

AGENDA  POLITICA  
DE MUJERES



CEDAW

2007-2010 Costa Rica Shadow Report

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**List of organizations that contributed criteria for the production of the present report:**

Agenda Política de Mujeres

Asociación Madreselva

Asociación de Servicios de Promoción Laboral, ASEPROLA

Centro de Investigación y Promoción para América Central de Derechos Humanos, CIPAC

Centro Feminista de Información y Acción, CEFEMINA

Colectiva por el Derecho a Decidir

Federación Costarricense de Organizaciones de Personas con Discapacidad, FECODIS

Fundación PROCAL

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Secretaría de la Mujer de la Asociación Nacional de Educadores, ANDE

## Introduction

Costa Rica prides itself of possessing one of the longest standing democratic regimes of Latin America. Never the less, its democratic practices show important deficits in citizenship rights which affect the half of the population of the country constituted by women. Two political parties have been alternating governmental power, but their development model has continued to create and re-create historical female exclusion biases that may shift depending on age, place of residence, ethnic group, occupation, religion and sexual orientation, among others.

In June 2003, the Costa Rican government presented the UN with the first official report regarding CEDAW compliance, and 9 Costa Rican NGOs coordinated by Agenda Política de Mujeres prepared a Shadow Report with the support of several international organizations such as United Nations Population Fund (UNFPA); the Women, Justice and Gender Program of the Latin American Institute for the Prevention of Crime and Treatment of Offenders (ILANUD); the International Women's Rights Action Watch Asia-Pacific (IWRAP-Asia Pacific); the Legal Center for Reproductive Rights and Public Policies (CRLP), among others.

In the period between 2004 and 2007, Agenda Política de Mujeres kept requesting from the National Women's Institute (INAMU), official mechanism for the advancement of women, information pertaining to the application of the 2003 recommendations from CEDAW's Committee. We were unable to receive a positive response until the first semester of 2007 when an informative session was scheduled to share the preparation of the next official government report, and once more Agenda Política de Mujeres and 11 other organizations, with the support of UNFPA, undertook the task of preparing an alternative report. The sources used for this report were: testimonies, accounts and interviews made to 10 organizations, linked to the defense of human rights. Publications from renowned organisms such as the Ombudsman's Office, the State of the Nation Program<sup>1</sup>, the National Institute of Statistics, the Planning and Economic Policy Ministry, as well as others were also tapped. They were chosen because of their systematic collection of accusations; because they generate official statistics, and/or analysis of the situation of women in the country.

The main points of interest regarding the socioeconomic and political context of the country for the period of 2003-2007 are:

- ✓ Discrimination by results at the national level, despite the existence of laws that protect the rights of women.

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<sup>1</sup> The State of the Nation Program presents a yearly report about the situation of the country which results from the joint efforts of our public universities and the support of international organisms linked to human development.

- ✓ Official and extra-official influence, and meddling, of the Catholic Church exerted over the government with the resulting limitation of integral women's rights, specially of sexual and reproductive rights.
- ✓ Differential gender discrimination suffered by women due to ethnic origin, sexual orientation, functional capacity, age, geographical location, or socio-economic status.
- ✓ The negative effects of the Central American Free Trade Agreement with USA and the Dominican Republic (CAFTA) on women's human rights, and discrimination they will suffer as a result, in many areas of life.
- ✓ The rights of domestic workers continue to be violated despite recent Labor Law reform.
- ✓ Lack of access to free of prejudice, complete, and timely information; as well as efficient services that utilize the latest technologies for sexual and reproductive health.
- ✓ Absence of an education for sexuality free from religious dogma, patriarchal, moralist or age discriminating biases.
- ✓ Lack of instruments to measure gender impact that take into consideration the rights and great diversity of the various areas of women's lives.
- ✓ The lack of commitment of the Costa Rican government has shown for application of the recommendations offered by the CEDAW Committee, and the 2003 Shadow Report, which were meant to eliminate discriminatory practices against women.

The present report is limited to the themes of which the women participating in the process have knowledge of, experience, and access to information. This Shadow report does not cover the entire range of discrimination which exists against women in Costa Rica.

