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HUMAN RIGHTS COMMITTEE

Sixty-fifth session

SUMMARY RECORD OF THE 1746th MEETING

Held at Headquarters, New York,  
on Monday, 5 April 1999, at 3 p.m.

Chairperson: Ms. MEDINA QUIROGA

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Fourth periodic report of Costa Rica (continued) (CCPR/C/103/Add.6)

List of issues (continued)

1. At the invitation of the Chairperson, Ms. Nagel and Mr. Niehaus (Costa Rica) took places at the Committee table.

2. The CHAIRPERSON invited the delegation to continue answering the further questions by the Committee regarding the issues relating to articles 2, 3 and 26, 6, 7, 9, 10, 14, 17, 18, 19, 22 and 24 of the Covenant.

3. Ms. NAGEL (Costa Rica) said that since there was no army in Costa Rica, its police force had three main divisions: the Civil Guard (Guardia Civil) responsible for maintaining order and preventing crime in urban areas, the Rural Guard (Guardia Rural) for rural areas, and the Traffic Police (Policía de Tránsito). All were governed by the Police Act and their actions were supervised by the courts and by the Office of the People's Ombudsman (Defensoría de los Habitantes). The Civil Guard and Rural Guard were under the jurisdiction of the Ministry of Public Security, and the Traffic Police were under the Ministry of Public Works and Transport. Those three police forces must, further, be distinguished from the security officers (agentes de seguridad) in the prison system, who were under the jurisdiction of the Ministry of Justice. Officers in the two Guards and in the prison security forces constantly received human rights training. The prison officers who, because of their work, were much more inured to human misery, were receiving particular attention and were gradually being professionalized. In the past, Guard officers had changed with each change of government; now, however, they held their appointments regardless of the party in power and graduated from a Police School with a very humanitarian focus. Since the right to life was inviolable, the police were permitted to kill only in justified self-defence. With regard to torture or forced confessions, neither occurred in Costa Rica but torture was, of course, a crime under the Penal Code and the Constitution and the international instruments to which Costa Rica was a party.

4. The only refugees currently in the country were about 600,000 Nicaraguans, a large number considering the total population of 3.5 million. They had nevertheless been fully assimilated into the labour force and received all the social benefits that were available to Costa Rican nationals, even though they did not contribute. A recent court case brought by a Nicaraguan father, for instance, had ensured that refugees living below the poverty level would receive the usual school subsidies. A 1998 decree had established an amnesty for migrants who had entered the country before November 1998, as a way of keeping count of the refugee population. The burden was compounded by the fact that many of the refugees suffered from diseases long since eradicated in Costa Rica, but the Government was determined to help its brother Central Americans.

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5. All persons living in the country were equal before the law and enjoyed the same constitutional guarantees. Consequently, aliens could submit claims to the Office of the People's Ombudsman and institute any other proceedings. A case in point had been that of a Honduran woman who had applied to the Office of the People's Ombudsman and had been the subject of a government investigation in which no evidence of persecution had been found. There had also been a very special case involving Venezuelan thieves expelled by the previous Government on the ground that there was no high-security prison in which they could be held. The High Court of Appeals had subsequently censured the Government, for the first time in its history, for that action.

6. It should be noted that the courts passed judgement on acts or omissions by private individuals, whereas the Office of the People's Ombudsman dealt with all acts or omissions by public officials. In 1998 the Office had received 11,900 claims, 69 per cent of which had been successful and 8.4 per cent unsuccessful, with the rest still under consideration. A breakdown of the claimants by gender and age would be provided later.

7. Women represented 49 per cent of the school population. Thirty-seven per cent of all women were in the labour force, as opposed to 74 per cent of men. A table showing the gender distribution of occupations would be distributed. Information on the 1993 disturbances in Limón would be provided at a later date.

8. Costa Rica had never declared a state of emergency and consequently had never suspended any of the guarantees under article 4 of the Covenant.

