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HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (B) OF THE ANNEX
TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

Costa Rica

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/ reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	16 Jan. 1967	None	Individual complaints (art. 14): Yes
ICESCR	29 Nov. 1968	None	-
ICCPR	29 Nov. 1968	None	Inter-State complaints (art. 41): No
ICCPR-OP 1	29 Nov. 1968	None	-
ICCPR-OP 2	5 June 1998	None	-
CEDAW	4 Apr. 1986	None	-
OP-CEDAW	20 Sept. 2001		Inquiry procedure (arts. 8 and 9): Yes
CAT	11 Nov. 1993		Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
OP-CAT	1 Dec. 2005		-
CRC	21 Aug. 1990		-
OP-CRC-AC	24 Jan. 2003	See declaration under art. 3	-
OP-CRC-SC	9 Apr. 2002		-
CRPD	1 Oct. 2008		-
CRPD-OP	1 Oct. 2008		Inquiry procedure (arts. 6 and 7): Yes
<i>Core treaties to which Costa Rica is not a party: OP-ICESCR,³ ICRMW and CED (signature only, 2007).</i>			
<i>Other main relevant international instruments</i>			<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide			Yes
Rome Statute of the International Criminal Court			Yes
Palermo Protocol ⁴			Yes
Refugees and stateless persons ⁵			Yes
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶			Yes
ILO fundamental conventions ⁷			Yes
UNESCO Convention against Discrimination in Education			Yes

1. The Committee on Economic, Social and Cultural Rights (CESCR),⁸ the Committee on the Rights of the Child (CRC)⁹ and the Committee on the Elimination of Racial Discrimination (CERD)¹⁰ invited Costa Rica to consider ratifying ICRMW.

B. Constitutional and legislative framework

2. In 2009, the United Nations Country Team (UNCT) indicated that Costa Rica has abundant domestic legislation adopted for the purpose of implementing its human rights commitments.¹¹ It highlighted as a legal milestone the adoption in 2008 of a law on the rights of children and adolescents to discipline without corporal punishment or humiliating treatment.¹² Treaty bodies welcomed, *inter alia*, the amendments to legislation aimed at protecting children in matters relating to marriage¹³ and the adoption of the Law on Responsible Paternity.¹⁴

C. Institutional and human rights infrastructure

3. The Defensoría de los Habitantes (Office of the Ombudsman) was accredited with “A status” by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) in 1999, which was reconfirmed in 2006.¹⁵ The Special Representative of the Secretary-General on the situation of human rights defenders received information in 2006 indicating that the observations and recommendations of the Defensoría de los Habitantes are not automatically followed by the executive.¹⁶

4. In 2008, CAT noted with satisfaction the creation of the post of Ombudsman as a means of preventing torture under OPCAT and recommended that it receive adequate funds to perform that function effectively.¹⁷

D. Policy measures

5. In 2009, UNCT reported that the country lacks a national human rights plan, although some elements of the national development plan relate to human rights. It added that international standards are given little consideration in the design of public policy and that the monitoring and evaluation of policies has not been consistent. UNCT notes that efforts are being made to remedy this situation, as evidenced by the National Policy on Gender Equality and Equity (PIEG 2007-2017).¹⁸ The approval of this national policy was listed as a milestone by a 2007 UNDG report.¹⁹

6. UNCT noted that the State lacks comprehensive sustained public policies for older persons and persons with disabilities, indigenous and Afro-descendant populations, migrants and refugees, and children and adolescents.²⁰ In 2007, CERD recommended that Costa Rica include in its next periodic report information on measures taken to implement the Durban Declaration and Programme of Action, in particular on the preparation and implementation of a national action plan.²¹ In 2009, the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, noted that there is no national policy on water that takes into account the special situation of people living in poverty.²²

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body²³</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2006	Aug. 2007	Overdue since 2008	Combined nineteenth, twentieth and twenty-first report due in 2010
CESCR	2006	Nov. 2007	-	Fifth report due in 2012
Human Rights Committee	2006	Nov. 2007	Submitted in March 2009	Sixth report due in 2012
CEDAW	2002	July 2003	-	Fifth and sixth reports overdue since May 2007
CAT	2006	May 2008	Due in July 2009	Third report due in 2012
CRC	2003	June 2005	-	Fourth report submitted in 2009 and scheduled for consideration in 2010
OP-CRC-AC	2005	Feb. 2007	-	Information to be included in fourth periodic report
OP-CRC-SC	2005	Feb. 2007	-	Information to be included in fourth periodic report

2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	Independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation (19 to 27 March 2009)
<i>Visits agreed upon in principle</i>	-
<i>Visits requested and not yet agreed upon</i>	-
<i>Facilitation/cooperation during missions</i>	The independent expert on water and sanitation expressed her gratitude for the Government's willingness to cooperate with the international community and for the openness shown before and throughout the mission. ²⁴
<i>Follow-up to visits</i>	-
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, two communications were sent concerning, inter alia, particular groups and one woman. The Government replied to one communication, representing replies to 50 per cent of communications sent.
<i>Responses to questionnaires on thematic issues</i> ²⁵	Costa Rica responded to 7 of the 15 questionnaires sent by special procedures mandate holders, ²⁶ within the deadlines. ²⁷