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## Violations to Women's Rights as per CEDAW's framework:

### Article 1: Definition of Discrimination against Women

Given the recurrent interference of the Catholic Church in governmental decisions and their negative impacts in the areas of women's health, education, and general well being we:

***Reiterate the recommendation made in our 2003 Shadow Report, for either the Executive or the Permanent Special Women's Commission of the National Legislative Assembly to place in the legislative current a proposal for the reform of article 75 of the Political Constitution, and the declaration of Costa Rica as a Secular State.***

### Article 2: To embody the principle of the equality of men and women in their national constitution or other appropriate legislation

The principle of equality between men and women faces a structural constrain given the Political Constitution's declaration of Costa Rica as a Catholic State. Our democracy is equally limited in the exercise of the necessary dialog and negotiation to further women's rights given the ban on topics that are of no interest to the Catholic Church. Therefore we:

***Once more reiterate the recommendation made in the preceding article, to have disassociation of the State and the Catholic Church, and have Costa Rica declared a Secular State.***

Furthermore, women organizations that participated in the elaboration of the present report indicate they received no information, nor training about CEDAW in connection with any governmental institution, as part of a strategy to make the Convention known. However, upon request of said organizations, INAMU would on occasion release documentation linked to CEDAW. But, distribution of documents and the occasional workshop are insufficient to guarantee knowledge and appropriation of CEDAW's principles, nor of their application. The government has failed to provide a systemic assessment of the impact of their so called dissemination efforts. Consequently we:

***Demand the immediate implementation of a broad plan to make the Convention known to law makers, government employees, women and the general public. The plan must have specific, measurable goals, be carried out nationwide, and funded appropriately as to be able to achieve its benchmarks. Progress reports should also be made available to the organizations that work on women's rights.***

In addition, and despite the approval on May 2007 of the law that penalizes violence against women, there are still significant voids in the legislation and prejudice in the application of the said law and its mechanisms, specially when concerning migrant

population (according to XI State of the Nation Report of 2005, one out of every 3 women assassinated were migrant). Thus, we require:

***A systematic evaluation of the impact the law that penalizes violence against women has, on the elimination of the various forms of gender violence, and the effective promotion of women's right to life. The assessment could be coordinated by INAMU, with the participation of the Legislative Assembly, represented by the Ombudsmen; the Supreme Court, through its Gender Commission; and civil society, represented by women's organizations. Particular attention should be placed on the situation of migrant and indigenous women.***

Finally, regarding the law against sexual harassment in education and the workplace that was reformed in 2010, the government maintains a very limited role conducive to the successful elimination of denigrating images that reinforce the perception of women as sexual objects, which in turn fosters sexual harassment, already exacerbated by the media. So, we hereby demand:

***That an inquiry be carried out, to determine the reasons why the Law against Degrading Commercial Propaganda in Commercial Media is not applied (or applied restrictively), in order to generate the necessary reforms at the regulation or operational levels to make it effective. The results of the investigation must be made available to women's organizations.***

**Article 3: States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women.**

Both administrations 2002-2006 and 2006-2010 have operated plans that ignored the gender perspective and the existing gender gaps. Consequently, discrimination continued and quality of life for many women deteriorated even further. The present administration of Laura Chinchilla has committed for the 2010-2014 period to an action plan meant to significantly reduce the said gaps. It is however doubtful, that despite the show of good intentions, the government will be successful at reaching their ambitious goals, given the dis coordination the plan has with the other actions (or lack of) that are being implemented by the administration; chiefly among them, their economic policies (and impacts of the commercial agreements that have been signed). In view of the serious risks involved, we:

**Demand that the excellent plan elaborated for 2011-2014 period (as any other plan thereafter), be considered a State Plan, and not just one more government plan (susceptible of being changed with successive administrations). The Plan must be an integral part of all administration's mechanisms, which must be bound to its implementation; allocate the necessary resources, and**

**systematically report on progress every semester. Reports should be made public and contain relevant data for verification. INAMU could assume the role meant in its foundation and coordinate and oversee the Plan's actions. An indicator of INAMU's success in the dissemination of CEDAW could be the results achieved by the Plan's implementation, and the backing that other governmental agencies give to the initiatives it contains.**

**Article 4: Adoption of temporary special measures aimed at accelerating de facto equality between men and women.**

With regards to women's participation in government, women remain at a disadvantage with respect to female heads of Ministries. During both administrations (2002-2006 and 2006-2010) women held, at most, 28% of the posts. The ratio of women in top positions in autonomous institutions experienced a decrease, from 24% in the 2002-2004 administration, to barely an 11% in 2010. The Supreme Court has only 25% female judges, and the Electoral Supreme Court shows only 33% of female magistrates<sup>2</sup>. Therefore, we:

