



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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List of issues and questions with regard to the consideration of periodic reports

Costa Rica

The pre-session working group examined the combined fifth and sixth periodic report of Costa Rica (CEDAW/C/CRI/5-6).

General

1. The report recognizes the lack of an integrated system of indicators as an obstacle to determine with precision the situation of women's rights in the country. Please provide information on: (a) the implementation of the agreement between the National Institute for Women (INAMU) and the National Statistics and Census Institute (INEC) (see para. 24); (b) the steps taken to ensure disaggregated data by sex, ethnicity and nationality in order to assess the situation of women in all areas covered by the Convention; (c) the measures undertaken to introduce the gender dimension in the collection of data, to use it as a tool to identify the problems faced by indigenous women and those working in the agricultural sector (see paras. 638 and 658); and (d) new gender indicators created by the State party to promote the rights of women.

2. Please indicate measures put in place to widely disseminate information on procedures provided by the Optional Protocol to the Convention and raise women's awareness about the possibility to submit a case under this instrument.

Constitutional, legislative and institutional framework

3. The State party decided to change the practice of assigning ministerial rank to the Executive President of the National Institute for Women (INAMU) (see para. 76). Please indicate what will be the impact of this decision on the realization of the rights of women. Taking into account the information provided in paragraph 76 of the report, please indicate what measures the State party envisages to take to



ensure promotion, protection and mainstreaming of the rights of women at high levels of Government.

4. The report of the State party refers to an increase by the judiciary of 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. Please provide information on judicial decisions in which the Convention has been invoked and applied (see para. 151).

5. Please provide information on the result of the efforts of the State party aimed at reaching a consensus to approve several legislative initiatives to protect the rights of women in the period between 2002 and 2006 (see para. 81). Please also indicate whether the 16 draft-laws, mentioned in paragraph 85 of the report of the State party, have been approved and if not, indicate any time frame for adoption.

Programmes and action plans

6. Please provide updated information on the status of the national plan of action against discrimination and indicate whether the principles of gender equality have been integrated into that plan. Please also indicate whether gender and human rights perspectives have been integrated into social and economic public policies, as well as in programmes for the elimination of different forms of discrimination and indicate whether the action plan to implement gender equality policies, referred in paragraph 214 of the report, has been adopted.

Violence against women

7. Please provide detailed information on: (a) the nature of reported incidents of violence against women; (b) the number of sanctions and the types of sentences imposed on perpetrators; and (c) reparations granted to victims of violence.

8. Paragraph 33 of the report of the State party refers to the necessity to adequately ensure the interpretation and application of the Act on the Criminalization of Violence against Women, recently adopted. Please provide information on what measures have been put in place to enforce this law. Please also indicate whether reports of femicide have increased or decreased during the period covered by the combined periodic report, and what follow-up has been given to such reports of femicide in the last few years. Please provide information on the process of adoption and implementation of the national system for the attention and prevention of violence against women.

9. In paragraph 65 of its previous concluding observations (A/59/38), the Committee requested the State party to promote adequate regulations under the Act on Sexual Harassment in the Workplace and Schools, in order to ensure implementation by the private sector. Please provide concrete and updated information on the measures taken to follow-up this recommendation. Taking into account the information provided in paragraphs 34 and 36 of the report of the State party, please clarify whether extrajudicial conciliations, promoted by judges, have been abolished or are still being utilized. In which way does the State party guarantee legal, psychological and social counselling to the women affected by sexual harassment in the private sector?

10. Please indicate: (a) the reasons why complaints of sexual harassment referred to in paragraph 126 of the report of the State party have not been dealt with by the system of justice; (b) what measures the State party envisages to take to train the national university staff on rights of women; (c) what measures the State party envisages to take to encourage victims of sexual harassment to denounce such acts (see para. 133); (d) whether the law to prevent and sanction sexual harassment has been approved (see para. 138); and (e) whether the guidelines to prevent sexual harassment have been adopted, as recommended by INAMU (see para. 180).

Trafficking and exploitation of prostitution

11. The State party recognizes the limited reliable statistical information relating to trafficking in persons, especially women, children and adolescents who are trafficked for purposes of sexual exploitation (see para. 288). Please provide information on the prevalence of such trafficking and the measures taken by the State party to collect disaggregated data by sex, age, ethnicity, nationality and regions regarding the above matter.

12. Please indicate what measures aimed at preventing and combating the growing phenomenon of sex tourism have been taken by the State party, including in response to the concerns and recommendations made by the Committee on Economic, Social and Cultural Rights in its concluding observations.

13. Please provide information on convictions obtained in cases of trafficking in women and girls, on sentences imposed on the perpetrators and on reparation granted to victims, during the period covered by the periodic report. Please also indicate what type of follow-up has been provided to complaints of sexual exploitation referred to in paragraph 302 of the report.

Political participation and participation in public life

14. In 2003, the Committee recommended that the State party seek approval of the reforms to articles 5 and 6 of the Act promoting the Social Equality of Women, with the view to ensuring women's participation both in party structures and in elective posts, including mandatory alternation of men and women in lists of candidates submitted for elections by political parties. Please indicate whether the referenced law has been reformed, and also provide updated information on its implementation. Please elaborate further on the measures undertaken to improve the political participation of afro-descendant and indigenous women.

Stereotypes and education

15. Paragraph 278 of the report recognizes that roles and stereotypes need to be modified to reach gender equality. How does the State party intend to achieve this goal? Has a strategy been developed in this regard? How does the State party deal with the problem of stereotypes which generates multiple discriminations against women.

16. The award of scholarships and other subsidies for study purposes by the Ministry of Public Education is based on merit, academic records and financial status. With reference to paragraph 426 of the report, could the State party provide disaggregated data based on sex and levels of education with respect to the scope of these programmes?

