incorporation of rural women into the institutional structure has been a particular challenge. This problem is attested to by the underreporting of information on women's access to such programmes. The only recent statistic available to us indicates that women's participation in the 2006 programme amounted to just 19 per cent (source: Ministry of Agriculture, Office of the Executive Secretary for Agricultural Planning, 2005- 2006).

(f) Access to other production support services

645. Production support services in the form of technical assistance and development training were provided to approximately 800 organizations and 5,533 women during the reporting period. These services have focused on the implementation of production ventures and have given rise to a wide range of business projects. Data compiled by the Office of the Executive Secretary for Agricultural Planning indicate that the coverage rates are 26 per cent for women and 74 per cent for men. Although women's participation in successful projects has been steadily increasing during the reporting period and women are playing an increasingly visible role as active participants in this sector, coverage is still far from being balanced.

646. This improvement notwithstanding, women's participation in leading-edge programmes, such as the reengineering of production activities in the sector, remains low. It is very difficult for women to access production linkages, and this translates into a results-based form of discrimination against women within the framework of initiatives that are supposed to help overcome disadvantageous production conditions as a means of improving rural women's social situations.

(g) Rural women's access to land

647. The effort to determine the number of women receiving land awards and deeds during the reporting period was hindered by the fact that IDA, which administers land allocation programmes in Costa Rica, awards land and issues title to the household as such when a couple is married or is in a de facto union; title is issued in the name of an individual woman or man only when the person has no partner.

648. In 2003-2006, 95 per cent of the persons who were awarded land came under the category of couples; of the remainder, 4 per cent of recipients were women and 1 per cent were men. In all, 41 per cent of the land was deeded to households, 35 per cent to women and 24 per cent to men. All lease contracts were made out to couples. It should be noted that land is awarded to households rather than individuals in order to protect this form of community property.

Table 24
**Access to land, by sex of recipient
 2003-2006**

<i>Access to land</i>	<i>Category</i>	<i>Percentage</i>
		<i>2003-2006</i>
Award of land	To couples	94.91
	To men	1.17
	To women	3.93
	Total	100.00
Titling	To couples	40.84
	To men	34.77
	To women	24.39
	Total	100.00
Lease contracts	To couples	100.00
	To men	0.00
	To women	0.00
	Total	100.00

Source: Original tabulations based on IDA data.

649. The organization of campesino groups is a part of IDA programmes that supplements the land allocation service. The statistics compiled on this area of endeavour indicate that the organization of women's groups remains a challenge for the institution, since only 20 per cent of all such organizations are made up of women. Surprisingly, however, 51 per cent of the members of such organizations are women, with the differential being accounted for by women's participation in organizations having both male and female members. It cannot be determined on the basis of the available information how many women are, for example, in leadership positions in these organizations or how they channel their gender-based demands.

Table 25
Organizational support, by sex
2003-2006

<i>Organizational support</i>		<i>Percentage</i>
<i>Category</i>		<i>2003-2006</i>
Establishment of organizations	Mixed membership	78.79
	Male membership	0.76
	Female membership	20.45
Membership of existing organizations	Total	100.00
	Males	49.19
	Females	50.81
Strengthening of organizations	Total	100.00
	Mixed membership	85.88
	Male membership	5.44
	Female membership	8.69

Source: Original tabulations based on IDA data.

650. Credit assistance is also provided primarily to couples. Single men are the second-largest category of recipients, while single women's participation in this type of initiative is negligible

Table 26
Credit assistance, by sex
2003-2006

<i>Credit Assistance</i>		<i>Percentage</i>
<i>Category</i>		<i>2003-2006</i>
Credit transactions	Couples	83.55
	Men	12.39
	Women	4.06
	Total	100.00
Amount disbursed	Couples	84.35
	Men	11.10
	Women	4.54
	Total	100.00

Source: Original tabulations based on IDA data.

651. Assistance in the establishment or strengthening of campesino organizations is backstopped by training and advisory services programmes designed to help the members of these organizations to develop production ventures. The lack of services that specifically target women within the framework of a gender perspective is also apparent in this connection, however.

Table 27
Training support, by sex
2003-2006

<i>Training Support</i>	<i>Category</i>	<i>Percentage</i>
		<i>2003-2006</i>
Training modules	For persons of both genders	87.41
	For men	5.01
	For women	7.58
	Total	100.00
Persons trained	Men	54.45
	Women	45.55
	Total	100.00

Source: Original tabulations based on IDA data.

Table 28
Production support, by sex
2003-2006

<i>Production Support</i>	<i>Category</i>	<i>Percentage</i>
		<i>2003-2006</i>
Own-consumption household production modules	For couples	92.86
	For men	3.52
	For women	3.61
	Total	100.00
Food security microenterprise projects	For men	50.37
	For women	49.63
	Total	100.00

Source: Original tabulations based on IDA data.

652. The Office of the Ombudsperson has received reports from women who state that they were obliged to flee from the property that IDA awarded to them and their partners because the partners abused them and that their former partners

remain on the land that these women used to work. When these victims of violence leave their land and cannot return to it, they lose access to that land, even though they and their children are entitled to it (source: Office of the Ombudsperson's annual report for 2004-2005).

653. In view of this situation, the Office of the Ombudsperson has recommended to IDA that it remain mindful of the fact that the land it allocates is worked by both the male and female members of a couple and that, in order to protect both of these persons' rights, the deed to the property should state that it is community property (source: *ibid*).

654. The Ombudsperson for Women has also been apprised of a case in which the all-male governing board of a sugar-cane cooperative at the Hacienda Atirro in Turrialba held a meeting in which nearly all the participants were men, leaving out the women who have also received land awards and who are entitled to a share of the output as well. The representatives of IDA and the Cooperative Promotion Institute (INFOCOOP), which took part in that meeting, did not regard this situation as being a problem.

