



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

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined fifth and sixth periodic reports of Costa Rica at the Committee's forty-ninth session, held in July 2011. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/CRI/CO/5-6). You may recall that in the concluding observations, the Committee requested Costa Rica to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraph 15 and in paragraph 33 of the concluding observations.

The Committee welcomes the follow-up report received in January 2014 (CEDAW/C/CRI/CO/5-6/Add.1) under the CEDAW follow-up procedure, although it was received with a six-month delay. At its fifty-ninth session, held in October-November 2014 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 15** of the concluding observations that the State party “consider reassigning ministerial rank to the Executive President of the National Institute for Women with a view to making the Institute more visible and effective, enhancing its capacity to influence the formulation, design and implementation of public policies and strengthening its coordination role at all levels of government, in particular at the ministerial level”: The State party indicated that, under Agreement No. 693-P of 16 October 2012 issued by the President of the Republic, ministerial rank (without portfolio) was granted to the Executive President of the National Institute for Women (INAMU), which increased the influence of the national mechanism at the government level. The Committee considers that, for the period under consideration, the recommendation **has been implemented**.

Regarding the recommendation made in **paragraph 33** of the concluding observations that the State party “prioritize the adoption of the amendment to the General Health Act, which envisages the introduction of a chapter devoted to sexual and reproductive rights, in accordance with article 12 of the Convention and the Committee's general recommendation No. 24 (1999) on article 12 of the Convention (women and health)”: The State party indicated that Bill No. 16,887, entitled “Addition of a New Chapter III, on Sexual and Reproductive Health Rights, to Title I of

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Book I of the General Health Act, Act No.5,395 of 30 October 1973”, was tabled on 22 November 2007. The State party added that, in 2011 and 2012, the legislative committees responsible for discussion of the Bill held many hearings involving public institutions, such as INAMU, the Ministry of Health and the Ombudsman, as well as social organizations. However, the Bill has not been adopted yet and is now before a subcommittee of the Legislative Assembly’s Human Rights Commission for its review and comments. The Committee considers that the State party took some steps towards the adoption of the amendment to the General Health Act, which envisages the introduction of a chapter devoted to sexual and reproductive rights. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “consider lifting the ban on in vitro fertilization”: The State party indicated that Bill No. 18,738 on in vitro fertilization and embryo transfer (IVF-ET) was tabled by the executive branch on 8 April 2013 to regulate the use of the technique of IVF-ET in the treatment of infertility. The Bill was referred for review to the Legislative Assembly’s Social Affairs Committee and, as of June 2013, to public institutions, universities, professional associations and NGOs. The Committee considers that the State party took some steps towards the lifting of the ban on in vitro fertilization by drafting a bill that regulates the use of the technique of IVF-ET. However, the Committee did not receive information on whether the Bill completely lifts the ban for all the persons who wish to use this assisted reproduction technique. The Committee considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “adopt legislative measures aimed at facilitating and expanding women’s right to decide freely and responsibly on the number of their children, in accordance with article 16 (e) of the Convention”: The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation that the State party “ensure access to assisted reproductive services, including in vitro fertilization, in line with the recommendations of the Inter-American Commission on Human Rights in 2010”: The State party mentioned that treatment protocols for in vitro fertilization in health services were being developed. The Committee considers that the State party took some steps to ensure access to assisted reproductive services, including in vitro fertilization. The Committee considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “elaborate clear medical guidelines on access to legal abortion and disseminate them widely among health professionals and the public at large”: The State party mentioned that a “Technical Treatment Guide for Therapeutic Abortion” was completed in 2012. The State party added that it has been submitted to the appropriate institutional authorities and is awaiting approval. The Committee welcomes the completion of a “Technical Treatment Guide for Therapeutic Abortion”. However, the Committee notes that it is still pending approval by the appropriate institutional authorities. The Committee considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “consider reviewing the law relating to abortion, with a view to identifying other circumstances under which abortion could be permitted, such as abortions in cases of pregnancies resulting from rape or incest”: The State party indicated that no amendments to the law relating to abortion have been put forward by the competent State authorities during the current reporting period. The Committee considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “take measures aimed at making accessible and available technologically advanced contraceptive methods to women”: The State party mentioned that proposals were made, at the hearings of the Legislative Assembly’s Human Rights Commission on Bill No. 16,887, for wording that would require health institutions to provide up-to-date, science-based information on methods of contraception, as well as access to and availability of safe, effective and modern methods of contraception and protection. Moreover, the State party indicated that the review of the Costa Rican Social Security Fund’s practices in supplying products for contraception and protection against pregnancy and sexually transmitted diseases was completed in 2012 as regards adolescents, and would be subsequently expanded with a view to nationwide treatment for women. The Committee notes the proposals made at the hearings of the legislative assembly’s human rights commission, and welcomes the completion of the review of the Costa Rican Social Security Fund’s practices in supplying products for contraception and protection against pregnancy and sexually transmitted diseases as regards adolescents. However, the Committee considers that the State party failed to provide details on whether the review aimed at making accessible and available technologically advanced contraceptive methods to women. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

The Committee recommends that, in relation to paragraph 33 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Expedite the adoption of the amendment to the General Health Act, which envisages the introduction of a chapter devoted to sexual and reproductive rights, in accordance with article 12 of the Convention and the Committee’s general recommendation No. 24 (1999) on article 12 of the Convention (women and health);
- 2) Expedite the adoption of Bill No. 18,738 and ensure that it completely lifts the ban on in vitro fertilization for all the persons who wish to use this assisted reproduction technique;
- 3) Adopt legislative measures aimed at facilitating and expanding women’s right to decide freely and responsibly on the number of their children, in accordance with article 16 (e) of the Convention, and ensure access to assisted reproductive services, including in vitro fertilization, in line with the recommendations of the Inter-American Commission on Human Rights in 2010;
- 4) Approve and disseminate the “Technical Treatment Guide for Therapeutic Abortion” widely among health professionals and the public at large;
- 5) Review the law relating to abortion, with a view to identifying other circumstances under which abortion could be permitted, such as abortions in cases of pregnancies resulting from rape or incest; and
- 6) Make accessible and available technologically advanced contraceptive methods to women.

The Committee also recommends that the State party provide further information on whether the review of the Costa Rican Social Security Fund’s practices in supplying products for contraception and protection against pregnancy and sexually transmitted diseases aimed at making accessible and available technologically advanced contraceptive methods to adolescents. .



The Committee looks forward to pursuing its constructive dialogue with the authorities of Costa Rica on the implementation of the Convention.

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

Yours sincerely,

A handwritten signature in black ink that reads "Barbara Bailey". The signature is written in a cursive style and is centered on a light-colored rectangular background.

Barbara Bailey
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women