

Candidacy of Costa Rica to the Human Rights Council, 2020-2022

Justification, Purposes and Commitments

Introduction

Costa Rica respectfully presents its candidacy to the Human Rights Council (2020-2022 term). The country renews through this candidacy its vocation and historical commitment to respect, promote and strengthen the Universal System of Human Rights, putting the human being at the center of its actions, and procuring solidarity and cooperation among nations that promote the realization of rights at a national and international level.

Costa Rica attaches ever greater importance to the State and advancement of human rights in its region and in the world, which is why it has claimed the paths of dialogue, international law and consensus building as means to promote its national interests and its commitment to a sustainable development agenda. Likewise, Costa Rica strongly defends the United Nations System and its multilateral architecture, in accordance with the Charter of the United Nations, international law and international humanitarian law, as well as the respect, promotion and defense of human rights.

Consistent with these principles, Costa Rica has demonstrated its openness to work closely with universal and regional mechanisms for the protection and monitoring of human rights, including the Human Rights Treaty Bodies System. Our country has constructively engaged in processes that expand the range of recognized and protected rights at a national and international level, the defense of the rule of law and the promotion of initiatives at all levels of multilateralism. The country works and supports proposals that ensure the fulfillment of the rights of those populations that are vulnerable or in a situation of vulnerability.

Permanent update of its historical commitment

At the national level, the historical vocation of respect, protection and promotion of human rights has been echoed in the design and operation of the State's architecture and legal framework, with a forthright approach of guarantees that offers multiple mechanisms and institutions for prevention and guardianship of these rights.

This has been manifested in transcendental decisions such as the abolition of death penalty and the institution of free and compulsory primary education since the nineteenth century, the abolition of the army as a permanent institution for almost 71 years, and of course, the dedication to preserving a healthy and ecologically balanced environment. Our Political Constitution grants equal or superior force to ratified and even subscribed international human rights instruments, and there is a permanent update of this constitutional principle within our legal system.

The democratic political regime guarantees civil and political rights and the opportunity to choose, be elected and participate in the conduct of public affairs. The system has a dynamic civil society, of which the universities are part as well a wide range of community organizations, labor, unions, private, professional and social movements, which interact with the State at different levels and are a vital part of its social fabric and its political stability.

The Costa Rican government is divided in three independent branches: an executive, a legislature and a judiciary. An autonomous Supreme Court of Elections, acting as a fourth branch, has supervised the holding of free and transparent elections and ensured 16 peaceful and continuous transitions of power since 1953. Public policy efforts and legal mechanisms have strengthened women's political participation and have made possible a female legislative representation of 45.6% and the first gender-parity Cabinet in the history of the country in 2018. Parity remains to be enhanced in the private sector.

The judiciary, which includes a court of constitutional jurisdiction, offers effective and accessible remedies such as constitutional complaints or constitutional challenges, for any person to demand and guarantee full compliance of human rights. The State has also created and promoted participatory and free judicial and administrative mechanisms for access to justice, remediation and enforceability of rights. The National Human Rights Institution (Defender of the People), in full accordance with the Paris Principles, has full autonomy and functional independence, ensures respect and protection of human rights of the population, and is part of a system of checks and balances that strengthens the administration of justice and gives greater dynamism and progressivity to the national system of protection.

Costa Rica has also allocated an important and sustained public investment in the realization, promotion and respect of human rights, including economic, social, cultural and environmental rights, through public policies that pursue the expansion of social inclusion schemes and protection through the equitable distribution of the benefits of development. Its Constitution provides also for the right of all its inhabitants to a healthy and ecologically balanced environment, an obligation that the State is perpetually committed to satisfy. High standards of human development, health coverage, education, and the protection of nature, are a concrete expression of the results delivered by the institutional framework and human-centered policies.

All States face permanent challenges, which force them to join efforts in building a culture of peace and non-discrimination and overcoming gaps. Notwithstanding, overcoming poverty, inequality and increasing participation in the public and political spheres of the sustainable development process, for traditionally discriminated, vulnerable populations, or in situations of vulnerability, is Costa Rica's main challenge and commitment to achieve the Sustainable Development Goals of the 2030 Agenda.

Human rights in the international context

Costa Rica is part of the main international and regional human rights instruments. It was the first country to sign and ratify the International Covenant on Civil and Political Rights of 1966, and the International Covenant on Economic, Social and Cultural Rights, in the same year¹. The state is party to nine human rights treaties, has ratified nine optional protocols and has accepted seven of the individual petition procedures. Costa Rica has declared total openness to international scrutiny and maintains a standing invitation to the special procedures of the Human Rights Council to visit the country.