17. According to paragraph 630 of the report, the State party did not have sufficient information on the enjoyment by women of the right to participate in recreational activities, sports and all aspects of cultural life. Could the State party provide information on the measures adopted, since the elaboration of the report, to give effect to article 13 (c) of the Convention? Could the State party also indicate, given the agreement between INAMU and INEC, whether it will introduce gender-disaggregated indicators in the profile area to measure the female involvement expected?

Employment

18. Please indicate how the State party envisages surmounting the obstacles to the adoption of the law regulating domestic work (see para. 488). Please also provide information on the implementation in practice of the decision of the Constitutional Chamber of 2007, regarding the rights of domestic workers (see para. 57). Has a mechanism been put in place to monitor the compliance with this decision? What measures are being taken by the State party to abrogate the discriminatory provisions against domestic workers which are set out in the Labour Code (see para. 485)?

19. Domestic workers constitute a vulnerable group in accordance with the Labour Code as a result of working conditions and the lack of information about their rights (ibid.). Please indicate what steps have been taken to ensure that domestic workers achieve a better understanding of their rights, including ways to address discrimination by employers? How does the State party include the participation of civil society and the media in the awareness-raising and education process?

20. In line with the recommendations made by the Committee during the consideration of the previous report of 2003, please provide updated information on the results of the activities aimed at neutralizing the negative effects of free-trade agreements on female employment and on the quality of life of women.

Health

21. Taking into account that breast and cervical cancer are the second and third causes of women mortality, respectively (see para. 524), please indicate what preventive measures, including screening, are being taken by the State party to effectively prevent and reduce these types of cancers. Please also elaborate on the progress to reduce maternal mortality as well as on the steps envisaged to reach the goals referred to in the report.

22. The regulatory framework that protects sexual and reproductive health and rights from a gender perspective remains a challenge in health policies, compounded by the fact that programmes are not effectively promoted and by the widespread lack of awareness by women of the existence of sexual and reproductive health programmes (see para. 557). Please update and expand the information provided about the contents and scope of education on sexual reproductive health and rights to ensure the implementation of article 16, paragraph 1, of the Convention. What follow-up has been given to the recommendations of the Defensoria regarding sexual health? Please provide more information on the scope of Decree No. 27973-S with respect to family planning and the voluntary interruption of pregnancy as well as information on initiatives by the State party to overcome obstacles to its full implementation.

Equality before the law and in civil matters

23. Please indicate whether the State party has established a mechanism to monitor that mediation agreements in cases of divorce are in line with women's rights as provided for in the Convention (see para. 704). Please also provide information on the steps taken to ensure protection of the patrimony of women (see para. 726). Please also indicate whether the bill, which 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, referred to in paragraph 729 of the report, has been adopted.

Disadvantaged groups of women

24. The report refers to the entry into force of the Immigration and Aliens Act, which lacks a gender perspective (see para. 40). Please provide detailed and updated information on the process to revise and reform the Immigration and Aliens Act, with a view to include a gender perspective and a women's rights-based approach (see para. 41).

25. Paragraph 157 of the report states that a high percentage of migrant women work in the informal sector; they are excluded from social security and exposed to vulnerability. Please indicate what measures the State party is taking to address this situation. Taking into account that the Costa Rican Social Security Fund (see para. 157) has been considered as discriminatory against migrant women, what measures does the State party envisage taking to guarantee the right to health to all women without discrimination? Please also indicate what type of follow-up was given to the study of migrant workers in the agricultural sector (see para. 168), as well as to the recommendations of the Permanent Forum on Migrant Population (see paras. 172 and 173).

26. Paragraph 178 of the report acknowledged serious flaws in the security of certain rights of women in prison. What measures are being taken by the State party to guarantee the rights of women deprived of liberty, including the right to health, to work, and to receive visits of their families?

27. Please provide information on: (a) the implementation of the Growing Together Programme aimed at combating poverty among women (see para. 416); (b) the evaluation of the implementation of this programme, if any; (c) the reasons to suspend the programme referred to in paragraph 64 of the report, addressed to women living in poverty; and (d) measures envisaged by the State party to redress deficiencies in programmes to combat poverty among women (see paras. 589 and 590) such as difficulties to ensure adequate and prompt implementation. Regarding employed and unemployed women, please indicate whether the reform of the system of disability, old age and death benefits has been approved (see para. 577).

28. Please provide concrete information on the measures taken to ensure the inclusion of the rights of women with disabilities in national policies, including with regard to health care, education, employment and social security.

29. In the light of the recommendation that enjoyed the support of the State party to pursue its efforts in favour of gays, lesbians and transsexuals following the Universal Periodic Review (see A/HRC/13/15, recommendation No. 16), please provide information on measures taken by the State party to ensure that women do

not face discrimination on the basis of sexual orientation and gender identity in employment, health care, education and other fields.

Women migrant workers

30. Please indicate measures taken by the State party in response to the concerns and recommendations raised by both the Committee on Economic, Social and Cultural Rights (see E/C.12/CRI/CO/4, paras. 18 and 38) which noted the disadvantageous working conditions affecting domestic workers, most of whom are migrant women, and the Committee on the Elimination of Racial Discrimination (see CERD/C/CRI/CO/18, para. 16) which noted the precarious situations of migrant workers, the majority of them Nicaraguan. Please indicate whether the State party is currently considering becoming a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Indigenous women

31. Please indicate what concrete measures have been taken to implement the recommendation of the 2007 Iiriria Forum (see paras. 690 to 692) on the rights of indigenous women; as well as provide information on the implementation of the Convention in the territory of the State party with respect to women of African descent.