**Demand the effective commitment of the Presidency and other Powers of the Republic to incorporate women in decision making posts, in equal numbers to men, with affirmative actions taken in order to promote participation of indigenous and African-American women, as well as to women with various degrees of disabilities, without discrimination based on age, religion, or sexual orientation.**

Concerning affirmative actions for women with different functional capacities, we continue to have insufficient information due to lack of gender segregated data, and women in need of services can't be located and attended. Due to cultural patterns, women (contrary to men who are encouraged to get rehabilitation and become self-sufficient), are often kept at home to help in household chores, prevented from access to services, recreation and sports. On the other hand, both the 7600 Law and its application mechanisms tend to be centered on defending the rights of people with physical limitations in detriment of those with mental or sensory deprivation. Consequently, we:

**Require the National Council for Rehabilitation and Special Education to create, and implement, a strategic plan to insure the incorporation of women with various degrees of functional limitation, to all spheres of life. The plan can count with the input of INAMU, and women's organizations that attend and are comprised of the target population. Resources must be allocated for its implementation, and public universities can provide follow up and evaluation of progress and results.**

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<sup>2</sup> Sources: National Women's Institute, Area of Active Citizenship, Leadership and Local Management, as well as the websites of the Supreme and Electoral Courts.

**Article 5: Eradication of social and cultural patterns of conduct of men and women, with a view to eliminating prejudices and practices based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.**

There have been no significant positive changes from our previous 2003 report. In 2007 two projects were being considered in the legislative to prohibit the adoption of children by same sex couples. Sexism and discrimination are still rampant in the educational system, heavily influenced by religious beliefs of personnel and political considerations of authorities unwilling to cross the Catholic Church. Promotion of equal responsibility in the raising of children or taking care of the infirm and the elderly don't appear in the agendas of institutions responsible for public policies, such as INAMU, Ministry of Health, and Labor and Social Security Ministry. In view of the situation, we:

**Request the government to assign resources to guarantee child care services in schedules appropriate to the women's work hours.**

**We also demand the government to refrain from excluding non-heterosexual people from the possibility to share a common life with the same rights that have other heterosexual couples.**

**Given the debilitation of INAMU and its capacity to carry on its mission of promoting equality and women's rights due to administration policies, we require INAMU to provide reports on the actual impact of their educational and awareness development initiatives. Such reports must include verifiable data and will be audited by organizations that work on women's rights**

**Article 6: States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic of, and exploitation or prostitution of, women and girls.**

The 2003 CEDAW Committee recommendations have not been satisfactorily complied with. Despite publicity campaigns, sexual tourism is still rampant, children continue to be exploited in many of our coastal and other tourist areas, and police actions have resulted ineffectual due to limited resources<sup>3</sup>. To make matters worse, and given increasing deterioration of financial conditions, adolescent women and girls' sexual exploitation has become sanctioned by man families as a strategy for economic survival. The National Children's Trust<sup>4</sup> has been fruitless in evaluating the impacts of their National Plan against the Exploitation of Children and Adolescents<sup>5</sup>. According to INAMU, some obstacles to the

<sup>3</sup> See INAMU 2007 Report available at <http://www.inamu.go.cr>

<sup>4</sup> Governmental institution responsible for the welfare of children.

<sup>5</sup> See 2002-2006 Report at <http://www.pani.go.cr> and [www.mideplan.go.cr](http://www.mideplan.go.cr)

plan's success are: lack of commitment and scant participation of governmental institutions responsible for intervention, and lack of an integral approach<sup>6</sup>. As a result, we:

**Demand the adoption of effective measures against sexual exploitation of women and girls, as well as the re-evaluation of the role of the institutions presently responsible for action, and the incorporation of NGOs that work in this area to the collaborative effort of eradication of children and adolescent sexual exploitation.**

**Article 7: To vote in all elections and public referendum and to be eligible for election to all publicly elected bodies.**

We have yet to achieve parity in public elected posts. Women in the National Legislative Assembly constitute less than 40% of elected officials, and on the sit of Mayor Office we have only 28.4% of women, however, lower ranking posts at local government level have reached 50%. With the new reform to the electoral code, women should reach 50% of elected post, all the same, it is questionable that women will be able to apply for those posts unless other social changes take place in the traditional family roles women are immersed in, and the operational dynamics of the political parties. Besides that, arrival of women to certain positions is no guarantee that they will assume the vindications and agendas of the women's and feminists movements.

