



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of Costa Rica and welcome the constructive engagement of your Government during the 33rd session of the UPR Working Group in May 2019.

As the final outcome report on the review of Costa Rica has been recently adopted by the Human Rights Council at its 42nd session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Costa Rica – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 85 delegations and the presentation made and responses provided by the delegation of Costa Rica. I have also considered the actions taken by the Government to implement the 178 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the establishment of the General Mechanism for Consultation of Indigenous Peoples and the adoption of the National Plan for the Recuperation of Indigenous Territories (PLAN-TRI) 2016–2022. I am also encouraged by Costa Rica's acceptance of the recommendations aimed at strengthening the implementation of the Action Plan of the National Policy for a Society Free from Racism, Racial Discrimination and Xenophobia.

I appreciate Costa Rica's commitment to adopting a national plan of action for the implementation of the recommendations of the UPR and encourage Costa Rica to implement it effectively in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate the preparations for Costa Rica's fourth cycle of the UPR. My advice to all Member States is to implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

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H.E. Mr. Manuel E. Ventura Robles
Minister for Foreign Affairs and Worship
Republic of Costa Rica



I also encourage Costa Rica to continue its efforts to strengthen the Inter-institutional Commission for the Monitoring and Implementation of International Human Rights Obligations for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking this to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please, kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome Costa Rica's commitment to submit a mid-term report on follow-up to the third cycle of the review, by 2022.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Costa Rica in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Ms. Nancy Gabriela Marín Espinoza
Minister of Communication
Republic of Costa Rica

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the human rights instruments to which Costa Rica is not yet a party, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

National human rights framework

- Strengthening the Inter-Institutional Commission for the Monitoring and Implementation of International Human Rights Obligations, by ensuring that it has the necessary financial, human and material resources to carry out its mandate effectively.
- Guaranteeing that the standing body for consultation with civil society is fully operational.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Adopting additional measures to combat all forms of discrimination, including the adoption of comprehensive anti-discrimination legislation, and stepping up implementation of the National policy for a Society Free from Racism, Racial Discrimination and Xenophobia and of the related Plan of Action.
- Amending the criminal laws to bring them into line with the Convention on the Elimination of All Forms of Racial Discrimination.
- Continuing efforts to prevent and address discrimination against lesbians, gay, transgender and intersex persons and to investigate and punish hate crimes against them.

Development, the environment, and business and human rights

- Promoting responsible business conduct for stimulating sustainable development, in line with the UN Guiding Principles on Business and Human Rights, including through the adoption of a national action plan on business and human rights.
- Considering the ratification of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters (the Escazú Agreement).

B. Civil and political rights

Right to life, liberty and security of person

- Taking further action to alleviate overcrowding in detention centres and adequately providing for the basic needs of all persons deprived of their liberty, in line with international norms and standards; and applying alternative measures to the deprivation of liberty and ensuring that pre-trial detention is used solely as an exceptional measure.



Administration of justice, including impunity, and the rule of law

- Continuing efforts to establish a technical, objective and transparent system for the selection of magistrates of the Supreme Court of Justice.

Fundamental freedoms

- Ensuring a safe environment for human rights defenders, including environmental and indigenous human rights defenders, and investigating and punishing all acts of intimidation and violence against them.

Prohibition of all forms of slavery

- Stepping up efforts to combat trafficking in persons, including by ensuring that perpetrators are punished appropriately, and providing adequate assistance and rehabilitation services to victims.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Enhancing efforts to address unemployment and underemployment that disproportionately affects certain groups, including young persons, women, persons with disabilities, indigenous peoples and persons of African descent.
- Guaranteeing equal remuneration for men and women for work of equal value.

Right to an adequate standard of living

- Adopting a comprehensive social housing strategy to fully realize the right to adequate and affordable housing, giving priority to disadvantaged and marginalized groups and individuals living in informal settlements, and protecting them from forced evictions.
- Guaranteeing access to safe drinking water and sanitation services for the most disadvantaged and marginalized groups.

Right to health

- Revising legislation on abortion to legalize it in cases of rape, incest or severe foetal impairment, decriminalizing it in all other cases and expediting the adoption of technical guidelines ensuring access to abortion when there is a risk to the pregnant woman's life or health.

Right to education

- Enhancing measures to ensure full and equal access to inclusive and quality education for all, including indigenous children, children from minorities and those living in rural areas; to increase access to preschool education; to reduce dropout rates in secondary education; and to progressively introduce free higher education.

D. Rights of specific persons or groups

Women

- Continuing efforts to combat gender discrimination and eradicate all forms of violence against women and girls, including by ensuring the effective implementation of the National Policy for De Facto Equality between Women and Men 2018–2030, combating discriminatory gender stereotypes and adopting temporary special measures to address intersecting forms of discrimination against women.

Children

- Strengthening measures to combat child labour by, inter alia, strengthening relevant oversight mechanisms and increasing support to families living in poverty to allow them to keep their children in the education system.

Persons with disabilities

- Revising legislation and policies to bring them into line with the Convention on the Rights of Persons with Disabilities.
- Establishing a permanent consultation mechanism with organizations of persons with disabilities.

Minorities and indigenous peoples

- Ensuring effective consultation processes with indigenous peoples to guarantee their free, prior and informed consent in respect of decision-making processes that may affect their rights, by ensuring the prompt and proper implementation of the General Mechanism for Consultation of Indigenous Peoples; and continuing to develop a public policy on indigenous peoples.
- Ensuring implementation of indigenous law N. 6172 and stepping up action to protect the rights of indigenous peoples to their traditional territories, including through implementation of National Plan for the Recuperation of Indigenous Territories (PLAN-TRI) 2016–2022.
- Continuing actions to implement the International Decade for People of African Descent, including by strengthening the Office of the Presidential Commissioner for Matters Relating to Persons of African Descent.

Migrants, refugees and asylum seekers

- Enhancing measures to protect the human rights of migrants, asylum seekers and refugees, including by strengthening emergency services to better address their needs and by combatting discrimination against them, including through awareness raising campaigns and the prosecution and punishment of discriminatory and xenophobic acts.