655. The Ombudsperson for Women has stated that both IDA and INFOCOOP should become cognizant of the inequality exhibited by this situation and of the discrimination and exclusion of which women are victims and that they should identify the factors hindering rural women's access to and control over land with a view to ensuring compliance with article 14 of the Convention on the Elimination of All Forms of Discrimination against Women (source: *ibid*).

C. Indigenous women

656. The Committee recommended that particular importance be placed on indigenous women in the implementation of anti-poverty programmes in order to ensure their access to production resources and to education and vocational training. In preparing this report, a greater effort has been made to delve more deeply into the status and situation of indigenous women.

657. In 2004, INAMU carried out a research project to explore the nature of indigenous women's current living conditions in the areas of education, health and housing based on existing statistics in the country. This study was part of a determined effort to begin to understand the social environment in which this population group lives, which shows up the need for action to move towards gender and social equity and equality. This research project led to the preparation of a study entitled "Las Mujeres Indígenas: Estadísticas de la Exclusión" (indigenous women: statistics of exclusion), which was published in December 2006. The study examines the current situation of these women in Costa Rica and provides inputs for the identification of affirmative action measures and public policies to benefit these victims of discrimination (source: INAMU, "Las Mujeres Indígenas: Estadísticas de la Exclusión", 2006).

658. This study found that the available statistics on a number of variables are not disaggregated by sex, which hinders a closer analysis of the actual situation of indigenous women and their peoples. This type of information constraint has an

impact on decision-making about measures aimed at changing the living conditions of the members of these communities.

659. The following section provides relevant statistics and qualitative information, most of which is drawn from the above-mentioned study.

(a) *General information*

660. According to the 2000 population census, 63,876 persons (1.68 per cent of the total population) in Costa Rica belong to indigenous ethnic groups; 30,996 (48.5 per cent) are women (1.62 per cent of the country's total female population) and 32,880 (51.5 per cent) are men (1.73 per cent del total de hombres).

661. While there are areas in which indigenous groups make up a large percentage of the population, indigenous persons are to be found throughout the country. In 2000, only 27,041 persons were living in the indigenous territories, while 36,835 lived in other areas. Thus, 42.3 per cent of the indigenous population lives in the indigenous territories as such, 18.22 per cent on the outskirts of those territories and 39.4 per cent elsewhere in the country. The spatial distributions of the female and male indigenous populations are quite similar.

662. These figures attest to the fact that many indigenous people have been uprooted, or that the laws that guarantee indigenous peoples' right to own their lands are not being enforced and many people are being pushed off their land. As a consequence of the social disadvantages which they face because of their culture, many of these people may have had to seek out other options that are not in keeping with their customs and cultural world view (source: *ibid*).

663. The bulk (77 per cent) of the indigenous population resides in the three provinces of Limón, Puntarenas and San José. The Province of Limón alone is home to nearly 40 per cent of the members of indigenous groups, and 77.3 per cent of all indigenous women live in one of these three provinces.

664. The female population is concentrated in the largest mountainous area of the country, Talamanca (3,249 women), Alto Chirripó (2,286 women) and Cabagra (1,128 women). A total of 250 indigenous women live in Bajo Chirripó and Osa (southern Pacific region). In the territories other than Kekoldi and Coto Brus, men outnumber women (107 men for every 100 women).

665. According to the 2000 census, women living in the indigenous territories have more children, on average, than women in the rest of Costa Rica do. The average number of children born to indigenous women living in the territories is 4.1, whereas the figure for non-indigenous women in the rest of the country is 2.7. The figures indicate that, the farther away from the territories an indigenous woman lives, the fewer children she is likely have.

666. Costa Rica's indigenous population has a number of unmet needs that make it one of the most vulnerable groups in the country. In some indigenous groups, virtually 100 per cent of the people have unmet needs²⁵ (access to decent housing,

²⁵ Four categories of unmet basic needs were used in the Ninth National Population and

to health, to knowledge and to goods and services). The percentage of indigenous women having unmet needs in one or more of these categories is quite high (76.23 per cent), and only 23.77 per cent have all their basic needs satisfied. In Cartago (a province located in the central part of the country), 80.39 per cent of the indigenous residents have one or more unmet needs; it is followed by Puntarenas, with 73.47 per cent, and by Limón Province, with 59.19 per cent.

667. Other data on the country's indigenous people point to the existence of highly critical situations. For example, 99.76 per cent of the members of the Guaymí peoples have unmet needs in all four of the areas mentioned above; for the Cabécar peoples, the percentage is 99.55 per cent, and for the Teribe peoples, it is 93.39 per cent. The Huétar are in the least critical situation, with 55.69 per cent of this group's members having unmet need, but even this percentage is above the national average. Gender differentials within these groups are generally not significant, with women having a higher level of unmet needs than men only in the cases of the Maleku and Huétar peoples.

(b) *Access to education*

668. Not enough effort has been made in Costa Rica to bring education, and the opportunities that it opens up, to its indigenous peoples, who have been unable to aspire to better living conditions.

669. According to the 2000 census, the illiteracy rate among indigenous groups is six times higher than the national average (30 per cent versus 4.8 per cent). The average number of years of schooling completed is 3.6 years in the indigenous territories, versus 7.5 years for the country as a whole.

670. Cartago is the province in which indigenous groups have the highest illiteracy rate (54.24 per cent for women and 36.88 per cent for men). Women have a much higher illiteracy rate than men in all the provinces except Heredia (in the central portion of the country) and Guanacaste (in the north, bordering the Pacific coast).

671. Women in all age groups are worse off than men. Women over 60 years of age have the highest illiteracy rates.

672. Statistics supplied by the Central American Population Centre (CCP) of the University of Costa Rica indicate that, as of 2000, a total of 7,852 indigenous females over the age of 5 did not attend school regularly, as compared to the 2,919 indigenous females who did so. Clearly, the number of girls and women who do not attend school greatly outnumbers those who do. There are many reasons for their failure to attend school: the distance between their residences and the schools, poor infrastructure, insufficient scholarships, the need to work in the fields so that their families can maintain a subsistence-level standard of living, sex discrimination, the culture shock associated with outdated curricula and teaching methods, language barriers, and others.