In the 2006-2010 presidential period, the Minister for the Condition of Women (typically INAMU's executive president), was deprived of the rank of Minister and demoted to a lower cabinet rank. To this day, despite the fact that in 2010 a woman was elected as president, the situation persists.

As to political participation, a new all female, feminist political party was created during the 2006-2010 election campaign, in view of the lack of interest and commitment existing political parties have with women issues, chiefly with equality<sup>7</sup>. The voting preference for the party wasn't enough to obtain representatives in any of the elective posts, however, its presence made a difference in the promotion of the strategic interests of women. An important aspect that may have contributed to the outcome was the current financing policies that make it very difficult for other than the established parties to get funds for the campaigns.

Furthermore, in 2004, the executive president of INAMU was removed from her post for alleged administrative irregularities (later dismissed). We believe the change was a political move instigated by the Catholic Church that perceived her as hostile to their interests. The new appointee maintained a much closer and friendly relationship with the establishment, and persecution of more liberal employees, to purge the institution, ensued. Given the above mentioned, we:

**Demand:**

<sup>6</sup> See detailed list at: <http://www.inamu.go.cr/acciones-avance-mujeres-violencia-de-g-nero/explotaci-n-sexual-comercial.html?Itemid=431#acciones>

<sup>7</sup> Nueva Liga Feminista aims and perspectives can be found at: [www.nuevaligafeminista.org/Balance%20electoral.htm](http://www.nuevaligafeminista.org/Balance%20electoral.htm)

- **State agencies to assist, educate, motivate, and take affirmative actions necessary so women will be able to overcome the obstacles posed by their gender and society roles, in order to postulate their names in election processes.**
- **INAMU and the Electoral Supreme Court should take the necessary steps to insure that women elected by popular votes have appropriated CEDAWs principles and mandates, so they can exercise their roles in agreement with the human rights mechanisms that made it possible for them to be elected.**
- **The revision and reform of election laws to insure equal treatment of all parties, and access to public funds to finance political campaigns.**
- **The strengthening of the national mechanism for the advancement of women's rights through:**
  - **Reinstatement of the Ministry status of its Executive President**
  - **Relief from Church influence on its operations and policies**
  - **Allocation of resources to be able to face the challenges that the struggle for equality entails (especially for more vulnerable populations such as women and girls affected by sexual exploitation; in financial distress; living in rural areas; of indigenous or African-American origin; pregnant adolescents and mothers, elderly women, lesbian women, and many others).**

**Article 8: On our representation of the Government at the international level and participation in the work of international organizations.**

Information pertaining appointments to the Foreign Service, generated by the Ministry of Foreign Affairs, is not gender specific. However, data can be gathered that shows most heads of embassies are men (57%). Specially, those located in strategic countries and areas, such as Europe, the USA, and some Latin American countries<sup>8</sup>. As well as in the integration of Ad-hoc groups required for special assignments such as negotiation of commercial agreements.

It is also important to make the Committee aware that despite the fact that women were present in the negotiation of free trade agreements, the interests of women, the consideration for the impacts of the treaties on their lives, and opportunities to take advantages of the supposed improvements the treaties would bring, or palliation of problems and negative consequences, were not taken into consideration during the negotiations. Given this situation, we recommend:

- **The creation of effective mechanisms to increase the participation of women at decision making levels in the Foreign Service.**
- **The creation of mechanisms to guarantee that equality and non-discrimination-based-on-gender principles be applied to all and any commercial agreements signed by the Costa Rican State.**
  - **Creation and implementation of the necessary laws and other norms to allow women access to the various activities and benefits derived from**

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<sup>8</sup> See [www.rree.go.cr](http://www.rree.go.cr)

the treaties (for example: training, access to funds, credits, reduction of the digital gap, etc)

- **Creation within the treaties of a Framework for women's integration to the treaties.**
- **Mechanisms of evaluation and segregation of statistics according to gender for assessment of differentiated impacts**
- **Mechanisms of consult with women's organizations that effectively include their recommendations in the processes of discussion and negotiation of the treaties.**
- **Include in all treaties the “Gender Clause” proposed by the International Gender and Commerce Network.**
- **Inclusion in the negotiating teams of a gender expert and institutionalization of an expert group that will monitor compliance with womens rights, and incorporation of their interests and perspectives in the processes of negotiation, and implementation of the commercial treaties that incorporate references to gender issues.**
- **Creation of an institutional mechanism for Equal Opportunities in the organizational chart of the negotiations, along the lines of the European Union's “positive homogenization of rights”.**
- **All above mentioned dispositions and clauses to be included in the body of the treaties, instead of in the annex section.**