3. Cooperation with the Office of the High Commissioner for Human Rights

7. Costa Rica has co-sponsored several regional events with OHCHR, including workshops in the following areas: torture prevention for national human rights institutions²⁸ and prevention of juvenile violence (2007);²⁹ implementation of CRC's concluding observations (2006);³⁰ and human rights, democracy and the rule of law (2005).³¹ Costa Rica is a regular donor to OHCHR.³²

B. Implementation of international human rights obligations

1. Equality and non-discrimination

8. In 2003, CEDAW recommended that Costa Rica continue to implement measures aimed at changing social stereotypes that encourage discrimination against women and impede their egalitarian performance in society.³³ In 2009, UNCT reported that of 18 indicators developed by the State of the Nation Programme in 2004 to assess gender gaps, only 2 have improved for women: life expectancy and the net employment participation rate.³⁴

9. UNCT reported that female prisoners experience specific problems arising from the application of a male-oriented model in the treatment of prisoners that fails to take account of women's needs.³⁵ In 2008, CAT recommended that the National Institute of Criminology apply a gender-specific policy for women prisoners and pursue the regionalization of women's prisons. CAT welcomed the establishment of the Casa Cuna centre for prisoners' children aged under 3, and recommended the establishment of similar units in the regional detention centres.³⁶

10. In 2007, CERD noted with concern that racial discrimination continues to be viewed as a minor infraction punishable by a fine and again urged the State to amend its criminal legislation so as to bring it into line with the Convention.³⁷ In 2007, CESCR expressed similar concerns and made recommendations in this regard.³⁸

11. In 2005, CRC was concerned at the limited access of indigenous children, migrant children and those living in rural areas, to basic education and health services, and at their low standard of living. It requested, inter alia, information on action taken to protect children of migrant families in irregular situations against discrimination.³⁹

12. Like the Human Rights Committee in 2007, CAT expressed concern in 2008 at statements by senior officials linking the rise in crime with the presence of refugees. CAT recommended that officials refrain from making statements which could encourage the stigmatization of refugees and applicants for refugee status.⁴⁰ A 2007 UNHCR report indicated that local integration efforts were hampered by increased discrimination and xenophobic trends.⁴¹

13. In 2005, CRC was concerned that classes on Catholicism were part of the curriculum, considering it as discriminatory for non-Catholics.⁴² In 2007, the Human Rights Committee expressed concern that only Catholic marriages have civil effect in Costa Rica and recommended that the principle of non-discrimination between religions be guaranteed.⁴³

14. UNCT said that the Equal Opportunities for Persons with Disabilities Act has not been adequately implemented, particularly with regard to the adaptation or equipping of infrastructure to ensure freedom of movement and access for such persons.⁴⁴

2. Right to life, liberty and security of the person

15. In 2008, CAT welcomed the legislative reform of 2001 criminalizing torture⁴⁵ and noted that no convictions had been handed down for this crime under the new law.⁴⁶ The Committee was concerned that some possible cases of torture had been investigated as abuses of authority despite their gravity and about reports that victims and witnesses were not provided with adequate protection. CAT recommended that legislation on torture be effectively applied.⁴⁷ It also expressed concern at reports of sexual abuse and physical violence against homosexual and transsexual prisoners.⁴⁸ Allegations of ill-treatment of children during detention were of concern for CRC in 2005.⁴⁹

16. In 2009, UNCT noted overcrowding and unsatisfactory conditions in prisons, particularly in respect of health and hygiene.⁵⁰ The Human Rights Committee and CAT made similar observations.⁵¹ CAT recommended that Costa Rica continue its efforts to reorganize the health service so that the conditions in which health care is provided are appropriate and the requisite medical personnel available in prisons.⁵²

17. In 2003, CEDAW requested that Costa Rica promote the adoption of the Act on the Criminalization of Violence against Women.⁵³ UNCT noted that this legislation was adopted in 2007, although later the Constitutional Court declared unconstitutional articles 22 and 25, which dealt with emotional abuse and violence, respectively. According to information received by UNCT, 71 per cent of criminal complaints filed since the law went into effect relate to situations covered by those two articles.⁵⁴

18. In 2007, CESCR regretted that various legal and institutional measures taken to offer redress to victims of domestic violence had been insufficient to address the increase of domestic violence against women and children.⁵⁵

19. In 2003, CEDAW was concerned that some groups of women workers did not benefit from the application of the Act on Sexual Harassment in the Workplace and in Teaching, particularly in the private sector.⁵⁶ Similar concerns were expressed by UNCT in 2009.⁵⁷ In 2008, the ILO Committee of Experts on the Application of Conventions and Recommendations noted that a draft amendment to the Act to combat sexual harassment had been submitted to the Legislative Assembly. The Committee indicated that the draft included measures aimed at establishing accessible remedies, such as the limitation placed on conciliation in view of the inequality between the parties.⁵⁸

