



Asociación  
Proyecto

**Caribe**

Derechos y Desarrollo Étnico

Human and Minority Rights

Cédula Jurídica N° 3-002-17772

Apdo. 2387-1000 San José, Costa Rica. América Central

Telefax. (506) 226-7390

E-Mail: [procarib@ice.co.cr](mailto:procarib@ice.co.cr)

[asociacion.proyectocaribe@gmail.com](mailto:asociacion.proyectocaribe@gmail.com)

## **Alternative Report to the Committee on Economic, Social and Cultural Rights**

**San José, Costa Rica.**

**October, 2007**

Coordinated

by

Carlos Minott

E-Mail: [cminott@yahoo.com](mailto:cminott@yahoo.com)

[asociación.proyectocaribe@gmail.com](mailto:asociación.proyectocaribe@gmail.com)

## Table of contents

### **1. INTRODUCCIÓN.**

1.1. The State of Costa Rica and the main international instruments

1.2. The Mandate of the NGO Asociación Proyecto Caribe.

### **2. COUNTRY CONTEXT IN BRIEF**

2.1. An approach to the economic, social and cultural rights of the Afro-Costa Rican population.

2.2. The right to be not discriminated against (Art.2 ICESCR)

2.3. Equal rights of men and women (Art.3 ICESCR)

2.4. The Right to enjoy scientific progress, benefits and participation in cultural life (Art.15 ICESCR).

### **3. FINAL COMMENTS**

### **4. REFERENCES**

## **1. Introduction**

### **1.1. The State of Costa Rica and the main international instruments.**

In the matter of Human Rights, Costa Rica has ratified an important amount of international instruments.

Among the international instruments signed and ratified by the country are:

The international Covenant on Economic, Social and Cultural Rights, approved by resolution N° 2200 from the General Assembly of the United Nations on the 16<sup>th</sup> of December 1966, the International Covenant of Civil and Political rights along with the Protocol to this same Covenant. Each was sanctioned by Costa Rica on the 11<sup>th</sup> of December 1968, by Law N'4229 and published in the official Gazette #288 on the 17<sup>th</sup> of December 1968.

Also, by means of Law N° 7041, approved on July 8<sup>th</sup> 1986 and published in the Official Gazette N° 148, the International Convention on Repression and Penalty of the Crime of Apartheid and by Law 7351 of November 11<sup>th</sup> 1993, the Convention Against Torture, subscribed in New York on February 4<sup>th</sup> 1985; and the 25<sup>th</sup> of November 2005, by Law 8459, the Protocol of this Convention was approved. By means of Law 3844, the International Convention on the Elimination of All Forms of Racial Discrimination, was approved on January 5<sup>th</sup> 1967 and published in the Official Gazette N 5 of January 7<sup>th</sup> 1967; by the means of Law N'3170, the approval of the Convention Related to the Struggle Against Discrimination in the Sphere of Education, which was approved by the United Nations Education, Social and Cultural Organization (UNESCO), was accepted on the 12<sup>th</sup> of August 1963 and published in the Official Gazette N' 187 on the 21<sup>st</sup> of August 1963, by the means of Law N' 4463, the Protocol to install a conciliation commission to solve controversies that could arise from the Convention Related to the Struggle Against the Discriminations in the Sphere of Education. This instrument was accepted on the 10<sup>th</sup> of November 1969 and published in the Official Gazette N' 259 of the 14<sup>th</sup> of November 1969.

The State of Costa Rica is therefore legally obligated to adopt measures to progressively realize the effective implementation of social, economic and cultural rights. As per Article 16 of the Covenant, Costa Rica is obliged to present periodic reports before the Committee on Economic, Social and Cultural Rights, regarding the measures adopted and its progress to assure the respect of the rights recognized in this important Covenant.

The legal status of international instruments on Human Rights in the legal order of Costa Rica was defined by laws N' 3435-92, 5759-93 and 2323-95 of the Constitutional Court. This Court established that: *"Regarding international instruments of human Rights effective in the country, article 7 of the Constitution will not be applied, because N 48 constitutional have a special rule that refers to human rights, granting a normative force at a constitutional level."* This means that the international human rights instruments in force in Costa Rica not only have a similar value to the Constitution, but as long they give more rights or guaranties to persons they take precedent over the Constitution.