9. Regarding the separation of powers, the executive branch had, in a one-time request, recently asked the judicial branch to transfer to it a sum of money from the judiciary's share of the national budget for infrastructure construction. Usually, however, the branches were separate, and simply coordinated their action, as in a joint executive/judicial commission, or in joint efforts by the legislative and executive branches to ensure passage of draft laws. The various parts of the Government also worked closely with non-governmental organizations, in the knowledge that social problems could not be solved by the State alone, particularly in the areas of data-gathering and in the application of the Committee's recommendations.

10. Mr. NIEHAUS (Costa Rica) said, with regard to the status accorded to the American Convention on Human Rights, that the Constitutional Chamber of the Supreme Court, established in 1989, had in a ruling recognized that all international human rights instruments and the common rights they protected had equal rank and that they had precedence over internal laws under the Constitution. The Constitutional Chamber had also, however, noted that courts generally failed to invoke international instruments and had urged recourse to them and especially to the American Convention.

11. Ms. NAGEL (Costa Rica) said that the question of the unconstitutionality of any decree or law or its incompatibility with an international instrument could be brought before the Constitutional Chamber. By a ruling of that Chamber, the appeals process was now applicable to the judgements of all courts in the

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country. The remedies of habeas corpus and amparo, as outlined in the report, were of course concomitantly available.

12. The Constitutional Chamber, one of the most effective government bodies and one which enjoyed the most public confidence, was very active. Since any citizen could approach it directly, it received approximately 100 complaints a day.

13. The Committee was right in commenting, in connection with paragraph 144 of the report, that the public had to be informed of the recourses available to it.

14. The Code of Penal Procedure had been in effect for only a year and a half and any assessment would be premature. As Minister of Justice, however, she could say that the administration of justice had been greatly streamlined as a result. Far fewer persons had been condemned and many alternatives to prison had been applied, thus reducing the prison population and keeping the focus on the main aim, which was rehabilitation. All prisons, incidentally, were constructed with State funds, although there were legal provisions permitting prisons to be guarded by private guards. Also, a private foreign firm had been given a concession to build a maximum-security prison in Costa Rica within the coming year.

15. Regarding compensation to victims of human rights violations, article 199 of the Constitution established that both the State and any public official found guilty of criminal responsibility must provide material compensation, whereas the State alone provided compensation in instances where the case against the public official was dismissed.

16. In Costa Rica, there was presumption of innocence until guilt was proven. The police had six hours within which to bring a charge before releasing a detainee; the Public Prosecutor's Office (Ministerio Público) could exceptionally hold suspects for a further 48 hours while gathering evidence. Regarding the 22 per cent of persons held in prison between indictment and trial, 59 per cent were normally held for three months, 21.4 per cent for three to six months, 2.8 per cent for six to nine months, and 2 to 3 per cent for nine to twelve months; none was held for more than a year. Throughout the entire period of detention, from the first moment of arrest, detainees had the right of access to a lawyer and were provided with legal aid counsel if they were indigent.

17. Debtors' prisons did not exist in Costa Rica. Persons who failed to pay child support were, however, subject to prison sentences, for a maximum six-month term.

18. Although for many years efforts had been made to achieve equal pay for equal work, real equality between men and women did not yet exist. The problem was practical rather than legal, since non-discrimination legislation was in force and could be applied.

19. Abortion was strictly forbidden by law. When a couple contracted marriage, they could opt for a separation of property, in which case both husband and wife kept a list of their property, and, in the event of divorce, the couple's

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property was divided accordingly. If a couple did not so opt their property was divided in equal parts.

20. The maternal mortality rate was very low in Costa Rica, and mother and child health was better than in most other countries in the region.

21. Prisoners in Costa Rican places of detention benefited from greater protection and greater security than in most other Latin American countries. They were properly fed, and there were more doctors per prisoner than there were doctors per capita in the general population. Primary school education and a variety of training programmes were available to prisoners. In addition, conjugal visits were allowed. Infants could remain with their mothers until the age of 3. A programme had been launched to provide training in self-esteem to prisoners' wives and teach them a trade so that they could support their families while their husbands were in prison. The Costa Rican prison population numbered 8,000, only 350 of whom were women.