20. In 2007, CRC expressed concern at information that smuggling of migrants, including children, and trafficking in children for the purpose of sexual exploitation, continued to be a serious problem in the country.⁵⁹ CECSR and the ILO Committee of Experts expressed similar concerns in 2007 and 2009 respectively.⁶⁰ UNCT noted failures to prosecute the crime of human trafficking adequately and highlighted the need for greater effort with respect to care for victims.⁶¹ CRC recommended that the State define and criminalize trafficking in persons in accordance with the Palermo Protocol.⁶² The Human Rights Committee recommended the reinforcement of measures to combat trafficking of women and children, as well as penalties commensurate with the seriousness of the acts.⁶³ In 2009, Costa Rica replied, inter alia, that a draft reform of the Criminal Code would raise prison sentences for anyone committing the offence of trafficking in persons⁶⁴ and added that this issue was included in the National Development Plan.⁶⁵

21. In 2005, CRC remained concerned at the large number of children between the ages of 5 and 17 working in the “informal” labour market, and recommended that Costa Rica continue to take effective measures to eliminate prohibited child labour.⁶⁶ CRC also noted with concern that the occurrence of children living in the street appeared to be widespread.⁶⁷

3. Administration of justice and the rule of law

22. In 2009, UNCT observed that the prison population has grown steadily since 1998. While rising crime rates have contributed to this growth, so too have the slowness of judicial processes and the use and abuse of pretrial detention and deprivation of liberty as a sanction.⁶⁸ In 2008, CAT recommended that Costa Rica take prompt steps to restrict the use and duration of pretrial detention, using alternative methods whenever possible.⁶⁹ In 2007, the Human Rights Committee also made a recommendation in this regard, adding that necessary legislative measures should be taken to eliminate prolonged incommunicado detention.⁷⁰

23. In 2009, UNCT reported that the judiciary has 71 courts competent to hear cases relating to domestic violence and that 12 of those courts specialize in that area (2007).⁷¹ In 2003, CEDAW requested that Costa Rica encourage judges to reduce the utilization of “conciliation” between aggressors and victims of family violence and ensure that the rights of women are duly protected in such “conciliation meetings”.⁷²

24. In 2007, CERD welcomed the establishment of the Office of the Attorney for Indigenous Affairs in the Public Prosecutor’s Office and the formation of a corps of indigenous-language translators attached to the courts.⁷³ The Human Rights Committee also welcomed the guideline issued to judges regarding the need to consult indigenous peoples when handling disputes that have a bearing on their interests.⁷⁴

25. In 2005, CRC remained concerned at the insufficient number of judges specialized in the rights of the child.⁷⁵ It recommended that Costa Rica ensure systematic training for all personnel working in the juvenile justice system; take urgent measures to ensure the prevention of ill-treatment of persons below the age of 18 in detention; and continue to ensure that they benefit from alternatives to detention and, when needed, are only deprived of liberty as a last resort and for the shortest appropriate period of time.⁷⁶

4. Right to privacy, marriage and family life

26. In 2005, CRC was concerned at the considerable duration of interim placement of children deprived of a family environment before the matter is brought before a judge for a decision on their final placement.⁷⁷ In 2004, the Special Rapporteur on the sale of children, child prostitution and

child pornography sent a communication regarding nine foreign babies who had been kept for a long period in a State home for children, noting that their legal situation remained unresolved.⁷⁸ In 2004, the Government responded that it was not possible to rule on the case of those children until the identity of their parents and their nationality had been established. It added that there was evidence of irregular international adoptions involving almost all of them.⁷⁹ In 2007, CRC was concerned about continued problems in the governance and implementation of adoption, especially inter-country adoption. It recommended a modification of national legislation to ensure that all requests and procedures for adoption respect applicable international standards.⁸⁰

27. In 2009, UNCT reported that the Parliamentary Human Rights Commission had adopted a law recognizing civil unions of same-sex couples and protecting their property rights. It added that this issue had been a source of contention nationally and that during the debate on the legislation it had been proposed that a referendum should be held, which would have meant that fundamental rights were being subjected to a vote.⁸¹

5. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

28. In 2006, the Special Representative on the situation of human rights defenders reported that the latter regretted the disparaging remarks made by some representatives of Government and the communications media, which portrayed them as “troublemakers” and “enemies of the State”. Human rights defenders have also complained of being excluded from forums for discussion and decision-making on human rights policies.⁸² The Special Representative also stated that there have been death threats against journalists and officials who report or take action against corruption, drug trafficking and killings related to those issues.⁸³

29. In 2007, the Human Rights Committee was concerned about the legislative restrictions on journalism, such as the law protecting the honour of officials and public figures, and the provisions defining the press offences of defamation and libel, although it noted that they are punishable with a fine.⁸⁴ Similar concerns were expressed by UNCT in 2009.⁸⁵ The Human Rights Committee recommended that Costa Rica ensure, inter alia, that Bill No. 15974 concerning “Freedom of expression and the press” is fully compatible with the Covenant, and that attacks on or threats against journalists be fully investigated, and perpetrators brought to trial and punished.⁸⁶

30. UNCT noted that Costa Rica ranks third worldwide with respect to parliamentary representation of women (38.6 per cent) and that the proposed comprehensive reform of the Electoral Code calls for parity. However, the number of women in ministerial and decision-making positions in public institutions is still well below that of men.⁸⁷