**Article 9: On the equal rights of women to acquire, change or preserve their nationality or that of their children.**

Starting in 2003 and picking in 2007 we see the surge of contract marriages between foreign men and Costa Rican women for the purpose of obtaining residential status. Most affected are women of low socio-economical status susceptible to the financial bribes offered. The media points to the women as the main ones responsible for this situation. On the rebound, the National Assembly is proposing legislation that significantly restricts legalization of marriages to foreigners, thus infringing on the rights to freely elect your marrying partner<sup>9</sup>. In this case, we

**Propose changes in the legislation that guarantee the right to choose your partner free from restrictions based on xenophobia, or the incapability of the authorities to effectively manage the control of foreigners with criminal records in their home countries that seek to enter Costa Rica.**

**Article 10: On taking appropriate measures to eliminate discrimination against women in order to ensure for them equal rights with men in the field of education.**

Between 2003 and 2007 a slowly increasing number of women entered the field of technical education, as well as that of science and technology. Gender gaps in the labor market continue due to lack of affirmative actions and stimuli to enter traditionally masculine field of

<sup>9</sup> See La Nación, one of the most important national newspapers' editions between April and September 2007, at [www.nacion.com](http://www.nacion.com)

both education and employment. Women continue to be paid less for the same type of work<sup>10</sup>

With regards to formal education, there have been some curricular revisions and INAMU has implemented pilot programs to educate teachers on gender equality, however, there is no sustained, integral effort to permeate the culture that continues to discriminate women and girls in their education process in order to foster equality. In response to the above, we:

**Require public education authorities, as well as universities to assign deadlines and resources to organize reclassification of both, administrative and teaching personnel, with regards to gender equality and non-discrimination, as well as mainstreaming it into the educational processes. Such measures can be put into effect through staff training, as well as assessment of changes and improvement in attitudes, related skills, and abilities. Retribution for certification must follow the already established norm for professional career upgrades. Thanks to higher education gender programs at the universities, there are enough specialists that can support the effort.**

**We also propose INA signs cooperation agreements with private enterprises in order to provide women's education in technical and technological areas, that may be linked to affirmative actions in employment programs.**

**As with other topics accountability for progress should be established and monitoring systems and public reporting initiated, with verifiable data.**

<b>Article 11: About the elimination of discrimination against women in the field of employment.</b>
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Despite recent reform of Labor Law, maids continue to be at a disadvantage with regards to social security and health benefits due to the strategy used by their employers to discourage them from subscribing to the services, in order to avoid their co-payment, and maternity leave subsidies. Specially vulnerable are temporary workers, and migrant women who may not have entered the country through regular channels. So, we

**Demand the State to take the necessary measures to insure the solidity of the Costa Rican Social Security System, among them to honor its financial debts, and to make more efficient the collection of fees due by many important businesses, so the shared solidarity system (State-employer-worker) can be maintained, and the surplus can be used to cover expenses of services to women who aren't able to currently enjoy them.**

With the signing in 2007 of the CAFTA agreement, despite the voices of alarm raised by many organization that work in human rights who were concerned by the possible negative impacts of its implementation, a series of event got on their way that increased the vulnerability of female employment in the country, and the way many women earn a living. For example:

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<sup>10</sup> Source: Gender Office at the Costa Rican Technological Institute.

- Immediate closing of transnational textile businesses right after the signing of the commercial agreement.
- Labor flexibility has translated into longer working hours due to the concentration of the workday load into 3 or 4 days instead of the regular full week schedule; reduction of overtime payments; retribution per production targets (which forces women to work longer hours to achieve a desired salary); fragmented and unreasonable working hours for female hotel employees; reduction of hours in low season with no compensation; questionable work attires that make them vulnerable to sexual harassment; work-at-home strategies subsidize infrastructure expenses of employers, without equivalent compensation of home-worker's salary.