22. There were a number of judicial and administrative authorities that assisted battered women. Battered women could institute actions to prevent the men that had abused them from returning to the home or from approaching the victim's place of work.

23. The most common sentence in Costa Rica was imprisonment, although alternative sentences were increasingly employed. Other punishments included exclusion from public service or a profession and fines. Foreigners could be expelled from the country and barred from re-entering for a given lapse of time; in practice, however, that option was rarely used.

24. The Juvenile Criminal Justice Act, a relatively new law, was a model in Latin America. Enacted to implement Costa Rica's obligations under the Convention on the Rights of the Child, it provided that persons under the age of 18 should be accorded all rights and obligations before the law. It established that children between the ages of 12 and 15 should be sentenced differently from those between the ages of 15 and 18, for instance. Above all, it provided for imprisonment only after all other alternatives had been considered, among them community work. The youth prison population in Costa Rica currently stood at 42 boys and 1 girl. In addition, the country was about to launch a work programme for children who had committed minor offences.

25. There was no job discrimination on the basis of nationality in Costa Rica. Certain basic requirements, such as proper documentation, had of course to be fulfilled. A law requiring that 90 per cent of employees in Costa Rican enterprises should be Costa Rican had recently been abolished.

26. There was no discrimination between men and women under the Labour Code. Nevertheless, cultural and social discrimination existed: for instance, women did not in general work in mines. But a woman who wished to do so had the legal right. In Costa Rica there were women police and women bus drivers. Women benefited from motherhood privileges: they were allowed one month of maternity leave before giving birth, and three afterwards.

27. A young person under the age of 18 wishing to marry must have the permission of both his parents and the National Children's Association. Although the Labour Code established that men had primary responsibility for supporting their families, and that women had a subsidiary role, in reality both men and women worked to support their families. In fact, 37 per cent of Costa Rican heads of families were women.

28. There were a number of judicial and administrative bodies charged with protecting and promoting women's rights, which were easily accessible to all members of society.

29. The CHAIRPERSON invited the members of the Committee to make comments and raise additional questions.

30. Mr. KLEIN said he had enquired about protection under article 6; he was concerned, in particular, about the protection by law of the right to life. He had been astonished to learn that the Costa Rican police were permitted to use weapons solely in self-defence or in the defence of others. That was the most restrictive weapons rule he knew of. He asked if it was the case that police or prison warders could not, for example, shoot at a dangerous criminal to prevent him from escaping.

31. Lord COLVILLE said his question had not been answered. He had asked, with reference to paragraph 530 of the report, what judicial mechanism was in place to prevent the use in a trial of improperly obtained confessions.

32. Ms. CHANET said that, although she understood that no state of emergency had been called in the history of Costa Rica, she wished to know what legal provisions specified what was meant by the phrase, "in the event of manifest public need," contained in article 121 of the Constitution (CCPR/C/106/Add.6, para. 174).

33. She would also like to know how torture was criminalized in the Costa Rican Penal Code; specifically, what kind of crime it was and what punishments there were.

34. She had understood that the police could hold a detainee for up to six hours. It was not clear, however, whether that was for questioning or simply for an identity check. She asked whether, after the 6 hours had elapsed, the detainee was brought before a judge, or whether the 48-hour detention period then began.

35. Mr. SOLARI YRIGOYEN said he would like information about the events that had occurred at Puerto Limón; about the evictions from the "18 de abril" farm in Sarapiquí, in particular the injuries inflicted on those arrested; and about the case of William Lee Malcolm, a minor who had died in custody in 1993.