Housing Census of Costa Rica in 2000: access to decent housing, to health, to knowledge and to goods and services. In order for a household to be classified as having unmet basic needs, it must have such a need in at least one of these four areas.

673. Formal education levels among the female population in the indigenous territories are extremely low, with 40.7 per cent of women and 34.7 per cent of men having no formal schooling whatsoever. Most of this population has not gone beyond elementary school (52.5 out of every 100 women). For men, the figure is higher (55.9 per cent). The number of women who are attending or have finished university studies is extremely small (62), and only 2.68 per cent of indigenous women have access to this level of education, versus the national average of 10.20 per cent. The fact that the older the person, the lower the level of formal schooling, reveals how few, if any, educational opportunities were available to older generations.

674. Indigenous persons who reside outside the indigenous territories have greater access to educational opportunities. For example, 15 per cent of this group attends university, whereas just 1 per cent of the inhabitants of the indigenous territories do so. The figures for secondary school are 25 per cent for those living outside the territories and 6 per cent for those living within them. Most of the people living in the territories have no more than an elementary education (53 per cent), and the level of formal education is therefore very low.

675. The academic achievement levels of members of indigenous groups is far below the national average. The formal schooling available to members of indigenous groups does not incorporate their culture (bilingual and multi-cultural education), and many teachers are unfamiliar with the ethnic and cultural diversity of the indigenous peoples.

676. High repetition and dropout rates in the first and second educational cycles are also attributable to the long distances that children have to travel in order to attend school, their substandard living conditions, the difficulties that teachers have in speaking the languages of the indigenous communities, and the fact that many households cannot afford to buy school supplies. In addition, a majority of the instructors working in schools serving the indigenous population have temporary contracts. In 2002, for example, 57.57 per cent of teaching staff had this type of contract and, as of July 2004, according to the Indigenous Education Department of the Ministry of Public Education, 106 teachers held temporary contracts. This practice discourages instructors from immersing themselves in the culture of the relevant indigenous groups.

677. With regard to educational policies focusing on indigenous communities, since 2002 the Ministry of Public Education has been working to strengthen preschools in indigenous areas. It has also increased the number of roving elementary teachers who are participating in the Indigenous Schools Reinforcement Programme in an effort to ensure that more children from indigenous areas stay in school and improve their academic performance. The Educational Opportunities for the Indigenous Population Programme has been designed to promote comprehensive educational services for this population group by expanding educational coverage, particularly at the preschool and elementary levels. This programme is improving the quality of education by introducing teaching methods that are adapted to the sociocultural environment of the relevant indigenous groups. A programme is also being carried out to promote the active participation of indigenous groups in the design and implementation of

development programmes that are attuned to their ethnic and cultural framework. A number of schools were also founded in the indigenous territories in 2000-2002.

678. Distance-learning modules at the secondary level have been developed most intensively in the indigenous territories. These modules employ instructional resources that are adapted to the demands of distance learning and serve both women and men. In 2003, there were nine distance-learning modules (five more than in 2002) covering a total of 250 students.

(c) *Access to health*

679. Access to social security coverage differs from one indigenous group to another. The women of Cabécares, for example, have the lowest social security coverage rate (59.37 per cent), followed by those of Guaimíes (31.70 per cent) and Bribris (21.5 per cent).

680. Data updated to May 2004 by the Target Population Information System (SIPO) of IMAS on the social security coverage of the female indigenous population indicate that a majority use State-provided insurance (3,353, or 73.26 per cent); the uninsured, who lack any sort of social security coverage whatsoever, constitute the next-largest group (13.41 per cent), followed by those who have family insurance (9.61 per cent), direct insurance (2.58 per cent) and voluntary insurance (0.37 per cent).

681. Indigenous women are subject to social and economic constraints that make it difficult for them to pay for the types of insurance policies that provide better benefits, and State insurance is therefore the most viable option for them. Because of the lack of employment opportunities, they are unable to pay into the social security system.

682. Information provided by IMAS indicates that 3.12 percent of indigenous women have some sort of disability and that 56.64 per cent of that group have permanent physical limitations, which are all the more problematical because of these women's difficulties in gaining access to health services. Affirmative action is therefore needed in order to help ensure that these women are able to exercise their right to health.

683. In Talamanca, more than 50 per cent of all medical consultations by women between the ages of 20 and 64 have to do with sexual and reproductive health. This trend has held steady between 2000 and 2004.

(d) *Access to housing*

684. A PAHO/WHO study indicates that most people in the indigenous territories own their homes (79 per cent); this category of housing is followed by substandard or makeshift housing, dwellings leant to the inhabitants by others, mortgaged homes and rentals. Of the many indigenous persons residing outside the indigenous territories, 46.3 per cent own their homes, and another 6.8 per cent own their homes but have mortgages on them; 16.8 per cent rent their lodgings, and 23.8 per cent are living in accommodations that have been leant to them.

685. One major problem is the lack of a supply of drinking water in the homes of indigenous people. Only 38 per cent of their dwellings have piped water connections, while the other 62 per cent do not. According to the Report on the State of the Nation for 2002, 46.5 per cent have piped water, but only 29 per cent of those households are connected to the water supply system; the rest use outlets from ravines or rivers. Some 70 per cent of the people living in indigenous territories are not connected to the electricity grid, as compared to 13 per cent of the indigenous households outside the territories.

686. Most indigenous women live in detached houses (11,982 dwellings); 925 live in slum dwellings or hovels, which clearly poses a problem to be addressed.

687. The housing allowance provided by the State to help people to buy a home affords an opportunity to members of indigenous groups. At least 200 such allowances are slated for members of indigenous groups each year. In 2004, 175 families benefited from this programme. In the first two years of the 2002-2006 presidential term, 497 dwellings were built and awarded to families living in the indigenous territories of Matambú in the Chorotega region, Guatuso in Huétar Norte, Quitirrisí in the central region, Tayutic in Turrialba, Bribri in Talamanca and Boruca in the Brunca region (Ministry of Housing and Human Settlements, 2004).