**According to what CEDAW Committee recommended in 2003 (paragraph 33) we demand the State to inform about the programs and actions it has in place to “neutralize the negative effects of the commercial agreements on the quality of employment and lives of women”. The report should include verifiable data concerning impact and positive results or progress of the actions undertaken and be open to audit by NGOs that work on human rights.**

**Given the results, the State is to implement further measures to confront the consequences of the CAFTA and other agreements on the rates of public services, deterioration of social security, loss of stimuli for micro-businesses headed by women, and decreased capacity to expand services to populations that can't have access to them at the moment.**

Women in traditionally masculine jobs continue to be subject to discrimination and decreased advancement opportunities. For example, the Vice-Minister of Security resigned at the beginning of 2011, due to sexual harassment at her place of employment. The authorities took no measures to clarify the incident. A similar result occurs among women who work at the educational system and take single responsibility for their maternity and child rearing; few can be found at important decision making posts in their field of work.

Furthermore, chapter 7, article 8, subsection b, of the Labor Law prohibit hiring women and youth below 18 years of age, to work under unhealthy, heavy or dangerous physical or moral conditions. This norm discriminates against women, and represents a contradiction with many currently sanctioned labor practices.

**Accordingly, we require the State to insure effective vigilance of compliance with Labor Laws and CEDAW's principles and mandates, while at the same time, urge revision of the said article, in order to bring it up to date with common practices, in equality with the rights of men, and without detriment or contravention of women's dignity and rights.**

**We also reinforce the importance of shared responsibility (men-women-society) for family and child care.**

<p><b>Article 12: Elimination of discrimination against women in the field of health care in order to ensure equality of access to health care services.</b></p>
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Women's health is affected by many aspects linked to the gender role society assigns to them, but the health services continue to treat their complaints and ailments in a compartmentalized, acceptive way. Women continue to be victimized by the health care providers who dismiss and downplay their concerns, make them feel guilty of their

conditions, and dedicate as little time as possible to analyze the integral causes of their ailments, much less to provide integral solutions. In addition, the CAFTA agreement's impact on women's lives (with the privatization of services, decrease in job opportunities, reduction of work force, etc.) has contributed to their vulnerability and further threaten their health, while authorities of the Costa Rican Health and Social Security System continue to ignore the situation<sup>11</sup>.

More specifically, there continues to be a negligent and discriminatory treatment of the sexual and reproductive health of women with different levels of disability<sup>12</sup>. The conditions that apply to women in the rural areas, and those of indigenous women have become further marginalized. We also would like to point out the situation of housewives who depend of their husband's insurance for services, and if the husband loses his employment (and therefore access to social security benefits), the women lose them too.

In the area of violence against women, we have experienced a regression due to the de-facto dismantling of the programs of attention to violence at police and Costa Rican Social Security and Health System levels. There is a lack of coordination for the attention of women affected by violence and sexual abuse.<sup>13</sup>

Taking all of the above into consideration, and the separate report presented to the Committee by organizations that work in the field of sexual and reproductive health, we:

- **Subscribe the Shadow Report on Sexual and Reproductive Health's recommendations**
- **We additionally demand the adoption of measures that tailor services to the needs of women with various levels of functionality (including infrastructure, staff training, and access to appropriate medication, among others).**
- **We also propose for the State to find a mechanism to provide health services to homemakers, independent of their husband's insurance. The women's insurance should not represent an added burden to the family's financial situation.**
- **Health authorities must insure that health controller services available in each of the main centers of provision of services, be responsive to women's complains and effective in the improvement of the quality and integral approach to women's health.**
- **Activation or creation of specific areas of attention for women affected by violence and/ or sexual abuse, including therapy services in coordination with women's organizations that work on the topic of violence.**

<b>Article 13: Regarding appropriate measures to eliminate discrimination against women in other</b>
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<sup>11</sup> Unpublished report of findings presented to IIDH that summarizes results of two workshops implemented on may 28<sup>th</sup> and 29 of 2010, with women of the San José and San Ramón area.

