



NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE (ECLJ)

**UNIVERSAL PERIODIC REVIEW
47TH SESSION**

**STATUS OF HUMAN RIGHTS IN THE REPUBLIC OF COSTA RICA
FOR THE 47TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

www.ECLJ.org
4, quai Koch
67000 Strasbourg, France
Phone: +33 (0)3.88.24.94.40

Status of Human Rights in Costa Rica for the 47th Session of the Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of Costa Rica (Costa Rica) for the 47th session of the Universal Periodic Review (UPR).

Background

2. Costa Rica is located in Central America alongside the Caribbean Sea and has an estimated population of approximately 5.235 million people.¹ The country is predominately Christian, with 47.5% of the population identifying as Roman Catholic, 19.8% as Evangelical or Pentecostal, 1.4% as Jehovah’s Witness, and 1.2% as other Protestant.² Outside of Christianity, 0.3 % identify as Mormon, 0.1% as Muslim, and 27% belong to no religion.³

3. Costa Rica’s last review was held on May 13, 2019.⁴ As a result of the review, Costa Rica received 212 recommendations, 197 of which Costa Rica supported.⁵ It was recommended by Iceland, and supported by Costa Rica, that the government “[d]ecriminalize abortion and take measures to ensure that all women have access to legal abortion and high-quality post-abortion services.”⁶ It was also recommended by the Republic of Moldova, and supported by Costa Rica, that the government “[s]ystematically and actively investigate and prosecute those responsible for human trafficking and ensure that perpetrators are punished appropriately, and advance with the process of adopting a dedicated national action plan against human trafficking.”⁷ There were no recommendations made regarding religious freedom.

¹ *Costa Rica Population (2024)*, WORLD POPULATION REV., <https://worldpopulationreview.com/countries/costa-rica-population> (last visited Feb. 27, 2024).

² Àlvaro Murillo, *Encuesta CIEP-UCR Evidencia a una Costa Rica Estatista y Menos Religiosa*, SEMINARIO UNIVERSIDAD, (Jul. 7, 2021), <https://semanariouniversidad.com/pais/encuesta-ciep-ucr-evidencia-a-una-costa-rica-estatista-y-menos-religiosa/>.

³ *Id.*

⁴ *Universal Periodic Review – Costa Rica*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/cr-index> (last visited Dec. 19, 2023).

⁵ *Costa Rica Infographic*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/CR/Infographics3rdCycle_CostaRica.pdf (last visited Dec. 19, 2023).

⁶ OHCHR, UPR of Costa Rica (3rd Cycle – 33rd Session): Thematic List of Recommendations, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/CR/UPR33_Costa_Rica_Thematic_List_of_Recommendations_E.docx (last visited Dec. 19, 2023).

⁷ *Id.*

Legal Framework

Abortion

4. Under Article 21 of the Constitution of Costa Rica, “[t]he human life is inviolable.”⁸
5. Costa Rica’s Penal Code only allows for abortion in order to save the life and health of the mother.⁹
6. Costa Rica is a party to the International Covenant on Civil and Political Rights (ICCPR).¹⁰ Under Article 6 of the ICCPR, “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”¹¹
7. Moreover, Costa Rica also has a responsibility to protect the lives of preborn babies under other international instruments such as the UN Charter, the Universal Declaration of Human Rights (UDHR), and the 1994 Cairo Conference on Population and Development.

Human Trafficking

8. Under Article 20 of the Constitution of Costa Rica, “[e]very person is free in the Republic; whoever is under the protection of its laws may not be slave.”¹²
9. Further, under Article 172 of the Law 9095 Against Trafficking in Persons, convicted human traffickers are “punished by imprisonment for six to ten years.”¹³ The prison sentence ranges from eight to sixteen years when the victim is a minor.¹⁴
10. However, there is no law banning prostitution in Costa Rica. The current Penal Code of Costa Rica only bans pimping. Under Article 169 of the Penal Code, “[w]hoever promotes the prostitution of persons of either sex or induces or maintains them in prostitution or recruits them for that purpose shall be punished by imprisonment for two to five years.”¹⁵
11. Moreover, the ICCPR holds that “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”¹⁶

⁸ CONSTITUTION OF COSTA RICA 1949 (rev. 2011) art. 21, https://www.constituteproject.org/constitution/Costa_Rica_2011.

⁹ CODIGO PENAL [C. PENAL] [PENAL CODE] art.121, <https://reproductiverights.org/maps/provision/costa-ricas-abortion-provisions/> (unofficial translation).

¹⁰ *Ratification Status for Costa Rica*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx (last visited Feb. 27, 2024).