688. The Costa Rica-Canada Foundation was working with the Ministry of Housing and Human Settlements to build 1,083 dwellings for indigenous persons in 2000-2004; 733 of these units have already been approved, and the other 350 are being processed. The Bribri-Cabécar Women's Association (AMITAL) plans to build 12008 dwellings having 50 square meters of floor space each in the Bratsi area in Talamanca.

D. Action to benefit indigenous women

689. Institutional Policy No. 7, which is part of the strategic plan of INAMU for 2006-2010, focuses on particular groups of women and defines strategic lines of action aimed at promoting equality of opportunity and rights for indigenous women, Costa Rican women of African descent, girls and adolescents. In 2007, INAMU also designed and validated specific strategies for its work with indigenous women and with women of African descent which provide for the direct participation of the women concerned.

690. In order to carry this effort forward at the regional level, on 26 and 27 April 2007 INAMU held the *Iriria*²⁶ Forum in Shiroles de Talamanca. The purpose of the Forum was to bring the Cabécares and Bribri women of Limón Province together so that they could identify needs, proposals, lines of work and coordination mechanisms that would enable them to formulate an agenda for the indigenous women of the Huétar Atlántica region.

²⁶ In Bribri, *iriria* means "woman and land". This forum was made possible by support from local organizations such as the Indigenous Women's Association of Talamanca (ACOMUITA), the Caribbean Women's Network (REMUCA) and other local indigenous women leaders.

691. The main subjects addressed at this forum were: (a) landownership, (b) culture and education, (c) traditional production, marketing and the environment, (d) health, and (e) legal status and social conditions.

692. In following up on the proposals made at this forum, during the second half of 2007 the indigenous women of this province will formulate an agenda and will start working on the design and implementation of a strategy for negotiating with public institutions to make and honour the necessary commitments to promote the human rights of the indigenous women of the region and to ensure their ability to exercise those rights.

693. In a similar vein, the Technical Secretariat of the Judiciary for Gender Issues, in coordination with the Service Oversight Office, held a seminar on indigenous peoples and their access to justice. The objective was to provide information and training concerning indigenous peoples' access to justice, to shed light on cultural differences, and to bring the justice system closer to these individuals in a genuine, effective manner. Participants included representatives of the Office of the Public Prosecutor, the Public Defender's Office, the judiciary, the Judicial Investigation Agency and representatives of indigenous peoples. In follow-up to the actions proposed at this seminar, and with the participation of a number of judges, defence attorneys, public prosecutors and indigenous leaders, in March 2003 an initiative was undertaken to facilitate contact between members of the judiciary and indigenous groups in the outlying areas of Grano de Oro in Turrialba with a view to holding conciliation hearings in cases before the courts (source: annual report of the Technical Secretariat of the Judiciary for Gender Issues, 2003).

694. In March 2007, the Justice Administration System issued a statute concerning the rights of persons served by the judicial system. Article 15 of the statute, which sets out provisions concerning the protection of indigenous persons' interests, states that the judiciary and the courts, in particular, should guarantee indigenous persons' access to justice and the full exercise of their rights by making it possible for them to use their own language and providing other services to enable them to fully understand the meaning and purpose of legal proceedings. The article also provides that, when dealing with members of indigenous groups, representatives of the judicial system and the courts, in particular, should respect these persons' dignity and cultural traditions. It also states that the Justice Administration System is to design a model for an alternative dispute settlement mechanism that is in accordance with indigenous customary law for use in cases involving members of indigenous groups (source: Protocol and Public Relations Office of the Justice Administration System, *Estatuto de la Justicia, y Derechos de las Personas Usuarias del Sistema Judicial*, 2007).

Article 15

Recognition of women:

1. As equal before the law,
2. As having legal capacity in civil matters,
3. As enjoying the same rights as men in signing contracts and administering goods, and
4. As being given equal treatment in all stages of court proceedings.

695. The overall results of this reporting period in terms of formally established regulations and laws in Costa Rica are not as positive as they were for the previous decade. Few laws specifically designed to combat discrimination against women were passed, as noted in the section on article 2. It bears repeating, nonetheless, that a major stride in combating violence against women was taken with the passage of the Act on the Criminalization of Violence against Women. The upcoming challenge of correctly interpreting and enforcing this law will, however, require a coordinated inter-agency effort.

696. The wider issue to be addressed, however, is that inequality before the law (and, hence, discrimination against women) is not just the result of the absence of appropriate legislation. It also stems from the existence of discriminatory laws, legal loopholes and gaps and from the mistaken interpretation and incorrect application of laws by State institutions and personnel, including judges. Cultural attitudes deepen these inequalities, which are even greater for indigenous women.

697. One clear-cut example of an inequality resulting from the existence of a discriminatory labour law has to do with the situation of domestic workers, as discussed in the section concerning article 11. A significant advance towards the goal of establishing equal rights for women was achieved with the court ruling discussed in that section of the report. The chapter of the Labour Code on paid domestic work remains to be amended, however, particularly with regard to its provisions concerning the length of the working day, which is currently 12 hours, in stark contrast to the rules applying to other workers, who have an eight-hour work day.

698. Another discriminatory situation that affects women, in particular, and that is attributable not only to the absence of a legal statute, but also to an incorrect application of the law, has to do with sexual harassment in the workplace and in schools. This is because, at the present time, a legal loophole exists that allows popularly elected public officials who commit sexual harassment to go unpunished. In addition, organizations' internal regulations are not always aligned with established laws and are not always properly applied. For example, conciliation meetings are sometimes held, and such meetings usually end in the withdrawal of the victim's complaint, thereby paving the way for impunity. Specific legislation on bullying in the workplace is also lacking.