36. Ms. NAGEL (Costa Rica) said that Costa Rica had a strong system of protection which was often surprising to those unfamiliar with its legal system. It was true that a police officer could not shoot except in defence of his own life or that of others. A police officer was obliged to release a detainee, for example, if sufficient evidence was not available. There were simply no forced

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confessions. The Penal Code allowed the accused to incriminate other persons and to negotiate with the prosecutor. If it was proven that a confession was improperly obtained, it would be declared invalid. If a police officer extracted a confession by force, he would be dismissed.

37. After reviewing the criminal legislation, she would provide information to the Committee on the provisions relating to torture. Additional legislation concerning the invocation of states of emergency did not, however, exist.

Self-determination, discrimination and rights of persons belonging to minorities (articles 1, 26 and 27 of the Covenant)

38. The CHAIRPERSON read out the questions relating to articles 1, 26 and 27 of the Covenant: measures to eliminate discrimination against Costa Ricans of African origin; the State party's position on the right of self-determination for indigenous peoples; status of the draft legislation entitled "Act on the autonomous development of the indigenous peoples; progress made in dealing with indigenous peoples' problems; the role of the National Commission for Native Affairs.

39. Ms. NAGEL (Costa Rica) said that Africans had begun to settle in Costa Rica during the discovery and conquest, and participated actively in the economy. The Government was currently making an enormous investment in bilingual education throughout the country, with particular attention to the province of Limón, where a significant portion of the African population lived. According to demographic estimates, between 3 and 5 per cent of the total population was of African descent. While African Costa Ricans lived throughout the country, they were concentrated along the Caribbean Coast.

40. A number of complaints of racial discrimination against Costa Ricans of African descent had been brought before the judicial authorities. Those cases had subsequently been reviewed by the Constitutional Chamber of the Supreme Court, which had demonstrated its interest in bringing about genuine racial integration without prejudice to any ethnic group.

41. African Costa Ricans had launched an organization known as Asociación Proyecto Caribe, whose goal was to establish links among members of their community through training, trade, communications and culture. The Government had abolished the Day of Discovery and the Race, which had exalted the Spanish "race", and had established in its place the Day of Cultures. Two of the 57 members of the Legislative Assembly were African Costa Ricans. Finally, it was particularly significant that the People's Ombudsman had received no complaints of racial discrimination from Costa Ricans of African descent.

42. The draft "Act on the autonomous development of the indigenous peoples" was designed to fully implement the terms of the International Convention on the Elimination of All Forms of Racial Discrimination and of Convention No. 169 of the International Labour Organisation concerning Indigenous and Tribal Peoples in Independent Countries. In specific terms, the draft legislation would recognize the full autonomy of indigenous peoples and their right to reclaim their cultural heritage. In particular, it would guarantee their right to administer their own territories and formulate their own development plans in

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the light of their traditions and customs. The draft legislation, which had involved a long process of consultation with indigenous communities, was without precedent in Costa Rica or in Latin America as a whole.

43. A national forum on indigenous cultures, attended by 39 elected representatives of the indigenous communities, had been held from 22 to 26 September 1997. It had debated the final version of the draft Act, which was currently before the Legislative Assembly for approval.

44. Another positive development for the elimination of racial discrimination had been the 1997 decision of the Constitutional Court that the 80 per cent reduction in the budget of the National Commission for Native Affairs in 1996 and 1997 by the Ministry of Culture had been contrary to ILO Convention No. 169. Consequently, the State had been ordered to pay damages to the Commission and to provide it with an appropriate budget for 1998. Furthermore, there were now three specific programmes aimed at improving the situation of indigenous peoples: a health programme under the Costa Rican Social Security Agency; the establishment of a department of Indigenous Education under the Ministry of Education and an agreement on the training of indigenous teachers; and the work of the Office of the People's Ombudsman in support of the initiatives of indigenous communities.

45. The main objectives of the National Commission for Native Affairs were to promote the socio-economic and cultural advancement of indigenous peoples; coordinate the activities of different public institutions in that field; promote scientific research on the way of life of indigenous peoples and disseminate information thereon; ensure that the rights of indigenous minorities were respected; promote State action to guarantee individual and collective ownership; ensure compliance with any legal provisions and endeavour to strike down any provisions intended to encroach on the ownership rights of indigenous communities; and establish health centres manned by properly trained personnel.