<sup>12</sup> See report of the Costa Rican Federation of Organizations of People with Disabilities (FECODES) at: <http://www.cnree.go.cr/es/biblioteca/documentos.html>

<sup>13</sup> Women's Network against Violence against Women. 8th of March 2011 press release. Available at [www.ciem.ucr.ac.cr/boletinas2011/febrero2011/interespaciosfeb11.html](http://www.ciem.ucr.ac.cr/boletinas2011/febrero2011/interespaciosfeb11.html)

**areas of economic and social life such as family benefits, financial credit, and recreational activities, sports and all aspects of cultural life.**

The reiterated refusal of the Costa Rican State to approve legislation to recognize civil rights of same sex couples has left lesbian women at a disadvantage in their right to the equal enjoyment of family, credit, health, inheritance, conjugal visits, and other social benefits that couples in heterosexual unions enjoy. Because of this, we:

**Reiterate the recommendation made in the First Shadow Report of 2003, for Costa Rica to reform article 242 of the Family Law so same sex couples can have access to social and civil rights. We also demand that in the future no aspect related to human and civil rights be subject to popular referendum.**

With regards to credits, women appear to be slowly increasing their access to loans, however, they are still far from having equal access to credits as men do, and the amounts of the loans granted to women are also lower. For example, data from the National Bank for Development indicated that in 2005 women represented 25% of the clients, but only 11.7% accessed credits<sup>14</sup>. In view of the situation, we

**Reiterate the need for government institutions to implement a program of technical and financial assistance with gender, diversity and human rights perspective, with annual benchmarks and appropriate financing, that guarantees women's access to production resources in equality with men.**

**Article 14: On the application of the provisions of the present Convention to women in rural areas.**

National statistics and university studies show structural poverty affects more intensely women heads of households in both urban and rural areas, as well as other vulnerable population such as girls, adolescent women, the elderly and indigenous population. There is a significant difference in the quality of services these people have access to, which forces them for example to receive classes outdoors, at the mercy of the weather, with unsanitary infrastructure, and fractioned school schedules, because of lack of resources.

Employment access is concentrated in urban areas because of the increasing dependence of the country on foreign investment and transnational companies which have other priorities than human development in the choices they make.

Indigenous and rural women living in remote areas, specially in the South of the country are even more vulnerable and deprived, since they have to walk for hours and even a day before they can access services. Women affected by violence are particularly at a disadvantage. For all these women, access to credit is even more difficult because of impossibility to register sole ownership of the land. Therefore, we:

<sup>14</sup> See XI Report of the State of the Nation, from 2006, pg 119, available at: <http://www.estadonacion.or.cr/index.php/biblioteca-virtual/costa-rica/estado-de-la-nacion/aspectos-economicos/informe-xvi>

**Request the application of 2003 CEDAW Committee recommendation (paragraph 37) with regards to the attention that should be given to women heads of households, rural, indigenous, and disabled women, concerning definition and implementation of poverty alleviation programs that will ensure their access to production resources, jobs, education and technical instruction.**

**We also recommend the implementation of a program to confront gender and domestic violence taking into consideration the perspective of indigenous women, their social relations, different languages, and perspectives on aging (among others).**

**Rural women should have effective input on the definition of policies and development mechanisms that affect their lives and options.**

#### **Article 15: Women equality with men before the law .**

The various observations made in this II Shadow Report are prove that the efforts made by the Costa Rican State to insure equality between men and women continue to be insufficient, lack an integral approach , and have inadequate funds assigned to them. In view of this situation, we

**Recommend developing the legal support, and corresponding sanctioning mechanisms, to insure that equality between men and women has legal and cultural backing, expressed in effective and measurable changes towards a society free of discrimination against women.**

#### **Article 16: About the elimination of discrimination against women in all matters relating to marriage and family relations**

Women using hot line services of CEFEMINA<sup>15</sup> report inaction of the police when requesting physical constraint against their aggressors; obstacles in the execution of mandatory child support and low amounts assigned by judges of said support. Women also complain of lengthy processes that deprive them and their children of the quality of live to which they are entitled, while favoring their attackers by omission.

Another way women are affected by lack of compliance with measures allotted to them when settling cases of domestic violence is, when men are allowed to leave the country before the pension in favor of the woman (and children) is determined. Nicaraguan women whose husbands migrate to Costa Rica make up for a large percentage of the complains.