699. In some situations, the law against domestic violence is also applied in a way that violates the principle of equality before the law by failing to take gender-based power asymmetries into account. Although the Domestic Violence Act itself provides that judges must ensure that it is not used against victims of abuse, there is a growing tendency to grant protective measures to both women and men based on the supposition of “crossed”, or mutual, violence. This places women who are subject to aggression within the home in a highly dangerous position. Another worrisome aspect of the way in which this law is being applied is the large number of cases in which protection measures end up being withdrawn because women do not appear at the hearings (76 per cent in 2003). These women’s reaction (which is fully understandable given the intimidation to which they are subject, their fearfulness and the control that their abusers have over them) is not seen as the outcome of the existence of unequal power structures but rather as a lack of interest on the part of these women. Thus, an event that should prompt the authorities to provide greater protection ends up leading to the withdrawal of the protection that had already been provided. These and other problems with the Domestic Violence Act and its application are a cause of great concern, since this is one of the main tools that women have for protecting themselves (source: M. Sc. Ana Carcedo Cabañas, *Seguridad Ciudadana de las Mujeres y Desarrollo Humano*).

700. In line with one of the recommendations made by the Committee following the presentation of the last report, Costa Rica has done away with the judicial practice of holding conciliation meetings out of court between women and their alleged abusers as part of legal proceedings. This practice was openly examined and has been expressly prohibited because it is a procedure that is not provided for under any statute (and is therefore illegal) and that obstructs or limits women’s access to justice and security by placing their integrity as a person at risk (source: M. Sc. Ana Carcedo Cabañas, *Seguridad Ciudadana de las Mujeres y Desarrollo Humano*).

701. Major reforms are required to ensure the application of the principle of parity as it relates to the right to political participation, as noted in the section on article 7.

702. With regard to health issues, the Office of the Ombudsperson has received complaints from women whose applications for insurance coverage for their husbands have been denied by CCSS on the grounds that husbands are not the economic dependants of their wives. This amounts to treating women as if they had no legal capacity and thereby constitutes a violation of the right to equality. Such culturally conditioned institutions do not treat women as subjects of law endowed with legal and economic capacity upon whom men could depend. The Ombudsperson for Women has recommended that CCSS staff receive training in the application of the principle of gender equity in their day-to-day activities in the workplace and that a study be conducted to analyse the number of applications submitted by women for insurance coverage for men as compared to applications for women in cases where the man is the primary beneficiary (source: Office of the Ombudsperson’s annual report for 2004-2005).

703. The Ombudsperson for Women has said that women victims of sexual abuse are being revictimized by the judicial system and that the Justice Administration

System, as a fundamental tool for achieving the noble purposes for which it was created, must not shirk from its commitment to mainstream the gender perspective in its structure, organization and policies in order to ensure women's access to and place in the justice system (Office of the Ombudsperson's annual report for 2004-2005). As mentioned in the section on article 2 of this report, the Technical Secretariat of the Judiciary for Gender Issues has been working to accomplish this in all areas of the judiciary. Ultimately, this effort should be reflected in judicial rulings that fill legal gaps and correct misinterpretations that work to the detriment of women's rights.

704. The equal treatment to which women are entitled at all stages of judicial proceedings, and especially in family-related proceedings and mediation arrangements, should be based on the principle of equality coupled with a recognition of the unequal power relationships existing between men and women. This is because, in some cases, women agree to reconciliations under the influence of threats and intimidation and therefore give in easily even when such an agreement runs counter to their interests. For example, when going through a divorce, women may appear to voluntarily accept a minimum property settlement when they are actually forced to do so in order to escape an abusive relationship (source: M. Sc. Ana Carcedo Cabañas, *Seguridad Ciudadana de las Mujeres y Desarrollo Humano*). This is why it is recommended that, when dealing with people in a socially or economically disadvantaged situation, mediation agreements should be checked and approved.

Article 16

Adoption of all appropriate measures to eliminate discrimination against women in all matters relating to:

- (a) Marriage;**
- (b) Free choice of spouse;**
- (c) The same rights and responsibilities during marriage and at its dissolution;**
- (d) Parents' rights and responsibilities in matters relating to their children;**
- (e) Parents' right to decide freely on the number of their children;**
- (f) Rights and responsibilities with regard to guardianship, wardship, trusteeship, adoption, etc.;**
- (g) Personal rights;**
- (h) Ownership.**

(a) **Promotion of responsible parenting and shared responsibility for raising children and adolescents**

705. The steep reduction in the number of births in which the father is unknown has been the chief result of the use of DNA testing as provided for in the Responsible Parenting Act. The number of such births plunged from 22,384 in 2001 to 5,666 in 2003 and 5,031 in 2005, which, in percentage terms, amounts to a drop from 29 per cent of all births in 2001 to 7 per cent in 2005. This trend attests to the positive response to this law from thousands of women in Costa Rica (source: INAMU, *Memoria Institucional: Administración, 2002-2006*).

706. The percentage of negative genetic markers resulting from DNA testing has been quite low, while the percentage of voluntary recognitions of paternity has been significant. Since this law entered into effect on 31 December 2005, 47.5 per cent of all cases have been resolved through voluntary recognition of paternity, while DNA testing has excluded paternity in 17 per cent of the cases (source: *ibid*).

707. Throughout 2002-2005, INAMU worked to publicize this law by means of two strategies: one based on the production and dissemination of teaching and awareness-raising materials, and the other focusing on training the staff of institutions directly involved in its application and enforcement (the Civil Registry Office and CCSS-administered hospitals and clinics). The following posters, leaflets and other materials, which use simple formats and language, were produced in order to provide basic information on the procedures for applying this law and to raise awareness about the importance of responsible parenting and of men and women sharing child-rearing responsibilities. These materials were distributed throughout the country:

- “Steps involved in applying the Responsible Parenting Act” (poster and leaflet)
 - “An easy guide to the Responsible Parenting Act” (leaflet)
 - An updated version of the Responsible Parenting Act, with commentary
 - “Frequently asked questions about the Responsible Parenting Act” (pamphlet and leaflet)
 - “I don’t have a womb, but I do have a heart” (poster and leaflet)
 - “Caring for children, raising them and loving them is a job for two ... dad and mom!” (poster and leaflet) (source: *ibid*).