Throughout its history, Costa Rica has had the honor of serving on different occasions as a member of the former Human Rights Commission, periods in which it exercised important leadership in constructive initiatives, such as in the field of education in human rights. Costa Rica was one of the main promoters of the creation of a United Nations High Commissioner for Human Rights in 1965 until its accomplishment in 1995, and strongly encouraged the adoption of an Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Costa Rica has promoted the recognition and respect for human rights as a transversal pillar in the work and decisions of the United Nations. During its most recent period as a non-permanent member of the Security Council (2008-2009), Costa Rica encouraged, among other things, the protection of civilians in contexts of armed conflict, in addition to safeguarding human rights in the fight against terrorism, the fight against impunity and the achievement of international justice.

More recently, Costa Rica has decidedly worked to promote the strengthening of the United Nations Human Rights Treaty Body System and, in preparation of the 2020 review process, exercised its leadership to present in June 2019 and on behalf of 46 countries, the document "Towards the 2020 Treaty Bodies review" to the chairpersons of human rights treaty bodies.

On the other hand, Costa Rica is organizing the preparatory meeting of the twenty-fifth Conference of the Parties on Climate Change with an ambitious, novel and unconventional proposal, which reflects the country's full commitment in the fight against the climate crisis and in the integration of human rights in National Determined Contributions for the adaptation and mitigation of this global threat for the most vulnerable.

¹ In addition, the country is party to the two Protocols of the Covenant on Civil and Political Rights and, since 2011, to the Optional Protocol to the Covenant on Economic, Social and Cultural Rights.

Within the Inter-American Human Rights System, Costa Rica hosted the Conference that approved the American Convention on Human Rights (1969), being the first country to ratify it as well as the first to accept the jurisdiction of the Inter-American Court of Human Rights. The Court is based in Costa Rica, as well as the Inter-American Institute of Human Rights and the University for Peace, the latter by agreement of the United Nations General Assembly in 1980.

Costa Rica has led and contributed to different regional processes to guarantee the rights of all individuals and for full compliance with Inter-American standards, such as the presentation of a request for an advisory opinion before the Inter-American Court of Human Rights on the interpretation and scope of the American Convention on Human Rights regarding civil, political and economic rights derived from sexual orientation and gender identity.

Costa Rica also co-chaired the negotiation process that led to the adoption in 2018 of the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (“Escazú Agreement”), the first treaty in the world to provide guarantees for the protection and security of human rights defenders in environmental matters. It will host the first meeting of the signatory countries in October 2019.

The country has more recently hosted the Meeting of Experts on Aging and Rights of Older Persons in 2018 and the Fifth Latin American Conference on Sanitation (LATINOSAN 2019), in which the region reaffirmed the commitment with Resolutions 64/292 and 70/169 that recognized access to water and sanitation as human rights, and the pursuit of the universalization of water quality and sanitation services.

Costa Rica in the Human Rights Council

Costa Rica strongly believes in the role of the Human Rights Council in constructive international dialogue and cooperation for the promotion and defense of human rights around the world, as one of the founding principles of the United Nations.

The Human Rights Council has allowed significant and meaningful achievements since its creation in 2006, and Costa Rica considers it essential to develop a systemic vision around the Council that promotes better articulation of institutional processes among all the various instances of the United Nations, on the basis of action guided by principles of universality, impartiality, objectivity, non-selectivity, non-politicization, and mainstreaming of human rights in all processes for its fulfillment.

The Universal Periodic Review is a fundamental instrument of the Council that has allowed linking the legal obligations of States with constructive intergovernmental dialogue in the field of human rights. In this regard, Costa Rica considers of greater importance that the Council supports the development of national capacities in respect and promotion of the fulfilment of the integrity of human rights, contributing to developing early warnings, promoting dialogue between the parties and accompanying countries in their efforts.

The Human Rights Council stands as a gravitational center of the international community for the development of effective responses to emerging issues and historical lags, including emergent digital technologies (big data, social networks, artificial intelligence) and their impact on human rights, as well as transnational phenomena such as the current climate crisis, the use of cyberspace, and migratory flows. Henceforth, the Council must maintain a permanent reflection on its working methods, that allow it to remain a living space that responds appropriately and in a timely manner to its institutional mandate and to the new challenges of humanity.

Costa Rica was a member of the Human Rights Council during the term 2012 - 2014, term in which the country worked actively, decidedly, constructively, and in permanent dialogue with its membership. During its term, Costa Rica contributed to the development of new areas of protection of peace matters, the linking of human rights with climate change and the environment, as well as in the promotion of education in human rights, building inclusive and peaceful societies, and the promotion of a culture of prevention.

As a non-member, Costa Rica has always played an active role in accompanying deliberations and work of the Council and its various bodies, including mandate-holders and special procedures. The work and nature of the Council are deeply rooted in the pacifist tradition and the path taken by Costa Rica on the road to the full enjoyment and exercise of human rights and well-being.