#### Dissemination of information about the Covenant (article 2)

46. The CHAIRPERSON read out the questions relating to article 2 of the Covenant: steps taken to disseminate information on the submission of the report and its consideration by the Committee, in particular, its concluding observations; information on education and training on the Covenant and its Optional Protocol provided to government officials, school teachers, judges, lawyers and police officials.

47. Ms. NAGEL (Costa Rica) said that the promotion and dissemination of information on the rights of citizens was a legal obligation of the Government. Each recommendation of the Committee was submitted to the appropriate body by the Government. The Office of the People's Ombudsman also received a copy of the Committee's comments and observations since it concerned itself with human rights issues in their entirety.

48. Mr. YALDEN said that, since Roman Catholicism was enshrined under the Constitution as the State religion, it was difficult to believe that there was no discrimination against other religions. Information should be provided on the financing of non-Catholic schools. He also sought information about

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discrimination in the private sector of the economy, in such areas as accommodation and services. He would also appreciate information on the progress made in protecting the human rights of indigenous peoples and on agencies created for that purpose. It would be interesting to know, for example, how many members of indigenous peoples were in post-secondary educational institutions such as universities. Figures should also be given on their situation in the workforce, in both the private and public sectors.

49. Mr. SCHEININ, referring to the issue of child prostitution, said that the answers provided by the delegation were an indication of Costa Rica's genuine commitment to addressing the problem. Noting that, according to the National Institute for Children, there were some 3,000 child prostitutes in San José alone, he wondered what specific steps had been taken to combat that scourge. He wished to know the measures being taken against foreigners who participated in the sexual exploitation of children. The delegation should indicate whether Costa Rica had any legal cooperation arrangements with other States, including the countries of origin of foreigners involved in sexual exploitation of children.

50. Referring to paragraph 656 of the report, he said that freedom of expression seemed to be interpreted as the right of free access to information and to focus on the media. However, freedom of expression was also a cornerstone of democracy that allowed people to express their opinions, no matter how shocking such opinions might be. In that regard, he wished to know how defamation was defined in Costa Rica.

51. Mr. ANDO, noting that the system of "solidarity" organizations seemed to be favoured by the Government or by employers, asked whether that fact was preventing other workers from enjoying their rights. He wanted to know whether public servants had a right to collective bargaining. Noting the ongoing privatization of former government enterprises, he wondered about its effect on former government employees. Information should be provided regarding special measures taken to protect the health of workers who handled dangerous chemicals in the banana zone. More information on child labour and its impact on primary education in terms of children from poorer families dropping out of school would also be welcome. Referring to paragraph 689 of the report, he sought clarification of the term "age of discretion" and wanted to know at what age young people could marry. He also wished to know whether there was any xenophobia against Nicaraguans and whether the influx of Nicaraguan immigrants had an impact on government policy.

52. Mr. AMOR, referring to paragraph 712, said that he did not understand how legal persons could be affected by civil and political rights. He was also perplexed about how the report dealt with the question of religious freedom. Provisions governing that right in Costa Rica's legislation were too vague and could even be dangerous. The reference to morality could be an obstacle to exercising religion and to religious freedom. Freedom of religion could not be limited under the Covenant. He wondered if there was a legal definition in Costa Rica for the word "sect". It would also be interesting to know whether the religious beliefs of the indigenous peoples were taken into account. The interpretation of religious freedom in the report basically took into account the views of the dominant religion, which left little room for other religions.

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He wished to know whether the religion of individuals was indicated on their identity cards or passports, and whether non-Catholics were granted paid leave on religious grounds.