31. In 2007, CESCR recommended that Costa Rica promote the increased representation of minorities in high-level positions in the public service.⁸⁸

6. Right to work and to just and favourable conditions of work

32. CESCR and UNCT were concerned about the persisting wage gap between men and women and the disadvantageous working conditions affecting in particular domestic workers.⁸⁹ CERD was also concerned at the low wages of the indigenous population,⁹⁰ the precarious situation of migrant workers⁹¹ and the unemployment rate for young Afro-Costa Ricans.⁹² In 2007, CESCR urged the State to intensify efforts to reduce unemployment among marginalized and disadvantaged groups and individuals through specifically targeted measures, including by ensuring the strict application of anti-discrimination legislation; introducing and effectively enforcing legal provisions requiring

an ethnically balanced workforce in the public and private sectors; and enhancing professional training and sustainable employment opportunities in the remote areas where the indigenous population resides.⁹³

33. In 2006, the Special Representative on the situation of human rights defenders reported that union leaders working in large-scale agricultural businesses in the private sector had been subjected to discrediting and intimidating practices and discriminatory dismissal.⁹⁴ CESCR expressed similar concerns in 2007.⁹⁵

34. In 2009, the ILO Committee of Experts continued to consider that the situation of trade union rights was precarious. It recalled problems relating to the application of ILO Convention No. 98, including the slowness and ineffectiveness of recourse procedures and compensation in the event of anti-union acts; the subjection of collective bargaining in the public sector to criteria of proportionality and rationality; and the enormous disproportion in the private sector between the number of collective agreements concluded with trade unions (much lower) and the number of direct agreements concluded with non-unionized workers. The ILO Committee of Experts welcomed the political commitment demonstrated by the Government to push forward draft legislation with a view to complying with Convention No. 98.⁹⁶ In 2008, the ILO Committee also referred to the excessive restrictions that are placed on the right of foreign nationals to hold trade union office and made recommendations in this regard.⁹⁷

7. Right to social security and to an adequate standard of living

35. In 2009, UNCT observed that the incidence of poverty has remained constant at about 22 per cent in recent years, with higher rates among minors, women and indigenous peoples. Among the latter group there are also alarming gaps in health, nutrition, education and housing.⁹⁸ In 2008, CERD urged the State to remove the economic, social and geographical barriers preventing access to basic services in the indigenous territories.⁹⁹

36. In 2007, CESCR was concerned at the continuing insufficient coverage in the social pension system, particularly for domestic, agricultural and migrant workers, despite progress made in the national health system coverage.¹⁰⁰ The Committee called upon Costa Rica to ensure that social security assistance is provided to all workers.¹⁰¹

37. In 2005, CRC remained concerned at the regional inequality in access to health services.¹⁰² In 2009, UNCT noted that Costa Rica has made great strides in reducing infant and maternal mortality rates, although in some rural and indigenous communities these indicators have shown a rising trend, even doubling in some cases, a situation which calls for greater attention.¹⁰³ UNCT also noted that migrants have guaranteed access to emergency medical care, but because the term “emergency” is not clearly defined, access to such services is discretionary and depends on how the physician on duty assesses the situation.¹⁰⁴

38. The increase in teenage pregnancies was a matter of concern for CEDAW and CESCR in 2003 and 2007, respectively.¹⁰⁵ UNCT said in 2009 that the lack of a comprehensive national policy on information and/or education in sexual and reproductive health contributes to the incidence of sexually transmitted infections and HIV/AIDS and to adolescent pregnancy rates.¹⁰⁶

39. CESCR was concerned that despite efforts to address housing shortage, a high percentage of dwellings, especially those inhabited by indigenous peoples, Afro-descendants and migrants, was in

poor condition, and that many of these communities still live in slums and squats.¹⁰⁷ It requested the allocation of sufficient funds to improve the infrastructure and increase the availability of social housing.¹⁰⁸

40. In 2009, the independent expert on the issue of water and sanitation noted that although the overall percentage of the population with access to safe drinking water is very high compared to the rest of the Latin American region, there are still significant disparities between the rural and urban areas. Furthermore, persons belonging to vulnerable and marginalized groups often lack access to drinking water and sanitation.¹⁰⁹ Similar observations were made by WHO in 2007.¹¹⁰ The independent expert was also concerned at the pollution of waters with chemicals and wastewaters, namely in coastal areas and zones with intense farming. She noted that only 3.5 per cent of wastewater is treated and recommended improving, as a matter of priority, the treatment and disposal of wastewater throughout the country. She added that the Water Law no longer corresponds to the social and economic situation of the country and requires revision and updating. The independent expert recommended the expeditious adoption of a new Water Law, which should expressly recognize water as a human right. Civil society organizations should be involved in the design, as well as in the future implementation of the law.¹¹¹

8. Right to education and to participate in the cultural life of the community

41. A 2008 World Bank report suggested that while education indicators are satisfactory overall, they mask considerable disparities in educational attainment between poor and non-poor households and across geographic regions. The World Bank noted that relatively low secondary education coverage and quality were especially worrisome.¹¹² In 2005, CRC recommended that the State continue to take effective measures to increase enrolment in primary and secondary school, reduce the high rate of dropout students and repeaters, in particular in rural areas, and find ways to address the lack of school infrastructure in these areas. It also recommended that Costa Rica focus on the improvement of secondary education.¹¹³