## **1.2. Mandate of the NGO Asociación Proyecto Caribe.**

The Asociación Proyecto Caribe (APC), who is presenting this report, is a nonprofit organization, devoted to the promotion of human and minority rights. APC is registered before the State of Costa Rica, File N' 7308, Legal Entity 3-002-177724. The Association was founded in the year 1995. Activities include the promotion of trade and cultural exchange, location and provision of information pertinent to the Afro-Costa Rican community. Related to this is the struggle against racism, racial discrimination, exclusion and all forms and types of intolerance.

### **Objectives:**

To promote networks of cultural and socioeconomic communications to preserve the identity of Afro-Costa Rican families and improve their standard of living as principles of human rights.

**Our goal:**

- Equality and respect within diversity.
- Union of all Afro-Costa Rican organizations
- Fraternity with all sectors of the society sharing the principles and philosophy of our Association.
- Struggle against any form of racism, discrimination and racial discrimination.
- Afrodescendants and ethnic minorities

**The work of the Association focuses on the following areas of intervention:**

- Research and communication.
- Culture and Education
- Youth and Leadership
- Women's Issues
- Democracy and Participation.

## Axes of action:

- National Legislation and international treaties bodies
- Equity and employment
- Political negotiation.

**2. COUNTRY CONTEXT IN BRIEF****2.1. An approach to economic, social and cultural rights of the Afro-Costa Rican population**

The general situation of the country, as visualized in the ninth report of the State, is that the strengthening of democracy is a positive sign, and a better representation of sectors traditionally excluded or underrepresented, such as women and Afro-Costa Ricans. But these advances could be fragile because they do not derive from institutional reforms to the organization and functioning of the state apparatus. This same report detected weakness in the quality of legislation approved, which gives the Costa Rican state new obligations and rights but in many cases without the provision of resources to make effective such dispositions. (Minott.C. 2005)

The diversity of the Costa Rican population is evident with the presence of different racial groups, notably the indigenous population and the population of African descent. According to the 2000 census, there were 63 876 indigenous people in the country, representing 1.7% of the total population, 42.3% of whom live in the country's 22 indigenous territories. Regarding Costa Ricans of African descent, the census recorded a total of 72 784 people or 1.9% of the population. It is important to state here that the methodology used in the census could have resulted in that number being lower than reality due to unknown numbers of people who did not wish to be identified as being of African descent; the data therefore has to be treated with caution. (United Nations. E/C.12/CRI/4 p.8 para.10. State of Costa Rica Report-June 22nd 2006).

According to the 2000 census, Afro-Costa Ricans are the ethnic group with the highest proportion of their population born in Costa Rica (97.3%), while 83.6% of indigenous peoples are native Costa Ricans and the Chinese have the lowest proportion of native born (51.5%). According to the same source, indigenous people are the group with the most basic needs unmet, and in the indigenous territories, 92.4% of the population lack some basic facilities. Improving the well-being of this group is still a national challenge. (*State of the Nation, eighth report, 2000*). (United Nations. E/C.12/CRI/4 p.8 para.11. State of Costa Rica Report-June 22nd 2006).

It is fundamental that the National Parliament of Costa Rica approve the project to reform Article 1 of the Constitution. This would reform the definition of Costa Rica making an addition to state that it is a multiethnic and pluricultural nation. (*Memoria Seminario Taller Colectivos Étnicos Minoritarios en Costa Rica, Situación actual y perspectivas. Diciembre 2001, San José, Costa Rica.*)

## **2.2. The right to be not discriminated against (Art 2.2 ICESCR).**

Among the principal anti discriminations laws, which are the results of the compliance of the State of Costa Rica towards the implementation of international instruments that has been ratified: The right to work is stipulated in Articles 56 and 76 of the Political Constitution

Law #2694 includes in the Costa Rican legislation a lot of the recommendations of international law. It prohibits all types of discrimination in the issue of labor, based on differences of race, sex, religion, age, civil status, political opinion, and social origin.

Law 4230: Article N' 1 of this law was reformed by means of the law 4666 on the 19<sup>th</sup> of November 1969, which at the same time was reformed practically by means of article 373, in relating to article 418 of the criminal code. Article 2 of law 4230 was also abolished by article 418 of the criminal code. The law which makes it a crime to deny entry to associations or educational centers on racial grounds provides for fines of one thousand colones and three thousand colones. Law 7711: refers to the elimination of racial discrimination in education and the media. Approved on the 22<sup>nd</sup> of October 1997.