708. A number of research projects dealing with the Responsible Parenting Act were also carried out during the reporting period with a view to providing guidance as to the best ways to provide training and information about this law. Sociodemographic profiles of women who invoke this law and of fathers who recognize paternity are being generated on the basis of the information available in civil registry files. Two surveys designed to determine the reasons why women decide to invoke this law or not are also being conducted: one in the Marcial Fallas Clinic and another in Golfito (source: *ibid*).

709. In 2002-2005, the work of the Responsible Parenting Commission focused on framing and promoting a policy for promoting responsible parenting and the sharing of child-raising responsibilities. It began by setting out policy guidelines, commitments and institutional plans and then moved on to the formulation of a policy proposal aimed at bringing together other closely related, broader policies on children and adolescents and on gender equity and equality. Shared family economic and child-rearing responsibilities are emerging as ground-breaking elements of public policy in Costa Rica (source: *ibid*).

710. The Office of the Ombudsperson has underscored the importance of backstopping this law with training activities to encourage men and women to share child-rearing responsibilities and with educational public policies for health-care institutions and other mandated organizations, such as INAMU and the National Child Welfare Agency (source: Office of the Ombudsperson's annual report for 2005-2006).

711. Other measures that have contributed to this law's application include: the accreditation and organization of the CCSS Paternity Testing Laboratory and improved coordination among the institutions responsible for its enforcement, which have made it possible to shorten response times; the Civil Registry Office has worked with its regional offices to reduce the amount of time it takes to provide the initial notification of presumed paternity; and a decision was taken to recognize the CCSS Paternity Testing Laboratory's autonomy from San Juan de Dios Hospital. Now that it has its own budget, this laboratory can set its own priorities and establish its own operational plans. This has enabled it to cut the waiting time for test results from nearly 9 months to 15 days. It is hoped that the Executive Office of the President will furnish the necessary economic and human resources so that this laboratory, which has been recognized for the high quality of service that it provides, can pursue its work (source: Office of the Ombudsperson's annual reports for 2003-2004 and 2005-2006).

712. The Responsible Parenting Commission is looking into the cases of persons who do not show up for DNA testing in order to determine if their failure to appear is due to the fact that they cannot afford travel costs for three people to come to the laboratory or to stay in San José. If this is the case, either CCSS or IMAS can provide assistance (source: *ibid*).

713. Case law established since the passage of the Responsible Parenting Act has determined that DNA test results are compelling evidence of paternity and that courts of laws may presume paternity if the alleged father does not submit to DNA testing without offering a credible reason for not doing so. The relevant legal instruments are therefore being interpreted realistically and in the spirit of the law, which, in this case, focuses on protecting the best interests of minors (source: INAMU, *Informe Técnico Jurídico sobre el Estado de la Legislación Nacional en Materia de Paternidad - Corresponsabilidad de hombres y mujeres en la crianza de sus hijos e hijas* [technical legal report on the status of national legislation on parentage – shared responsibility by men and women in raising their children], Irene Aguilar and Paola Casafont, 2006).

714. The Responsible Parenting Act is a ground-breaking statute in the area of family law, but it nonetheless suffers from a series of limitations and flaws that hinder its interpretation and application:

- Although the percentage of children being born who are not recognized by their father has been steadily declining since the law's passage, the fact remains that, in 2003, in the case of 21.1 per cent (15,354) of births in the country, the fathers promised to go to the Civil Registry Office to record themselves as the father of the child, while the arrangements provided for in the Responsible Parenting Act were used for only 4.3 per cent of all births (3,146). This is a cause of concern because it shows that mothers are trusting the fathers to go voluntarily to sign the birth certificate and therefore do not want to make use of the available legal arrangements. This works to the detriment of the mother's and child's rights when the father does not show up at the registry office. These statistics demonstrate the importance of ensuring that registry office staff and registration personnel at hospitals and clinics provide new mothers with more information about their rights and about the law. CCSS staff could also furnish such information during prenatal consultations, and the Ministry of Education should incorporate information on responsible parenting in school programmes (source: Office of the Ombudsperson).
- The lack of awareness and training on the part of registration personnel at clinics and hospitals is also one of the reasons why many women do not avail themselves of the arrangements provided for in the law. The Inter-Agency Responsible Parenting Act Monitoring Committee has emphasized that ongoing training for civil registry staff and hospital staff who register births is urgently needed (source: Office of the Ombudsperson).
- The procedures for establishing the identity of a child's parents need to be taken out of the realm of the courts in order to uphold equal rights for persons born before and after the law's passage. People who were born or whose births were not registered before March 2001 cannot use the streamlined administrative procedure for registration of parentage and instead have to engage in long, costly court proceedings (source: Office of the Ombudsperson). It is interesting to note, however, that the Civil Registry Office decided to accept an application for the initiation of the administrative procedure that was submitted by a mother on behalf of a son who had been born and whose birth had been registered before the law's passage. The Registry Office's determination was founded upon a decision handed down by the Constitutional Chamber which provides for the application of article 96 of the Family Code as amended by the Responsible Parenting Act in a case in which the birth in question occurred before that law's entry into effect. In that decision, the Court ruled that the legal provision that best served the interests of the child should apply. It was also based on a judgement of the Family Court of Desamparados (a densely populated community on the outskirts of San José), which, in allowing a special filiation procedure for a minor born on 23 December 1998, stated that: "The party in this action should be advised that the acceptance of this request does not prevent her from

applying to the Civil Registry Office for the administrative procedure provided for in Responsible Parenting Act No. 8101 of 16 April 2001, for which purpose she need only submit proper documentation of her identity to that Office ...”²⁷ (source: INAMU, *Informe Técnico Jurídico sobre el Estado de la Legislación Nacional en Materia de Paternidad - Corresponsabilidad de hombres y mujeres en la crianza de sus hijos e hijas*, Irene Aguilar and Paola Casafont, 2006).