Our commitments

In order to achieve the objectives proposed for this term, and with the aim of strengthening the work that is being carried out in this body, following up on Resolution 60/251 of the United Nations General Assembly, Costa Rica presents the following commitments:

At the national level:

1. Continue the process of dialogue with the indigenous peoples of Costa Rica through the implementation of the "General Mechanism for Consultation of Indigenous Peoples", that makes operative the recognized right to free, prior and informed consultation and ensures their participation in decision-making on matters that affect them; as well as to continue implementing the stages of the "Plan for Indigenous Territories Recovery" (Plan RTI) in order to solve the land tenure conflicts in indigenous territories and guarantee the security of its inhabitants.
2. Comply with the action plan of the National Policy for a Society Free of Racism, Racial Discrimination and Xenophobia 2014-2025 and within that framework, continue to implement the National Integration Plan, which incorporates among its axes the "Recognition of diversity", with the aim of promoting the recognition of cultural diversity for coexistence and social cohesion.
3. Continue the implementation of administrative measures to combat discrimination based on sexual orientation and gender identity and recognize economic rights, guarantee non-

discrimination in public institutions, and allow gender identity in public documents; as well as continuing with the process that allows legislation to be adapted to the provisions of the Advisory Opinion of the Inter-American Court of Human Rights on the incompatibility with the American Convention on Human Rights (Pact of San José).

4. Further advance our commitment to the right of women and girls to a life free of violence, and to preventing, sanctioning and eradicating violence against women, reducing rates of femicide and violence against women as well as to providing remedies and access to justice for victims of violence.
5. Conclude the ratification process of the Escazú Agreement and guarantee the full and effective implementation of the rights of access to environmental information, public participation in environmental decision-making and access to justice in environmental matters.
6. Under the cross-cutting perspective of respect for human rights, as part of our commitment to decarbonize our economy by the year 2050, Costa Rica proposes to promote the use of frontier technologies that, due to their transformative potential, can have a positive impact on reducing carbon emissions, increase climate resilience and support the transition to a circular and inclusive economy, thus fostering a just transition to meet the objectives of the Sustainable Development Goals.

At the international level

As a member of the Council, Costa Rica pledges to strengthen, defend and promote the functioning of the human rights pillar of the United Nations, including the Human Rights Council itself and the treaty bodies, as well as the international institutions for the promotion and protection of human rights and the mechanisms created by the Council for that purpose.

1. Continue its support to the Office of the United Nations High Commissioner for Human Rights and promote constructive dialogue between States and the Office to enhance cooperation and technical assistance as means to improve national capacities in the fulfillment of obligations regarding the respect, promotion and protection of human rights.
2. Collaborate in processes of dialogue and negotiation so that the international architecture responds effectively and in a timely manner to emerging situations such as the current climate crisis, biodiversity protection and conservation, global public goods as universal access to drinking water, renewable energy, health, education, the impact of new technologies, and international cooperation for safe, regular and ordered human mobility, promoting especially solidarity and cooperation as well as shared responsibilities and burdens.

3. Promote and engage in processes for the protection of the most vulnerable people or in vulnerable situations, by putting the human person at the center of State action following the principle of inclusion to leave no one behind. Mainstreaming the agenda of effective equality between women and men, the rights of people of African descent, older persons and LGBTI population are among our priorities. Furthermore, promote the consecration of universal rights for the twenty-first century, such as the right to development and the right to peace, through the promotion and advancement of an education and culture of peace and social development.
4. Strengthen and improve the mechanisms created by the Human Rights Council, such as the mandates of special procedures, engaging in dialogues that aim to improve working methods and communication with States, while maintaining our standing invitation and openness for collaboration.
5. Participate constructively and transparently with the mechanism of the Universal Periodic Review. Costa Rica reiterates its voluntary commitment, declared during the presentation of the third national report, to prepare a plan of action for the implementation of the recommendations, and additionally, commits to undertake the preparation of a mid-term report on the progress of compliance of the accepted recommendations, which would be presented in 2021.
6. Carry out a comprehensive task of transparency and accountability by committing to present an accountability report to the United Nations General Assembly on the work and the agenda developed during its membership in the Human Rights Council in 2023, following principles of maximum publicity and transparency, and making use of the technological and information technology and communication facilities to ensure the quality and usefulness of the Annual Report of the Council for the General Assembly, as well as for the consideration of the comments of Member States on the occasion of its review.
7. Generate synergies and alliances with Member States, the United Nations system and other relevant actors for the immediate work of incoming members and follow-up, at the end of the mandate, to the issues that Costa Rica has given attention to within the Council.