### **Impediments for the implementation of the legislation and its impact on the population of African-descent.**

At a workshop and seminar for ethnic minorities in Costa Rica that took place in San Jose in December 2001 for the purpose of analyzing the role of the state regarding this issue, various government representatives were present. Among these was the representative from the Office of the Ombudsman who stressed the need to begin to identify the actual forms of discrimination, noting that training should be given to judges and judicial authorities about the issue of racial discrimination, and at the legislative level, a reform of the First Article of the Constitution should be introduced to define Costa Rica as a multicultural and multiethnic country. (Memoria Seminario Taller Colectivos Étnicos Minoritarios en Costa Rica, Situación actual y perspectivas. Diciembre 2001, San José, Costa Rica.)

**Costa Rica State omits to report practices which violate the rights of ethnic minorities and Afro descendants.**

**Regional inequalities:**

“Breaking down the indicators of poverty by household income, the percentage of poor households is substantially greater in regions away from the country’s central valley. For instance, in the regions of Chorotega and Brunca in 2004, 33% and 40% of households respectively were below the poverty line. The same applies to the cantons of Talamanca and Buenos Aires, where there is a high level of indigenous population (*State of the Nation, tenth report, 2004*). In general, the indicators of well-being, such as access to employment, education and health, tend to diminish away from the central region.” (E/C.12/CRI/4. Para.30 y 33).

Regional inequalities are observed by stigmatization, exclusion and discrimination against the inhabitants of the Provinces of Limon, Puntarenas and Guanacaste, which are known as “periferic provinces”.

Based on the results from the National Census in 2000, the eighth report on the State of the Nation regarding people of African descent in Costa Rica, pointed out that this population has the lowest percentage of persons who are not insured through the Costa Rican social system. There are no disaggregated data concerning the health situation of Afro-Costa Ricans.

According to a health report, the cities and towns with more cases of the tropical disease of Dengue Fever are Limon Center (with 94 sick), Puntarenas (55), Liberia (23 sick), Matina (12), Santa Cruz (9), Garabito (7) and Nicoya (12 sick). The specialists of the Ministry of Health assured that the mosquitoes who transmit the virus, the *Aedes aegypti*, have not changed their behavior (La Nacion Daily Newspaper. October 9<sup>th</sup>, 2007

“Inequality in the country has increased not only between social groups but also between regions, revealing a heterogeneous development and differential impacts on the country of the economic policies implemented over the past twenty years.” (United Nations. E/C.12/CRI/4 pag.12, parrf.29 State report-June 22nd 2006).

This situation can be improved by Costa Rica having due regard to the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Adopted by the General Assembly in its resolution 47/135 of 18 December 1992) when planning its implementation of the Covenant. The Declaration was adopted without a vote meaning that no State, including Costa Rica objected to any of its provisions.

**Article 4:**

1. States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.
2. States shall take measures to create favorable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.
3. States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.
4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.
5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

## **Article 5**

1. National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.
2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

### The Association Proyecto Caribe:

#### **Observe**

- The absence of public policies against racism and racial discrimination.
- The existence of discriminatory practices which are still tolerated by the public system. For example, Black Soccer players and coaches have been insulted in public and at stadiums. Carlos Watson, Hernan Medford, for example, complained on September 24<sup>th</sup> 2006 in the media (Al Dia Newspaper), that they are frequently insulted at stadium and in the streets with racist and discriminatory attitudes.
- There are new forms of discrimination and prejudice regarding ethnic or racial meanings.
- There is not much political will from the Government of Costa Rica for a definite decision to promote and operationalize international treaties with respect to non-discrimination, especially against ethnic minorities.
- That in the year 2002, the Committee for the Elimination of Racial Discrimination of the United Nations highlighted to the state and government of Costa Rica: "there are weaknesses in the Costa Rican legislation which do not contain laws to punish racial discrimination appropriately, since penalization is not serious enough, in that it amounts to a simple fine. The Committee believes that this penalty does not reflect the seriousness of this practice and the dimensions of the damages caused to the victims."

**We underline:**

-That the impact of anti-discrimination laws is not creating any effect among the sectors of the Costa Rican society who discriminate against ethnic minorities.