42. In 2007, CERD noted with concern the disappearance of two indigenous languages and invited the State to take the necessary steps to preserve the indigenous peoples' cultural heritage.¹¹⁴ CRC recommended that Costa Rica continue to increase the number of indigenous schools and adequately trained indigenous teachers.¹¹⁵

43. In 2009, UNCT noted that while migrant children have access to primary and secondary education, certain practices and requirements make it difficult and sometimes impossible for them to stay in or return to school.¹¹⁶

9. Minorities and indigenous peoples

44. In 2007, CERD was concerned at information received that the National Commission on Indigenous Affairs (CONAI) failed to represent the interests of indigenous peoples and had in the past not fulfilled its functions and responsibilities. It recommended ensuring that the mandate and operation of CONAI be consistent with the Convention and that this body acts to defend and protect the rights of indigenous peoples.¹¹⁷ CESCR also made recommendations in this regard.¹¹⁸

45. CERD shared Costa Rica's concern at the trend towards the concentration of indigenous land in the hands of non-indigenous settlers and urged the Government to strengthen its efforts to guarantee indigenous peoples' right to land tenure. Costa Rica should take the necessary steps to

implement Constitutional Chamber decision No. 3468-02 ordering the delimitation of the lands of the Rey Curré, Terraba and Boruca communities and the recovery of indigenous lands lost through improper transfer.¹¹⁹

46. In 2007, CERD again urged Costa Rica to remove without delay the legislative obstacles preventing the adoption of the Autonomous Development of Indigenous Peoples Bill.¹²⁰ UNCT indicated that this bill seeks to ensure autonomy in resource management and establish an indigenous justice system, among other provisions.¹²¹ UNCT added that ILO Convention No. 169 has constitutional status, but there is no clear public policy aimed at promoting the rights of the indigenous population.¹²²

10. Migrants, refugees and asylum-seekers

47. In 2009, UNCT reported that the Government had introduced a bill to amend the Migration and Aliens Act of 2005.¹²³ CAT noted with concern in 2008 that the Migration Bill made no mention of a right to appeal against the decisions of the Visa and Refuge Commission. It was also concerned at the power that the Migration Bill grants to immigration officials to reject illegal immigrants within a radius of 50 kilometres from the border, which could affect the principle of non-refoulement, as well as the protection of victims of trafficking.¹²⁴

48. The failure to limit the length of administrative detention of aliens was also a matter of concern for CAT. It recommended that legislation provide for alternatives to custody for migrants and set a maximum legal period for detention pending deportation, which should in no circumstances be indefinite. CAT also invited the State to continue efforts to improve detention conditions for all immigrants.¹²⁵ In 2008, the Human Rights Committee recommended taking steps to end overcrowding in detention centres, including those administered by the migration authorities.¹²⁶ In 2009, Costa Rica provided information indicating, inter alia, that a manual of operational guidelines and procedures for temporary detention centres for foreigners without legal status had been drafted.¹²⁷

49. In 2008, CAT expressed concern at continued excessive delays in determination of refugee status.¹²⁸ A 2007 UNHCR report referred to the need to re-establish a separate refugee department - the previously existing one having disappeared as a result of a reorganization process in 2005 - in order to ensure adequate refugee eligibility and reliable statistics.¹²⁹ By the end of 2007 the refugee population in Costa Rica numbered 12,500 persons.¹³⁰

50. In 2007, CERD and the Human Rights Committee noted with concern that the names of almost 9,000 Colombian refugees had been unduly disclosed by the Costa Rican authorities to the Colombian authorities.¹³¹ The Human Rights Committee recommended full respect for the principle of confidentiality of the personal files of asylum-seekers and refugees.¹³²

51. In 2004, the Special Rapporteur on the human rights of migrants expressed concern about information received which indicated that the Costa Rican Social Security Fund (CCSS) was disclosing to the Department for Migration and Aliens personal data of undocumented immigrants who received care at public health-care facilities.¹³³ In the Government's response, the CCSS indicated, inter alia, that only people's names had been provided and that a photocopy of the temporary passport had been included when available.¹³⁴

52. In 2009, UNCT reported that, although reliable data are not available, estimates indicate that around 300,000 undocumented foreigners are living in Costa Rica. This creates problems regarding

access to justice, because immigration documents are required in order to lodge a complaint, and regarding the registration of persons born in Costa Rica, because of the requirements that must be met.¹³⁵

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

53. The Human Rights Committee acknowledged Costa Rica's commitment to and leadership in the defence and promotion of human rights internationally.¹³⁶ UNCT noted that Costa Rica is a nation with a solid democracy, a strong institutional framework and a high level of human development.¹³⁷ CRC welcomed the fact that domestic law prohibits both voluntary and compulsory enlistment.¹³⁸

54. A 2007 WHO report referred to challenges such as ensuring sustainable financing of the health system and extending social protection in health to excluded groups.¹³⁹ A 2007 UNDG report mentioned that significant inequalities and social gaps (labour, gender and territorial) persisted.¹⁴⁰ UNCT identified several challenges, including the adoption of a comprehensive immigration policy and reform of existing legislation with a view to promoting and protecting the human rights of migrants and refugees.¹⁴¹