- People who initiated court proceedings before the amendment to article 98 bis of the Family Code entered into effect are now faced with the obstacle of *res judicata*. In one case, by Decision No. 19175-21-2004, the Family Court ruled that, even though the man and child in question were genetically compatible and that paternity could therefore not be excluded, in the year 1993, the DNA test was not conclusive proof. It therefore upheld the contestation of paternity and reaffirmed the material *res judicata* effect (source: Office of the Ombudsperson).
- The rapid turnaround time offered by the Paternity Testing Laboratory stands in stark contrast to the long waiting times involved in court proceedings. Most of the five paternity-related complaints received by the Office of the Ombudsperson concerned the courts rather than the Civil Registry Office. Filiation proceedings in the courts can take up to three years before a final decision is rendered, and the judicial branch’s DNA laboratory takes up to eight months to issue a report. The CCSS laboratory has the capability to perform the tests that are currently being processed by the courts, and it would therefore be advisable for CCSS and the judiciary to enter into an agreement for that purpose (source: Office of the Ombudsperson).
- Another problem with the Responsible Parenting Act, which also has to do with article 54 of the Elections Tribunal and Civil Registry Organization Act, is that it states that “only one appointment will be provided free of charge” to the mother, the minor and the father for DNA testing. This is a problem because the woman in question may have had sexual relations with two or more men during the same period or may have been raped and may therefore not be sure who the child’s father is. The law, however, obliges her to designate a single person as the supposed father. If that person turns out not to be the father (i.e., the DNA test excludes that possibility), she no longer has access to the administrative procedure and must turn to the courts (source: INAMU, *Informe Técnico Jurídico sobre el Estado de la Legislación Nacional en Materia de Paternidad - Corresponsabilidad de hombres y mujeres en la crianza de sus hijos e hijas*, Irene Aguilar and Paola Casafont, 2006).

715. The Responsible Parenting Act Committee is now considering a proposed amendment to this law.

²⁷ Decision handed down at 1:55 p.m. on 30 March 2006 by the Family Court of Desamparados, Special Filiation Procedure for the Investigation of Paternity, Case File No. 06-400309-637-FA.

(b) Alimony and child support

716. Alimony and child support payments have been identified as the greatest risk factor for women. No national survey provides information on this subject, but the fact that 22,297 of the 72,359 active alimony/child support files in existence as of 31 December 2003 were opened that same year attests to the widespread nature of the problem posed by the failure of parents (fathers, in the vast majority of cases) to voluntarily fulfil their economic obligations to their families. Unfortunately, even with the procedures that are in place, existing laws and institutional mechanisms still do not guarantee speedy or effective protection of the right to alimony and child support payments. Some courts have considerable backlogs, and delays in serving summonses to persons who are behind in their payments are one of the main bottlenecks. As a result, many women do not even initiate these types of court proceedings because they think that they are futile (source: M. Sc. Ana Carcedo Cabañas, *Seguridad Ciudadana de las Mujeres y Desarrollo Humano*).

717. For example, in 2003-2004 the Ombudsperson for Women received 55 complaints about the police force's failure to take action to enforce alimony and child support payment orders (failure to enforce custodial compliance orders issued by the Ministry of Public Security) and 30 complaints regarding delays by the courts in setting provisional and definitive payment sums.

718. Another problem is that, for many families, alimony and/or child support payments are not sufficient to provide them with a decent standard of living. For example, of the 14,406 case files handled by the court in charge of alimony and child support payments of the Second Judicial Circuit of San José in 2003, in 8 per cent of the cases the payments were less than 10,000 colones, and in 66 per cent of the cases the payment amounts were between 10,000 and 50,000 colones. In other words, 74 per cent of alimony and childcare payments amount to less than 50,000 colones (study conducted in December 2003). In the case of the court responsible for dealing with these matters in San José, 70 percent of such payments were between 30,000 and 60,000 colones in 2003 (source: Office of the Ombudsperson's annual report for 2003-2004).

719. Steps taken to deal with this serious problem for Costa Rican women during the reporting period include the following:

- The investigative committee responsible for monitoring fulfilment of the right to alimony and child support payments in Costa Rica, which oversees enforcement mechanisms and includes representatives of the Ministry of Justice, the Ministry of Public Security, the judicial branch, INAMU, the Treasury, the Public Defender's Office, CCSS, the Ombudsperson and trial lawyers, worked with the judiciary to coordinate implementation of a plan for speeding up the processing of alimony and child support cases in some courts by providing more judges or other officials to deal with the largest backlogs. The High Council of the Judiciary has entered into agreements with judicial offices in major communities within the country that will allow them to improve the services they provide. Thanks to these agreements, for example, the Court of Alajuelita has been able to redistribute its administrative

functions; an additional judge was assigned to the court in Pavas; in Goicoechea, a judge was designated to deal with committal orders; in Alajuelita, the specialization of judges' duties was increased with the assignment of two judges to deal with the backlog of cases concerning non-payment committal orders and provisional payment settlements (Office of the Ombudsperson's annual report for 2003-2004).