-Government institutions such as the Ombudsman have not played their role to really help in the implementation of a Plan of Action to combat racism and racial discrimination, according to the Declaration and Program of Action to combat racism and racial discrimination from the World Conference Against Racism, Durban, South Africa in 2001 and also the full implementation of the International Convention on the Elimination of all Forms of Racial Discrimination and the implementation of the International Covenant on Economic, Social and Cultural Rights.

-The government and State of Costa Rica should make public information on compliance with international treaty bodies which should be available to all.

- There are affirmative action programmes to combat inequalities and discrimination among indigenous communities, such as in the areas of housing, bilingual intercultural education (since 1994) and focusing the national education curricula, health (First National Health Forum for Indigenous People took place in year 2005). We applaud these programmes, but unfortunately there are no similar programmes applied to the Afrodescendants, who are equally in need of such affirmative action. We urge the government to enact similar programmes with the Afro-descendant community.

**2.3. Equal rights to men and women (Art.3 ICESCR)****Gender inequalities**

In the State report before the CESCR on the 22nd of June 2006, Costa Rica exposed:

*“Another of the social and cultural challenges that Costa Rica faces is the reduction of the gender gap. While the country has made significant progress regarding health, education and working opportunities for women, it also has outstanding issues*

*regarding raising living standards, income and entry into the labour market.”*  
(E/C.12/CRI/4. p14, para 34

The State report continues to expose: (E/12/CRI/4. p.66, para.327) “No. 7142 for Promotion for the Social Equality of Women, approved on 8 March 1990, was an historical landmark. Article 1 states that *“It is an obligation of the State to promote and guarantee equal rights between men and women in the political, economic, social and cultural fields.”* This is a pioneering law for the promotion of women’s rights in Latin America. It is based on the principle of equality contained in the Convention, going beyond the formal equality enshrined in article 33 of the Constitution in that it accepts and encourages positive action in order to achieve its objectives. It also includes two kinds of rules: a) those which apply directly, which have to be enforced in the courts, and b) those which lay down obligations for State institutions”

The State of Costa Rica in its report number 17-18 before CERD in year 2006 acknowledges that: *There is no national research that could be used as reference for the analysis of the situation of Afro-Costa Rican black women.* This reflects the invisibility as a consequence of racism and discrimination that historically the Afro-Costa Rican has suffered and by reason of gender it has profoundly affected black women. (Para 87) The National Household survey does not include an ethnic variable, so by this, black women do not even exist. The national census of the year 2000 was not fully inclusive of the situation of Afro-Costa Rican women, but reflected an important migration, especially to the United States, due to networks and parenthood to get in a labor market which offers more possibilities. This also allows the migration of a new generation of Afro descendant youth.

The situation of Afro-Costa Rican women is also characterized by a lack of policies and initiatives that would take into account the threefold discrimination against them: because they are black, because they are women, and for a large number of them, because they belong to an impoverished and marginalized social class.

At the First Seminar and Forum on Afrodescendant Women that took place in Costa Rica, 12 and 13<sup>th</sup> of August 2005, the Women identify the following problems and needs

of the majority of the Afro descendant population concentrated in the Province of Limon, according to the Canton of origin:

### JOBS AND EMPLOYMENT:

<i>Needs/problems</i>	<i>Proposals</i>
<p><b>Pococí and Guácimo:</b></p> <ul style="list-style-type: none"> <li>✓ There are difficulties in the Commercial field in general, which have to do with Banks and Office.</li> <li>✓ Women of the age of 40 and over suffer unemployment.</li> <li>✓ <b>Government social institutions do help small and medium enterprises, but support is limited and for short period of time.</b></li> </ul> <p><b>Limón:</b></p> <ul style="list-style-type: none"> <li>✓ People from other parts of the country get jobs in our community and we do not.</li> <li>✓ There are a lot of racist attitudes towards us coming from merchants</li> <li>✓ We are not subject to loans or bank credits. There is no equity.</li> </ul> <p><b>Matina y Siquirres:</b></p> <ul style="list-style-type: none"> <li>✓ More jobs needed.</li> </ul> <p><b>Talamanca:</b></p> <ul style="list-style-type: none"> <li>✓ There is no strategic plan for social and economic development in the Canton. Medium enterprises do not receive much support</li> <li>✓ We cannot access jobs after age of 40.</li> <li>✓ Law number 7600 should be applied</li> </ul>	<ul style="list-style-type: none"> <li>✓ Quota of employment in offices, commercials and enterprises</li> <li>✓ Open offer of jobs from public and private enterprises.</li> <li>✓ Data bank of information about employment</li> <li>✓ Strengthen private Enterprise.</li> <li>✓ Create small and medium Enterprises to help generate employment and build up local economy.</li> <li>✓ Increase employment opportunities (as per the constitutional guarantee under Article 56 which states: “The nation shall procure honest and useful occupation to all...”</li> <li>✓ Access to credit and information.</li> <li>✓ Studies and research to define capacity and necessity of type of jobs afro descendants can fulfill.</li> </ul>