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

Specific recommendations for follow-up

55. In 2008, CAT requested Costa Rica to communicate within one year its reply to the Committee's recommendations on pretrial detention; alternatives to imprisonment; the principle of non-refoulement; detention of non-citizens; and the implementation of legislation on torture.¹⁴² In 2007, CERD requested Costa Rica to provide information on its follow-up to the Committee's recommendations related to the Autonomous Development of Indigenous Peoples Bill; basic services in the indigenous territories; and the situation of migrants.¹⁴³ As of 1 August 2009, the follow-up reports to CAT and CERD had not been received. In 2007, the Human Rights Committee requested Costa Rica to submit information on the follow-up given to recommendations concerning overcrowding in detention centres and trafficking of women and children.¹⁴⁴ Costa Rica submitted its follow-up report in May 2009.¹⁴⁵

56. In 2009, UNCT recommended, inter alia, the establishment of a permanent system for observing, monitoring and evaluating the fulfilment of human rights commitments by the State including the recommendations of treaty bodies. UNCT also recommended that the Legislative Assembly streamline the discussion and adoption of proposed legislation seeking to strengthen the protection of rights.¹⁴⁶

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

57. The 2008-2012 UNDAF outlined as main areas of cooperation: inclusive, sustainable and equitable human development; public policies; civil participation; sustainable environment; and sociocultural practices that promote respect for human rights, amongst others.¹⁴⁷

58. In 2005, CRC recommended that Costa Rica seek technical cooperation and/or assistance with regard to training programmes for all personnel working with children,¹⁴⁸ access to basic health care,¹⁴⁹ sexual exploitation,¹⁵⁰ street children¹⁵¹, child labour¹⁵² and the administration of juvenile justice.¹⁵³

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008, in which the General Assembly recommended that a signing ceremony be organized in 2009. Art. 17, para. 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant.”

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women

Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁸ Concluding observations of the Committee on Economic, Social and Cultural Rights, E/C.12/CRI/CO/4, para. 40.

⁹ Concluding observations of the Committee on the Rights of the Child, CRC/C/OPSC/CRI/CO/1, para. 21 (c).

¹⁰ Concluding observations of the Committee on the Elimination of Racial Discrimination, CERD/C/CRI/CO/18, para. 16.

¹¹ United Nations Country Team (UNCT) Costa Rica, submission to the UPR, p. 1.

¹² Ibid., p. 8.

¹³ Concluding observations of the Human Rights Committee, CCPR/C/CRI/CO/5, para. 6 (b).

¹⁴ CCPR/C/CRI/CO/5, para. 6 (c); CRC/C/15/Add.266, para. 3; CEDAW, *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 38 (A/58/38)*, para. 34.

¹⁵ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.

¹⁶ E/CN.4/2006/95/Add.5, para. 400.

¹⁷ Concluding observations of the Committee against Torture, CAT/C/CRI/CO/2, para. 26.

¹⁸ UNCT Costa Rica, submission to the UPR, p. 2.

¹⁹ UNDG, Resident Coordinator Annual Report 2007 - Costa Rica, p. 2, available at http://www.undg.org/RCAR/07/finalized/pdfs/RCAR_2008_COS_NAR.pdf.

²⁰ UNCT Costa Rica, submission to the UPR, p. 2.

²¹ CERD/C/CRI/CO/18, para. 22.

²² Statement by the United Nations Expert on water and sanitation (visit to Costa Rica, 19-27 March 2009), 27 March 2009, available at <http://www2.ohchr.org/english/issues/water/iexpert/visits.htm>.

²³ The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HRC	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child

²⁴ Statement by the United Nations Expert on water and sanitation (visit to Costa Rica, 19-27 March 2009), 27 March 2009, available at <http://www2.ohchr.org/english/issues/water/iexpert/visits.htm>.

²⁵ The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

²⁶ See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on the situation of human rights defenders (E/CN.4/2006/95 and Add. 5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007;

(f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (k) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (l) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations sent in 2007; (m) Report of the Special Rapporteur on the right to education (June 2009) (A/HRC/11/8), questionnaire on the right to education for persons in detention; (n) Report of the independent expert on the question of human rights and extreme poverty to the eleventh session of the HRC (June 2009) (A/HRC/11/9), questionnaire on Cash Transfer Programmes sent in October 2008; (o) Report of the Special Rapporteur on Violence against Women, (June 2009) A/HRC/11/6, questionnaire on violence against women and political economy.

²⁷ The questionnaire on the right to education of persons with disabilities, questionnaire on the impact of certain laws and administrative measures on migrants, the questionnaire on the right to education for girls, the questionnaire concerning the mandate and activities of the Working Group on mercenaries, the questionnaire on the right to education in emergency situations, the questionnaire on the right to education for persons in detention and the questionnaire on Cash Transfer Programmes.

²⁸ A/HRC/7/69, p. 190.

²⁹ OHCHR 2007 Report on Activities and Results, p. 118.

³⁰ OHCHR Annual Report 2006, p. 103.