¹¹ International Covenant on Civil and Political Rights art. 6, Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

¹² CONSTITUTION OF COSTA RICA 1949, *supra* note 8, art. 20.

¹³ C. PENAL art. 172, <https://antislaverylaw.ac.uk/country/costa-rica/>.

¹⁴ *Id.*

¹⁵ *Id.* at art. 169.

¹⁶ ICCPR, *supra* note 11, art. 8.

12. Costa Rica is also a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.¹⁷ Under Article 9 sec. 1 of this Protocol:

States Parties shall establish comprehensive policies, programmes and other measures:

- (a) To prevent and combat trafficking in persons; and
- (b) To protect victims of trafficking in persons, especially women and children, from revictimization¹⁸

13. Additionally, Costa Rica is a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).¹⁹ Under Article 6 of the CEDAW, “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”²⁰

Abortion

14. Countries across Latin America have recently begun lifting restrictions on abortion and further expanding access to this harmful and deadly procedure.²¹ Even though countries in this region are expanding access to abortion, most countries in the world have strict restrictions on abortion. In fact, out of the 193 U.N. Member States, 108 of them have strict limits on abortion.²² This shows that Costa Rica’s restrictions on abortion are reflective of international norms.

15. As stated above, Costa Rica currently only permits abortion in order to protect the life and health of the mother. In December 2019, President Carlos Alvarado issued a technical decree further clarifying guidelines for determining when abortions are permissible in cases to save the health or the life of the mother.²³ These new guidelines still uphold protections for both the life of the mother and the preborn child. Under these new guidelines, an abortion may only be conducted if it has been determined that there is no other medical alternative, the mother has given consent, and there has been an evaluation conducted by three medical professionals.²⁴

¹⁷ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, *adopted* on Nov. 15, 2000, 2237 U.N.T.S. 319, <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>.

¹⁸ *Id.*, art. 2.

¹⁹ *Ratification Status for Costa Rica*, *supra* note 10.

²⁰ Convention on the Elimination of All Forms of Discrimination against Women art. 6, *adopted* Dec. 18, 1979, 1249 U.N.T.S. 13, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women> [hereinafter CEDAW].

²¹ Fabiola Sánchez & Megan Janetsky, *Mexico Decriminalizes Abortion, Extending Latin America Trend of Widening Access to Procedure*, ASSOCIATED PRESS (Sep. 6, 2023), <https://apnews.com/article/mexico-abortion-decriminalize-d87f6edbd68c2e6c8f5700b3afd15de>.

²² *The Worlds Abortion Laws*, CTR. FOR REPRODUCTIVE RTS., https://reproductiverights.org/wp-content/uploads/2023/07/CRR_WALM_2023_FINAL-1.pdf (last visited Feb. 27, 2023).

²³ *Costa Rica’s President Says Therapeutic Abortions Will Be Allowed*, REUTERS (Dec. 13, 2019), <https://www.reuters.com/article/us-costa-rica-abortion-idUSKBN1YH0EK/>.

²⁴ *Id.*

16. Costa Rica has no legal or moral responsibility to accept recommendations that call for the expansion of abortion, especially when these recommendations are in contravention of international human rights documents such as the UDHR and the ICCPR. The UDHR states that “recognition of the inherent dignity and of the equal and inalienable rights of *all* members of the human family is the foundation of freedom, justice and peace in the world,” and provides that “[e]veryone has the right to life”²⁵ Article 6 of the ICCPR likewise states that “[e]very human being has the inherent right to life. This right shall be protected by law.”²⁶ Similarly, the preamble to the United Nations Charter states that “the peoples of the United Nations [are] determined . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person.”²⁷

17. Further, through limiting abortion to circumstances where the mother’s health and life are at risk, Costa Rica is also upholding its obligations under the 1994 Cairo Conference on Population and Development, which clearly calls for reducing abortion as a false “method” of “family planning.”²⁸ The report from that conference states that U.N. Member States have a responsibility to “take appropriate steps to help women avoid abortion, *which in no case should be promoted as a method of family planning.*”²⁹ “Family planning” is deciding when one will want to have children, as well as how many, and planning accordingly. Terminating a pregnancy after a child is conceived is not family planning.