53. Mr. LALLAH asked whether in the export processing zone, where some 90,000 persons were employed, there was really only one inspector for every 30,000 workers. The representative of Costa Rica should confirm whether homeworkers employed in that sector were covered by the labour law or by social security regulations and were entitled to holidays. The Government should enact laws to prevent employers from interfering in the right of workers to organize freely. It should also ensure that the provisions of the Covenant and of ILO Convention No. 87 concerning freedom of association and protection of the right to organize were observed.

54. Referring to a conflict that had occurred some years previously at a fertilizer plant, and which had resulted in the dismissal of nearly 200 workers - a decision that the Government had overturned, he asked about the fate of the dismissed workers who had apparently been blacklisted and had been unable to find employment elsewhere in the industry. He also wanted to know what was done to protect the health of workers who handled chemicals. Women were particularly affected and had even been known to give birth to genetically deformed babies or to become sterile. He noted that a number of large companies such as Del Monte, Dole and Chiquita were particularly repressive towards the exercise of freedom of association and that strikes were banned in about 65 per cent of nearly all industries and activities throughout the country. Indeed, out of the 398 strikes that had occurred over the last two years, only 2 had been found to be legal. He wondered whether there was any justification for that.

55. Ms. EVATT referred to the concerns raised by the Committee in 1994 about the right of workers in small agricultural enterprises to freedom of association. Their attempts to negotiate or to withhold labour had often been met with reprisals, threats, dismissals and refusals to negotiate. She asked what practical measures were being taken to ensure that those workers could exercise their right of association and that they could have access to speedy remedies when their rights were denied and they were dismissed or intimidated for trying to exercise such rights.

56. Mr. POCAR said that given the high number of international adoptions he would like to know what measures the Government had taken to protect children from abuse and whether Costa Rica was a party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, which provided, inter alia, that the authorities in countries of origin must verify conditions in countries of adoption. Children must currently be registered in Costa Rica within 30 days of birth. He wondered whether a reduction in that period might help to prevent illicit adoptions.

57. Mr. SOLARI YRIGOYEN said that the delegation's written answers to the questions posed in the list of issues had been made available only in Spanish. Since they contained much of the information that had been requested by other members of the Committee, the dialogue with the delegation might have been

facilitated if the answers had been translated into the other official languages.

58. Referring to paragraph 720 of the report, he said that it was not clear whether Costa Rica had yet acceded to ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

The meeting was suspended at 5.20 p.m. and resumed at 5.30 p.m.

59. Ms. NAGEL (Costa Rica) said that, since her delegation's written answers would shortly be available in translation, she would confine her oral responses to those questions that were not covered in the written answers.

60. The pre-eminent position accorded the Roman Catholic Church was a legacy of Costa Rica's Spanish past. While the Constitution stated that Roman Catholicism was the religion of the State, that provision had little impact on daily life. Indeed, she was not aware of a single case of discrimination on the ground of religion. Constitutional reform was certainly desirable, but could not be achieved in the short term. Non-Catholic schools were funded by donations from charities and associations.

61. The various safeguards aimed at preventing discrimination on racial and other grounds were described in detail in her delegation's written answers. She wished to emphasize that the courts were at the disposal of all Costa Rican citizens who considered that they had been victims of discrimination and wished to seek an effective remedy.

62. Journalists enjoyed absolute freedom of expression, and access to public information was a constitutional right. Citizens had the possibility of recourse to the remedy of amparo if that right was denied. The right to freedom of association was embodied in the Constitution. No pressure was brought to bear on workers, either in the private or public sector, to join a particular labour organization, and her Government had shown no favouritism in its dealings with such organizations.

63. Her Government believed, as a matter of principle, that children should not work, and education was provided free of charge. However, socio-economic realities were such that many parents were forced to send their children out to work. Minors in employment were protected by strict hiring regulations, which were enforced by the Ministry of Labour and the National Children's Association. Young persons wishing to marry before the age of 18 required the consent both of their parents and of the National Children's Association. The information requested regarding child prostitution was contained in her delegation's written answers.