³¹ Ibid., p. 138.

³² OHCHR 2008 Report on Activities and Results, p. 190.

³³ A/58/38, para. 61.

³⁴ UNCT Costa Rica, submission to the UPR, p. 3.

³⁵ Ibid., p. 5.

³⁶ CAT/C/CRI/CO/2, para. 18.

³⁷ CERD/C/CRI/CO/18, para. 11.

³⁸ E/C.12/CRI/CO/4, para. 33.

³⁹ CRC/C/15/Add.266, paras. 18-19.

⁴⁰ CAT/C/CRI/CO/2, para. 9.

⁴¹ UNHCR, Country Operations Plan 2008-2009: Costa Rica, 2007, p. 2, available at <http://www.unhcr.org/4706099a2.html>.

⁴² CRC/C/15/Add.266, para. 25.

⁴³ CCPR/C/CRI/CO/5, para. 10.

⁴⁴ UNCT Costa Rica, submission to the UPR, p. 9.

⁴⁵ CAT/C/CRI/CO/2, para. 4 (a).

⁴⁶ Ibid., para.12.

⁴⁷ Idem.

⁴⁸ CAT/C/CRI/CO/2, para. 18.

⁴⁹ CRC/C/15/Add.266, para. 55.

⁵⁰ UNCT Costa Rica, submission to the UPR, p. 5.

- ⁵¹ CCPR/C/CRI/CO/5, para. 9; CAT/C/CRI/CO/2, para. 17.
- ⁵² CAT/C/CRI/CO/2, para. 18.
- ⁵³ A/58/38, para. 55.
- ⁵⁴ UNCT Costa Rica, submission to the UPR, p. 4.
- ⁵⁵ E/C.12/CRI/CO/4, para. 22.
- ⁵⁶ A/58/38, para. 64.
- ⁵⁷ UNCT Costa Rica, submission to the UPR, p. 6.
- ⁵⁸ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2008, Geneva, doc. No. (ILOLEX) 062008CRI111, para. 2.
- ⁵⁹ CRC/C/OPSC/CRI/CO/1, para. 20.
- ⁶⁰ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092009CRI182, pp. 1-2; E/C.12/CRI/CO/4, para. 24.
- ⁶¹ UNCT Costa Rica, submission to the UPR, p. 10.
- ⁶² CRC/C/OPSC/CRI/CO/1, para. 15 (b). See also CAT/C/CRI/CO/2, para. 22.
- ⁶³ CCPR/C/CRI/CO/5, para. 12 (a).
- ⁶⁴ CCPR/C/CRI/CO/5/Add.1, para. 32.
- ⁶⁵ Ibid., para. 16.
- ⁶⁶ CRC/C/15/Add.266, para. 47.
- ⁶⁷ Ibid., para. 51.
- ⁶⁸ UNCT Costa Rica, submission to the UPR, p. 5.
- ⁶⁹ CAT/C/CRI/CO/2, para. 5.
- ⁷⁰ CCPR/C/CRI/CO/5, para. 8.
- ⁷¹ UNCT Costa Rica, submission to the UPR, p. 5.
- ⁷² A/58/38, paras. 54-55.
- ⁷³ CERD/C/CRI/CO/18, para. 4.
- ⁷⁴ CCPR/C/CRI/CO/5, para. 5.
- ⁷⁵ CRC/C/15/Add.266, para. 55.
- ⁷⁶ Ibid., paras. 56 (a), (b) and (d).
- ⁷⁷ Ibid., para. 33.
- ⁷⁸ E/CN.4/2005/78/Add.3, paras. 38-40.
- ⁷⁹ Ibid., paras. 41-42.
- ⁸⁰ CRC/C/OPSC/CRI/CO/1, para. 29 (a).
- ⁸¹ UNCT Costa Rica, submission to the UPR, p. 9.
- ⁸² E/CN.4/2006/95/Add.5, para. 402.
- ⁸³ Ibid., para. 403.
- ⁸⁴ CCPR/C/CRI/CO/5, para. 11.
- ⁸⁵ UNCT Costa Rica, submission to the UPR, p. 5.
- ⁸⁶ CCPR/C/CRI/CO/5, para. 11.

⁸⁷ UNCT Costa Rica, submission to the UPR, p. 3.

⁸⁸ E/C.12/CRI/CO/4, para. 36.

⁸⁹ Ibid., para. 17; UNCT Costa Rica, submission to the UPR, p. 9.

⁹⁰ CERD/C/CRI/CO/18, para. 13.

⁹¹ Ibid., para. 16.

⁹² Ibid., para. 18.

⁹³ E/C.12/CRI/CO/4, para. 39.

⁹⁴ E/CN.4/2006/95/Add.5, para. 405.

⁹⁵ E/C.12/CRI/CO/4, para. 20.

⁹⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 2009, Geneva, doc. No. (ILOLEX) 062009CRI098, pp. 1-5. See also UNCT Costa Rica, submission to the UPR, p. 6.

⁹⁷ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2008, Geneva, doc. No. (ILOLEX) 062008CRI087, p. 1.

⁹⁸ UNCT Costa Rica, submission to the UPR, pp. 6-7.