18. Moreover, Costa Rica’s laws do more than just protect the lives of preborn babies, they protect the lives of women. It has been well documented that abortion can have adverse effects on the mother, as abortion can result in physical and psychological harm to the mother. In fact, complications related to abortions accounted for 9.9% of maternal deaths in the Latin America and Caribbean region, where Costa Rica is located.³⁰ Further, a recent study conducted across seven countries in Latin America and the Caribbean found that women who had undergone abortions had complications and some of these were even life threatening.³¹ The study looked at data from 7,983 women who had abortion related complications and found that 49.5% of them had moderate complications (heavy bleeding, suspected intra-abdominal injury, or infection), 3.1% had life threatening complications (severe haemorrhage, severe systemic infection or suspected uterine perforation), and 0.2% of the women died as a result of complications.³² Further, women who have undergone abortions have also been reported to experience negative psychological side effects, from shame to drug abuse to suicidal thoughts.³³

²⁵ G.A. Res. 217 (III), A Universal Declaration of Human Rights, pmbl., art. 3 (Dec. 10, 1948) (emphasis added), <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english> [hereinafter UDHR].

²⁶ ICCPR, *supra* note 11, art 6.

²⁷ U.N. Charter pmbl.

²⁸ International Conference on Population and Development, *Report of the International Conference on Population and Development*, ¶ 8.25, U.N. Doc. A/CONF/F.171/13/Rev. 1, https://www.unfpa.org/sites/default/files/event-pdf/PoA_en.pdf.

²⁹ *Id.* ¶ 7.24 (emphasis added).

³⁰ Mariana Romero, *Abortion-Related Morbidity in Six Latin American and Caribbean Countries: Findings of the WHO/HRP Multi-Country Survey on Abortion (MCS-A)*, *BMJ GLOBAL HEALTH* (2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8404437/>.

³¹ *Id.*

³² *Id.*

³³ See, e.g., Priscilla K. Coleman et al., *Women Who Suffered Emotionally from Abortion: A Qualitative Synthesis of Their Experiences*, 22 *J. OF AM. PHYSICIANS & SURGEONS* 113, 116-17 (2017), <https://www.jpands.org/vol22no4/coleman.pdf>.

19. For all the reasons demonstrated above, Costa Rica is fully justified in protecting women and the unborn through restricting access to abortion.

Human Trafficking

20. While Costa Rica's stance against abortion should be applauded, its lack of protections against human trafficking is concerning. Costa Rica serves as a source, destination, and transit country for human trafficking.³⁴ In particular, women are exploited for forced prostitution due to Costa Rica's large market for sex tourism.³⁵ Costa Rica's sex trafficking problem is further exacerbated by the fact that prostitution is legal. In fact, it is estimated that every year, thousands of visitors, mostly from North America, travel to Costa Rica specifically to engage in sex.³⁶

21. Prostitution can be extremely profitable, which makes it ideal for human traffickers to exploit for financial gain. Prices per hour can reach up to 125 times the minimum hourly wage.³⁷ Most of the women who are being exploited in prostitution are teenagers or are in their early twenties.³⁸ Below, we have highlighted some recent examples of human traffickers sexually exploiting their victims and forcing them into prostitution in Costa Rica. Since prostitution is legal, human traffickers are able to exploit women easily because sex establishments and brothels are more accessible.³⁹ Traffickers are able to use these establishments to hide their illicit activities.⁴⁰ Because of this, Costa Rica has become the number one destination for sex tourism in Central America.⁴¹

22. In 2023, authorities arrested two men and one woman for human trafficking and sexual exploitation.⁴² The traffickers used drugs on their victims before forcing them into sexual exploitation.⁴³

23. In December 2023, four individuals were arrested in Nicoya, Guanacaste, Costa Rica, for sexual exploitation.⁴⁴ The four individuals were accused of targeting female migrants and coercing them to perform sexual acts for money.⁴⁵ The individuals were arrested after law

³⁴ *Costa Rica*, GLOBAL ORGANIZED CRIME INDEX, https://ocindex.net/country/costa_rica (last visited Feb. 28, 2023).

³⁵ *Id.*

³⁶ *Underage Sex Traffic in Costa Rica, a Tourist Attraction with Devastating Consequences*, PUNTA RENAS, <https://puntarenas.com/underage-sex-traffic-in-costa-rica-a-tourist-attraction-with-devastating-consequences/> (last visited Feb. 28, 2023).

³⁷ Marcel Evans, *Prostitution in San Jose Costa Rica, and the Price of Sexual Services*, THE COSTA RICA STAR, <https://www.news.co.cr/prostitution-in-san-jose-costa-rica-and-the-price-of-sexual-services/13354/> (last visited Feb. 28, 2024).

³⁸ Scott Pralinsky, *Human Trafficking in Costa Rica*, TROPICAL ADVENTURES, <https://tropicaladventures.com/human-trafficking-in-costa-rica/> (last visited Feb. 28, 2024).