- The High Council of the Judiciary issued a directive in which it indicated that year-end bonuses, scheduled increases and school attendance allowances are to be processed automatically (ibid).
- In 2003, staff of the Service Oversight Office of the Justice Administration System joined in this initiative. The idea is for this office to monitor any unreasonable delays in processing alimony or child support orders and to provide information on the rights of users of this public service (source: ibid).
- The Ombudsperson for Women, in coordination with the Ministry of Public Security, carried out inspections in various police districts, including those of Aserrí, San Miguel, and Guidos de Desamparados, in order to determine the reasons for failures to enforce constraining or committal orders issued under the Alimony and Child Support Act. It found a number of conditions that hindered the police officers' proper performance of their duties (source: Office of the Ombudsperson's annual report for 2005-2006).
- In order to address the issue of alimony and child support payments, in April 2006 the Ministry of Public Security prepared the Protocol for Police Action regarding Alimony and Child Support Payments, which explains the principles governing police action in this connection, outlines the procedures for enforcing constraining or committal orders and discusses the available mechanisms for dealing with failures to comply with these obligations, along with the corresponding penalties (source: Ministry of the Interior, Police and Public Security).
- The terms of reference for the redesign of the Alimony and Child Support Courts of Desamparados and the First District Court of San José were drawn up (source: report of the Technical Secretariat of the Judiciary for Gender Issues, second half of 2004).
- A workshop on procedural amendments to the Alimony and Child Support Act was attended by most of the judges presiding in courts that hear cases concerning these matters, representatives of the Public Defender's Office, the Family Tribunal, the Family Courts and the Gender Commission (source: ibid).
- In 2006, steps were taken to implement the recommendations of the consultant recruited to undertake a baseline analysis of the Alimony and Child Support Courts of the First District Court of San José and the Court of Desamparados and to propose a plan for their reengineering (source: Technical Secretariat of the Judiciary for Gender Issues, 2006).

(c) **Marriages of convenience: an impediment to the free choice of a spouse**

720. A number of cases have recently been brought to the attention of the Migration and Aliens Office, the great majority of which concern women from low-income sectors who say that they married foreigners whom they had never met for money (marriages of convenience). In some cases, business enterprises may be charging large sums of money for making the legal arrangements for such marriages.

721. This situation is a cause of genuine concern, since, because these women are so vulnerable, they are being used to carry out an act that, although it is clearly defective and subject to annulment, has legal consequences for them. One of its effects is to impair their right to freely choose a spouse. Some of these women want to marry their current partner and cannot do so, since they appear to be married to a foreign national. They also lose other rights; for example, they have serious difficulties in obtaining social assistance, such as the housing allowance or IMAS benefits. Another disturbing aspect of this situation is that some of these women are fearful that their current partners may learn that they are married and that, if they do so, this may trigger domestic violence.

722. The challenge to be met here is to put a stop to this absolutely illegal practice on the part of unscrupulous groups that make a business out of organizing such arrangements and to restore these women to their original marital status and thus shield them from revictimization. This will require a concerted effort on the part of various State institutions, such as the National Migration and Aliens Directorate, the Justice Administration System, the Bar Association and others.

(d) **Ownership of tangible assets**

723. The National Security Survey of Costa Rica for 2004 (ENSCR-04), which provides information on home ownership and income, shows that significant gender differences exist in these respects. More male than female respondents owned the house in which they lived (27.9 per cent versus 23.5 per cent) and, although more female respondents indicated that the house was jointly owned by them and their spouses than male respondents did (10.7 per cent versus 6.8 per cent), more women than men also responded that the house was solely in the name of their spouse (28.5 per cent versus 16.9 per cent). Fewer women have incomes of their own, and 60.7 per cent of the female respondents did not work outside the home. The tradition that the men take the economic decisions for the household prevails. The 2003 National Survey on Violence against Women (ENVCM-03) indicated that 18.2 per cent of women with partners do not take part in deciding about the partner's economic affairs (source: Carcedo Cabañas).

724. The denial of access to ownership of basic goods is one of the main forms of financial or economic violence to which women are subject. Women are more vulnerable to this type of risk than men are in connection both with ownership of their homes and furnishings and with the vehicles needed for their and their dependants' transportation and for their work. Women are less likely to own businesses, as well as less likely to own their homes, and when they do have businesses, they often do not own the production resources that they employ.

Generally speaking, women tend to have less access to credit than men do, as well²⁸ (source: *ibid*).

725. Women's access to these resources is uncertain and largely depends on their partner's willingness to allow them to make use of them. This may be the case even when the women in question have provided part or all of the funds used to acquire the property or goods. It is not uncommon for the couple's second source of income (i.e., the woman's wages) to be used to pay for their house or to pay off the mortgage on their home, which then is placed in the husband's or male partner's name. This is one of the reasons why women run a high risk of losing their property if the couple divorces. This risk does not arise at the time that marriages run into difficulties or when women become aware of such problems, but rather when the men place the property under the name of a business enterprise, and thus remove it from the common property to be divided between the spouses, or when they transfer ownership to relatives or other persons when the marriage starts to fail (source: *ibid*).

726. Unfortunately, no studies have yet been done to quantify these types of property divestitures, which, what is more, are usually legal in a technical sense. In some instances, women accept these arrangements or are obliged to appear to accept them voluntarily in order to escape from an abusive relationship. The fact that these kinds of dispossessions occur during divorce negotiations demonstrates that socially and legally accepted gender relations place women on unsteady ground, and the problem goes unnoticed precisely because it occurs within the context of what are perceived as legally valid "ground rules" (source: *ibid*).

727. Another risk factor in terms of women's ownership rights which is not directly related to the economic value of the goods or resources in question is their destruction by the woman's partner or other family members. The results of ENVCM-03 indicate that, in the case of 7.3 per cent of all women who have a partner, the partner occasionally or more frequently damages their property or goods (source: *ibid*).

728. This issue is clearly one that calls for the adoption and implementation of legal mechanisms to guarantee women's access to and enjoyment of their property and goods, especially when they run the risk of being divested of those goods during a separation or divorce.

729. INAMU, in conjunction with judges who specialize in family property law, has drawn up a bill for consideration by Congress that would guarantee women's economic and social rights by strengthening the Family Property Code and setting up innovative, participatory mechanisms for the distribution of income and expenditures within the family. This bill has been deferred and is awaiting the formulation of a simpler substitute text by the Citizen Action Party (PAC).

ANNEXES

²⁸ INAMU (2003), pp. 29-34.