### Health:

<i>Needs/problems</i>	<i>Proposals</i>
-----------------------	------------------

<i>Needs/problems</i>	<i>Proposals</i>
<p><b>Pococí y Guácimo:</b></p> <ul style="list-style-type: none"> <li>✓ Medical services are Bad</li> <li>✓ There are difficulties for emergency attendance.</li> <li>✓ Sickneses that is common to Black People do not receive attention.</li> <li>✓ Government offices do not attend us very well and we do not receive information regarding violence.</li> </ul> <p><b>Limón:</b></p> <ul style="list-style-type: none"> <li>✓ Trained professionals in health are needed to attend us, due to our predisposition to certain sickness, such as diabetes, high blood pressure.</li> <li>✓ Increase violence in Costa Rican society is affecting us emotionally.</li> </ul> <p><b>Matina y Siquirres:</b></p> <ul style="list-style-type: none"> <li>✓ More specialized practitioners are necessary and also better attention towards the people.</li> </ul> <p><b>Talamanca:</b></p> <ul style="list-style-type: none"> <li>✓ Ethnic and biological differences are not kept in mind.</li> <li>✓ A complete maternity ward is required and well equipped with human and physical resources.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Sentization and training for the health sector about pluricultural aspects and respect to afro descendent culture. Also a protocol should be implemented for adequate attention and treatment.</li> <li>✓ Respect and rescue of traditional medicine.</li> <li>✓ Ethnic differences should be kept in mind, more over for medical prescriptions.</li> <li>✓ Health equipment and resources should be guaranteed according the proportion of the population.</li> <li>✓ Representation and participation of the Black Community in Controller Services at Clinics and Hospitals.</li> <li>✓ Reopen of Adolescent Community Home.</li> <li>✓ Re-open of the Women’s Community Home, by the Costa Rican Social Security.</li> </ul>

**LABOUR TRAINING AND EDUCATION:**

<i>Needs/problems</i>	<i>Proposals</i>
<p><b>Pococí y Guácimo:</b></p> <ul style="list-style-type: none"> <li>✓ Scholarship system do not exist and less for Black People.</li> <li>✓</li> </ul> <p><b>Limón:</b></p> <ul style="list-style-type: none"> <li>✓ More Education and Culture is needed.</li> <li>✓ We have the skills, but more profesional training is required.</li> </ul> <p><b>Matina y Siquirres:</b></p> <ul style="list-style-type: none"> <li>✓ More educators is required to teach in English.</li> </ul> <p><b>Talamanca:</b></p> <ul style="list-style-type: none"> <li>✓ Educators should be from the Region.</li> <li>✓ Local culture should be rescued in the educational centers.</li> <li>✓ The National Institute of Learning should install an education and training centre.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Sensitize training and information to teachers about ethnicity, multiculturalism, pluriculturalism and afro descendant culture.</li> <li>✓ Teachers should have time to apply human rights education for better understanding about equity and ethnic minorities.</li> <li>✓ Official recognition of the Afro descendants schools by the Ministry of Education and increase the teaching of the English language.</li> <li>✓ Creation of a Scholarship system for Afro descendant to Access all level of education (primary, secondary and university)</li> <li>✓ Afro descendant issue should be included in the curricula.</li> <li>✓ University educational Center should be established in Talamanca.</li> <li>✓ Financial courses (Administration, credit and financial).</li> </ul>