³⁹ *Id.*

⁴⁰ Addison Franklin, *Examining Human Trafficking in Costa Rica*, THE BORGAN PROJECT (Apr. 21, 2021), <https://borganproject.org/human-trafficking-in-costa-rica/>.

⁴¹ *Id.*

⁴² Salman Khan, *Unmasking Human Trafficking: A Case From Costa Rica*, BNN (Oct. 31, 2023), <https://bnnbreaking.com/sports/boxing-mma/unmasking-human-trafficking-a-case-from-costa-rica/>.

⁴³ *Id.*

⁴⁴ *Major Crackdown on Human Trafficking in Guanacaste: Four Arrested*, BNN (Dec. 21, 2023), <https://bnnbreaking.com/breaking-news/crime/major-crackdown-on-human-trafficking-in-guanacaste-four-arrested/>.

⁴⁵ *Id.*

enforcement conducted raids on their place of residence as well as a bar they used as a front for their illicit business.⁴⁶

24. The Judicial Investigation Organism (JIO) coordinated with the International Criminal Police Organization (INTERPOL) to carry out anti-human trafficking operations between November 27, 2023, and December 1, 2023.⁴⁷ These operations led to the arrest of two individuals who were trafficking individuals to be sexually exploited.⁴⁸

25. In 2021, the JIO arrested a U.S. citizen for running a brothel in Costa Rica.⁴⁹ The women who were being exploited by the hotel manager were obligated to pay him part of their income.⁵⁰ In addition to the arrest, authorities rescued ten women. Some of them were Costa Rican women and others were from foreign countries.⁵¹

26. In November 2020, authorities uncovered a human trafficking network that was sexually exploiting its victims.⁵² The discovery led to the arrests of ten individuals who were operating the network.⁵³ According to the Immigration Administration, the traffickers targeted women in vulnerable positions with promises of jobs.⁵⁴ However, the traffickers forced them into prostitution.⁵⁵

27. The government's efforts to combat human trafficking have been lacking. For example, the government has not adequately funded its anti-trafficking efforts, it reduced funding for victim services, and it did not provide funding for education campaigns to raise awareness of the dangers of human trafficking.⁵⁶ Additionally, from 2021-2022, the government investigated fewer human trafficking cases than the previous reporting period, and it failed to prosecute or convict any labor traffickers for two years in a row.⁵⁷

28. Further, by failing to enact laws against prostitution, Costa Rica is not protecting women from sexual exploitation and prostitution. Additionally, Costa Rica is not living up to its obligations under the CEDAW, which requires that "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."⁵⁸ By not making prostitution illegal, Costa Rica has not taken all appropriate legislative measures to suppress the exploitation and prostitution of women.

⁴⁶ *Id.*

⁴⁷ Ileana Fernandez, *Costa Rica Works With Interpol to Arrest 4 for Migrant Trafficking*, THE TICO TIMES (Dec. 13, 2023), <https://ticotimes.net/2023/12/13/costa-rica-works-with-interpol-to-arrest-5-for-migrant-trafficking>.

⁴⁸ *Id.*

⁴⁹ *U.S. Citizen Jailed as Suspect of Running a Brothel*, AM COSTA RICA (July 1, 2021), <https://amcostarica.com/U.S.%20citizen%20jailed%20as%20suspect%20of%20running%20a%20brothel.html>.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Costa Rica Dismantles Human Trafficking Network*, THE TICO TIMES (Nov. 13, 2020), <https://ticotimes.net/2020/11/13/costa-rica-dismantles-human-trafficking-network>.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ Soledad Quartucci, *Human Trafficking in Costa Rica-Experts Provide Local Perspective*, LATINA REPUBLIC (Jan. 24, 2023), <https://latinarepublic.com/2023/01/24/human-trafficking-in-costa-rica-experts-provide-local-perspective/>.

⁵⁷ *Id.*

⁵⁸ CEDAW, *supra* note 20, art. 6.

Recommendations

29. We would like to commend Costa Rica for maintaining policies that both protect the life of the unborn and the mother. We want to encourage Costa Rica to remain steadfast in protecting life and reject all calls to expand access to abortion. We want to remind Costa Rica that its laws are not only consistent with international human rights instruments, but are also consistent with state practice of protecting human life across the globe.

30. Costa Rica must do more to protect victims from sexual exploitation and prostitution. To do this, Costa Rica must reform its laws regarding prostitution and criminalize purchasing of sex. Further, Costa Rica must aggressively prosecute traffickers who are trafficking women and exploiting them in prostitution.