64. It was not correct to state that Nicaraguan immigrants were the object of xenophobia, a term that she found distasteful. It must be understood, however, that the influx of some 1 million immigrants into a country with only 3 million inhabitants inevitably gave rise to certain tensions. Costa Rica was a developing country with limited resources, yet the Government had to provide education and health care for the large immigrant population without any international assistance. That problem had been exacerbated by the arrival of a

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new tide of immigrants following the devastation wreaked by Hurricane Mitch. A number of measures had been taken in order to facilitate their integration, including the introduction of housing and education subsidies, and the removal of the cap on the number of immigrants that businesses were permitted to employ.

65. She thanked Mr. Amor for drawing attention to the editorial error in paragraph 712 of the report. There had been no intention to imply that legal persons enjoyed human rights. She was unable to answer the question posed by Mr. Lallah on the fate of the workers sacked following a dispute with a fertilizer company, since that information was not available to her delegation. Domestic workers were covered by labour laws, and all employees were entitled to the national holidays decreed by the Government.

66. Costa Rica had indeed signed the Hague Intercountry Adoption Convention. Her Government firmly believed that adopted children should, where possible, remain in Costa Rica, and that international adoptions should be the exception. Such adoptions, which took many months, were regulated by the National Children's Association, which corresponded with the adoptive family, the child and the authorities in the country of adoption for up to six years after the child's placement.

67. Costa Rica was a State party to ILO Convention No. 169, and the legislature was currently considering a bill which would bring the relevant domestic laws into line with that instrument.

68. Mr. LALLAH said that some of the questions posed by members of the Committee appeared to have been misunderstood, and certain points remained unclear. He suggested that the Costa Rican delegation should consult the summary record of the meeting in order to verify what issues had been raised. The additional information required could then be submitted in writing.

69. Mr. YALDEN said that it was still unclear to him whether the State provided funding for non-Catholic schools.

70. Mr. AMOR said that he would have appreciated a more detailed answer to his question on freedom of religion.

71. Ms. NAGEL (Costa Rica) said that she had responded as fully as possible on the basis of the information available to her to the questions posed by members of the Committee. Where facts had been omitted, she hoped that her delegation's written answers would provide all the additional information necessary. The legislature was currently considering a bill which would enable the State to make contributions to non-Catholic schools, but it was currently unable to do so. With regard to freedom of religion, she had already stated that there was no discrimination against citizens who were not Roman Catholics.

72. The CHAIRPERSON said that Costa Rica had a long tradition of promoting and protecting human rights. She had been impressed by the State party's readiness to address the problems in that area and by its efforts to bring its domestic legislation into line with international standards.

73. The State party's report did not reflect adequately the developments since the submission of the third periodic report. It must understand that the purpose of the process was not to go over the same ground in each report, but to look at the changes that had taken place. Mechanisms should be established to ensure that the capacity and expertise necessary for the preparation of reports remained in place from one administration to the next.

74. There were a number of areas of concern. It had become clear that the State party's understanding of discrimination did not coincide with the Committee's position on the matter. The report and the written answers described practices which clearly constituted discrimination on religious grounds: teachers employed in State schools were required to be Roman Catholics, and only Catholic schools received State funding; the State contributed to the Roman Catholic Church, including by subsidizing priests' salaries, but not to other denominations; and Catholic priests working in public institutions enjoyed better working conditions than their non-Catholic counterparts. The State party's interpretation of the right to freedom of association had also raised a number of questions. It should not be assumed that the lack of information on that subject would prevent the Committee from drawing conclusions. There was a need for legislation defining the grounds for declaring a state of emergency, which must reflect the criteria specified in the Covenant. She also wished to encourage the State party to make greater efforts to enhance the status of women.

75. Ms. NAGEL (Costa Rica) said that the dialogue with the Committee had been instructive and enriching. No country could claim to have a perfect record on human rights, and she recognized that there were areas where Costa Rica could achieve more, but she was convinced that it had the will and human resources to do so.

The meeting rose at 6 p.m.