**HUMAN RIGHTS:**

<i>Needs/problems</i>	<i>Proposals</i>
<p><b>Pococí y Guácimo:</b></p> <ul style="list-style-type: none"> <li>✓ Lack of information about Afro-descendants.</li> <li>✓</li> <li>✓ Black Women are seen as sexual symbols and as domestic workers.</li> </ul> <p><b>Limón:</b></p> <ul style="list-style-type: none"> <li>✓ Existence of much prejudice.</li> <li>✓</li> <li>✓ Costa Ricans do not recognize themselves in many ways.</li> <li>✓</li> <li>✓ Costa Ricans do not know us.</li> <li>✓</li> <li>✓ We do not want to be equalised, but that our culture must be respected as different</li> <li>✓</li> </ul> <p><b>Matina y Siquirres:</b></p> <ul style="list-style-type: none"> <li>✓ Job quota for Afrodescendants.</li> <li>✓</li> </ul> <p><b>Talamanca:</b></p> <ul style="list-style-type: none"> <li>✓ Respect for equity and equality.</li> <li>✓</li> <li>✓ Tools for the claim of rights are ignored.</li> </ul>	<ul style="list-style-type: none"> <li>✓ More information about Black-Cultures</li> <li>✓ Information about violence in the family.</li> <li>✓ Equality of opportunities</li> <li>✓ Training and sensitizing about racial discrimination and laws and how to identify situation of racism and discriminations.</li> <li>✓ Training in Human Rights, legislation and international instruments towards Afro descendants.</li> <li>✓ Reform of the Criminal Code to penalize severe racial discrimination. Improve mechanism of protection for victims of racial discrimination and racism.</li> <li>✓ Apply law of report, investigation and penalization of racial discrimination.</li> </ul>

#### **2.4. To enjoy scientific progress, benefits and participation in the cultural life (Art.15 ICESCR).**

##### **Culture and Education:**

The Costa Rican education program still does not include any mention of the contribution of the Afro-Costa Rican group to the building of the Nation.

In primary and secondary education, the programs and textbooks show black people in a denigrated and stereotyped way. The educator Carmen Hutchinson Miller demonstrates the existence of a simplistic and stereotyped focus on the Afro-Costa Rican culture in the textbooks for social studies used in basic general education, where

manifestations of racism latently persist and where the Afro-Costa Ricans are not featured in the history textbooks used by Costa Rican students. (Minott.C. 2005).

A study was carried out by the Inter-American Institute for Human Rights (IIDH) in nineteen Latin American countries on the inclusion of issues regarding ethnic diversity in school textbooks and with regard to Costa Rica, the study showed that in the textbooks, the trend is similar to that of the course programs, where people of African-Descent are predominantly depicted as slaves, servants, as people dancing, and as examples of people suffering from extreme poverty or malnutrition.

The content of the educational curriculum adversely affects Afro-descendants. Before 2003, the Ministry of Education made it compulsory for primary school teachers and children to study the textbook *Cocori*. Members of the Afro-Costa Rican community, together with Human Rights NGOs, protested against this, because this textbook contains stereotypes and discriminatory elements against black people and has affected children's self-esteem. The request of the Afrodescendant community, was addressed but only partly - the textbook was made optional instead of being eliminated from the educational programs. The case with the request of Afrodescendants children, was appealed before the Constitutional Hall of the Supreme Court of Costa Rica and it was rejected (File 6613-95 Number 0509-96).

It should be recalled that Article 7 of the ICERD calls on state parties to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance, and friendship among nations and racial or ethnical groups. Likewise Article 13.1 of the Covenant is relevant. It states that "education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms" and that "education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups" Use of textbooks containing stereotypes and discrimination against Afro-descendants undermines the full

development of the personality of Afro Costa Rican children and does not contribute to promoting understanding and tolerance among ethnic groups.

On April 27<sup>th</sup> 2005, the National Commission of Afro-Costa Rican Studies was created by law with the purpose to promote the Afro-Costa Rican culture for its preservation and to sensitize the educational system and society in general. But this Commission has not received any support from the government and State of Costa Rica for its implementation and operation, support it was mandated to receive by the same law which created it.

### **3. FINAL COMMENTS:**

**-It is urgent for** the State of Costa Rica to acknowledge the presence and increase of structural racism and racial discrimination against Afrodescendants. The Government should also take effective action to ensure the application of the anti-discrimination laws with strong penalties against racism and racial discrimination.

- The State should undertake an effective assessment of policies and practices as outlined by the Covenant on Economic Social and Cultural Rights (CESCR). Article 2.3 of this Covenant is clear on the obligation of governments to actively address racial discrimination and promote understanding through ensuring the rights in the Covenant are guaranteed without discrimination.