⁹⁹ CERD/C/CRI/CO/18, para. 12.

¹⁰⁰ E/C.12/CRI/CO/4, para. 21.

¹⁰¹ Ibid., para. 42.

¹⁰² CRC/C/15/Add.266, para. 41. See also E/C.12/CRI/CO/4, para. 28.

¹⁰³ UNCT Costa Rica, submission to the UPR, p. 4.

¹⁰⁴ Ibid., p. 7.

¹⁰⁵ A/58/38, para. 68; E/C.12/CRI/CO/4, para. 25. See also CRC/C/15/Add.266, para. 43.

¹⁰⁶ UNCT Costa Rica, submission to the UPR, p. 8.

¹⁰⁷ E/C.12/CRI/CO/4, para. 26.

¹⁰⁸ Ibid., para. 47.

¹⁰⁹ Statement by the United Nations Expert on water and sanitation (visit to Costa Rica, 19-27 March 2009), 27 March 2009, available at <http://www2.ohchr.org/english/issues/water/iexpert/visits.htm>.

¹¹⁰ WHO, Country Cooperation Strategy, 2007, p. 1, available at http://www.who.int/countryfocus/cooperation_strategy/ccsbrief_cri_en.pdf.

¹¹¹ Statement by the United Nations Expert on water and sanitation (visit to Costa Rica, 19-27 March 2009), 27 March 2009, available at <http://www2.ohchr.org/english/issues/water/iexpert/visits.htm>.

¹¹² World Bank, Country Partnership Strategy, Report No. 43276-CR, 2008, p. 11, available at http://www-wds.worldbank.org/external/default/WDSPContentServer/WDSP/IB/2008/09/25/000333038_20080925001822/Rendered/PDF/432760REPLACEMENTPUBLIC10R20081017414.pdf.

¹¹³ CRC/C/15/Add.266, para. 46.

¹¹⁴ CERD/C/CRI/CO/18, para. 20.

¹¹⁵ CRC/C/15/Add.266, para. 58.

¹¹⁶ UNCT Costa Rica, submission to the UPR, pp. 7-8.

¹¹⁷ CERD/C/CRI/CO/18, para. 10.

¹¹⁸ E/C.12/CRI/CO/4, para. 34.

- ¹¹⁹ CERD/C/CRI/CO/18, para. 15.
- ¹²⁰ Ibid., para. 9.
- ¹²¹ UNCT Costa Rica, submission to the UPR, p. 8.
- ¹²² Ibid., p. 8.
- ¹²³ Ibid., p. 9.
- ¹²⁴ CAT/C/CRI/CO/2, para. 7.
- ¹²⁵ Ibid., para. 10.
- ¹²⁶ CCPR/C/CRI/CO/5, para. 9.
- ¹²⁷ CCPR/C/CRI/CO/5/Add.1, p. 2.
- ¹²⁸ CAT/C/CRI/CO/2, para. 8.
- ¹²⁹ UNHCR, Country Operations Plan 2008-2009: Costa Rica, 2007, p. 2, available at www.unhcr.org/4706099a2.html.
- ¹³⁰ Ibid., pp. 3-4.
- ¹³¹ CCPR/C/CRI/CO/5, para. 7; CERD/C/CRI/CO/18, para. 19.
- ¹³² CCPR/C/CRI/CO/5, para. 7.
- ¹³³ E/CN.4/2005/85/Add.1, para. 12.
- ¹³⁴ Ibid., para. 35.
- ¹³⁵ UNCT Costa Rica, submission to the UPR, p. 9.
- ¹³⁶ CCPR/C/CRI/CO/5, para. 3.
- ¹³⁷ UNCT Costa Rica, submission to the UPR, p. 10.
- ¹³⁸ CRC/C/OPAC/CRI/CO/1, para. 4.
- ¹³⁹ WHO, Country Cooperation Strategy, 2007, p. 2, available at http://www.who.int/countryfocus/cooperation_strategy/ccsbrief_cri_en.pdf.
- ¹⁴⁰ UNDG, Resident Coordinator Annual Report 2007 - Costa Rica, p. 1, available at http://www.undg.org/RCAR/07/finalized/pdfs/RCAR_2008_COS_NAR.pdf.
- ¹⁴¹ UNCT Costa Rica, submission to the UPR, p. 10.
- ¹⁴² CAT/C/CRI/CO/2, para. 29.
- ¹⁴³ CERD/C/CRI/CO/18, para. 24.
- ¹⁴⁴ CCPR/C/CRI/CO/5, para. 15.
- ¹⁴⁵ CCPR/C/CRI/CO/5/Add.1.
- ¹⁴⁶ UNCT Costa Rica, submission to the UPR, p. 11.
- ¹⁴⁷ Costa Rica UNDAF, 2007, pp. 1-2, available at <http://www.undg.org/docs/7995/Costa%20Rica%20UNDAF.pdf>.
- ¹⁴⁸ CRC/C/15/Add.266, para.17.
- ¹⁴⁹ Ibid., para. 42.
- ¹⁵⁰ Ibid., para. 50.
- ¹⁵¹ Ibid., para. 54.
- ¹⁵² Ibid., para. 48.
- ¹⁵³ Ibid., para. 56.