Finally, we also call attention to the situation of housewives that contrary to their husbands, can't have access to a retirement pensions, unless their husbands die. Because of all of the above, we:

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<sup>15</sup> See CEFEMINA, Woman, You Are not Alone! Program at:  
[http://www.cefemina.com/images/stories/gbics\\_brochure.pdf](http://www.cefemina.com/images/stories/gbics_brochure.pdf)

**Strongly recommend the Judiciary and INAMU to jointly carry out an extensive revision to eliminate the obstacles pointed out by women, including prompt and effective justice, application of measures dictated by judges, and establishment of criteria to determine amount of pensions.**

**Article 18: Concerning State report on CEDAW compliance:**

Having studied the official report, a series of questions were prepared to assist CEDAW Committee's formally question Costa Rican State representatives. From the States responses, we would like to share the following observations on aspects we consider central to CEDAW compliance, and which prove lack of transparency and candidness on the part of the said representatives:

- The status of the Executive President of INAMU.
- Consider that if having ministerial status was the same as not having it (thanks to coordination mechanism like the ones mentioned by the State), there would be no need of ministries. So, why is it that the only Ministry that has been eliminated is that of the Condition of Women, while others have been created (for example the Welfare and Family Ministry)?
  - The creation of a Ministry of Welfare and Family in detriment of the one about the Condition of Women, is evidence of the traditional views the government has about the roles and lives of women, which are in accordance with those of the Catholic Church, and a strong argument in favor of the change Costa Rica must make from confessional to secular State.
  - Executive decree no. 36024-MP-PLAN, regulates the creation and operation of the councils mentioned in the State's response. In the decree it shows the councils have no binding power in decision making. They are meant to operationalize the prioritized decisions taken by the Executive power, and act at his or her pleasure.
  - INAMU's power and relevance have so far been undercut that during the negotiations of the CAFTA studies carried out by their specialists about the negative impacts of the treaty's implementation and palliative measures, were totally ignored, both during negotiations and while the Implementation Laws were discussed in the National Legislative Assembly. Another example has to do with the budget INAMU has, to staff and open representation in the different regions of the country. INAMU has been unable to open new offices and staff them because although it has the allotted funds, the Budget Authority has denied approval of new hires.
- On the efforts the State makes to protect and foster the principles of equality and gender equity:
  - The State has failed to successfully integrate the gender perspective in its economic policy.
  - The State's Policy on Equality and Gender Equity implemented for the period 2008-2012, shows so far only a 50% implementation on the actions designed to improve the quality of employment for women.
  - Investment in infrastructure that alleviates women's burdens and helps them take advantage of opportunities are not a priority.

- Foreign investment is stimulated but it often goes counter to women's rights and worsen the factors that go in detriment of their quality of life.
  - INAMU is absent from the definitions and considerations of the National Development Plan, and of the Competitiveness Council, therefore women's views and interests are underrepresented in their policies and actions.
- Specifically on the issue of employment:
    - The number of personnel dedicated to inspection of work conditions and compliance with labor regulations amounts to 130 for the attention of a population that only considering women amounts to more that 2 million workers.
    - Domestic workers report the persistence of labor law violations, despite law reform, due to impossibility of the inspectors to verify conditions because they require the permission of the owner of the house to enter the premises.
- On particularly vulnerable groups
    - INAMU's strategy for the attention of women in special poverty and vulnerability conditions has had limited effects because complementary measures such as employment, education, housing, social infrastructure and child and elderly care are not being provided.
    - There are no set benchmarks for poverty reduction for women heads of households that articulate economic and social policy, as has been reported by the Ombudsman's office and the Comptroller General of the Republic.
    - The budget allocated for the attention of this population group is insufficient and their rights are therefore violated.
    - Migrant women continue to constitute the bulk of domestic workers and they often can't present their complains because of fear of loss of employment and, or deportation.
    - With regards to lesbian women's rights, the government not only has been negligent in developing mechanisms to equate their civil rights to those of heterosexuals, but has gone to the extreme to accept in 2010 the request by a right wing group backed by the Catholic Church to carry out a referendum on the topic of recognition of same sex civil unions. Fortunately the initiative was finally overthrown by the Supreme Court, but the danger remains due to omissions in the Referendum Law.
    - INAMU was prevented by "superior order" to participate in the 17<sup>th</sup> of May 2011 activities promoting rights of gay, lesbian, trans-sexual and trans-gendered people, despite its constitutional mandate to protect and promote women's rights.
    - Concerning the rights of indigenous women, the State has limited actions to the creation of spaces for indigenous women of various territories to come together in order to integrate their agendas. However, without assuming complementary actions from the public sector to facilitate the attainment of women's goals.

**In closing, and based on the official Costa Rican report, as well as the answers to questions asked by the Committee, we find new (and perhaps even more problematic) incognitas arising with regards to the State and its authorities' real commitment to the implementation of the Convention. However, we would be satisfied if it were possible for the said representatives to provide more clear, direct and verifiable answers to the questions already posed to them.**