**-It is worrying** that there is a continuing surge of racist and discriminatory practices in Costa Rica. An example of this is a publication in the local press Diario Extra, in the section titled "Conflicting Sentiments": The Hospital of Limon is called a Nazi camp, because someone always comes out without a part of their body" ( May 5- 2004, page 5.). False images and negative stereotypes of ethnic groups are promoted, especially of Afrodescendants, thereby contributing to the spread of racist and xenophobic feelings and practices in the society.

-The CERD in its sixtieth session on March 21<sup>st</sup>, 2002 when examining the State of Costa Rica, regarding its sixteenth periodic report, expressed concern at the alleged manifestations in the media of racism, xenophobia, and intolerance against minority groups, and recommended that state party should support the adoption of a code of ethics for the media. To date, no such code has been established.

-The situation of intolerance, discrimination against people of African descent and the absence of public policies are affecting women, children and adolescents as they are the most vulnerable. This situation is a limitation on their exercise of their social, cultural and economic rights. There should be a strategy and public policies for the creation of:

1. A National Council for Ethnic Minorities to exercise their social, cultural and economic rights.
2. A National Action Plan for the Protection of Human Rights and combat of Racism, Racial Discrimination and Xenophobia.

And:

-The Ombudsman should take proactive measures towards addressing contemporary forms of racism and racial discrimination and social exclusion.

-The new Commission of Human Rights created in the National Parliament, should seek and promote actions towards the full recognition, participation and inclusion of ethnic minorities in decision making in the areas of social and economic growth which affects their communities.

-The government and State of Costa Rica, as an affirmative action, should support immediately, with all the necessary resources, the functioning of the National Commission of Afro-Costa Rican Studies, created by Decree Law #32338-MEP on the 27<sup>th</sup> of April 2005 so it can comply with the objectives and mission for which it was created.

## References:

Asociación Proyecto Caribe (APC). Propuesta de Objetivo General y preguntas críticas para las organizaciones que participarían en el informe de Derechos Humanos sobre Costa Rica. 2005.

CERD. Report of the State of Costa Rica. 2002.

Facultad Latinoamericana de Ciencias Sociales (FLACSO). Seminario-Taller Colectivos Etnicos Minoritarios en Costa Rica: Situacion actual y perspectivas. Edicion de la Memoria. 2002.

Hutchinson Miller, Carmen, El enfoque de la Cultura Afrocostarricense en los textos de estudios sociales del primer ciclo de la educación general básica. Tesis para optar al grado de Maestria en Ciencias de la Educacion con Enfasis en Investigacion Educativa. Universidad Latina de Costa Rica. 1998.

Instituto Interamericano de Derechos Humanos (IIDH). Informe Interamericano de la Educación en Derechos Humanos: Un estudio en 19 países. San José, Costa Rica 2005.

Instituto Nacional de Estadística y Censo (INEC), 2000. Censo Nacional de Poblacion y Vivienda. San Jose, Costa Rica.

I Foro de Mujeres Afro descendientes de la Provincia de Limón. Informe. Limón, Costa Rica. 12 y 13 agosto 2005.

Minott, Carlos. "Historia y avances legislativos de Costa Rica en materia de discriminación. En: Seminario Internacional sobre el avance de equidad e inclusión social. Brasilia, Brasil 11-14 abril 2005.

Minott, Carlos. Afrodescendants in Costa Rica. Wadabagei: A Journal of the Caribbean and its Diaspora. Vol.8 #1 10-25 pp. 2005.

Naciones Unidas. E/C.12/CRI/4. Consejo Económico Social. APLICACIÓN DEL PACTO INTERNACIONAL DE DERECHOS ECONÓMICOS, SOCIALES Y CULTURALES. Segundos, terceros y cuartos informes periódicos que deben presentar los Estados Partes de conformidad con los artículos 16 y 17 del Pacto COSTA RICA\* \*\* \*\*\* (Período 1990-2004).

Piovesan, Flavia. "Los retos de la sociedad civil en la defensa de los derechos económicos, sociales y culturales. Revista IIDH. 40: 449-473. Julio-Diciembre 2004.

República de Costa Rica. Informe Numero 17-18 de Cumplimiento de Obligaciones de la Convención para la Eliminación de Toda Forma de Discriminación Racial. Año 2006.

State of the Nation in Sustainable Human Development, produced independently of the Government by the National Council of Rectors (CONARE), a body composed of the country's four public universities and the Office of the Ombudsman.