



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities Thirtieth session

### Summary record of the 706th meeting

Held at the Palais des Nations, Geneva, on Thursday, 14 March 2024, at 3 p.m.

*Chair:* Ms. Kayess (Vice-Chair)

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Consideration of reports submitted by parties to the Convention under article 35  
(*continued*)

*Combined second and third periodic reports of Costa Rica (continued)*

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*Ms. Kayess (Vice-Chair) took the Chair.*

*The meeting was called to order at 3.25 p.m.*

**Consideration of reports submitted by parties to the Convention under article 35**  
(*continued*)

*Combined second and third periodic reports of Costa Rica (continued)*  
([CRPD/C/CRI/2-3](#); [CRPD/C/CRI/QPR/2-3](#))

1. *At the invitation of the Chair, the delegation of Costa Rica joined the meeting.*
2. **The Chair**, welcoming the delegation of Costa Rica to the meeting, explained that additional members of the delegation would be participating via video link.

*Articles 1–33*

3. **A representative of Costa Rica**, speaking via video link and responding to questions put at the previous meeting, said that many of the country’s health-care centres and hospitals were old buildings or had been declared heritage sites, which made it difficult to modify them to improve accessibility. The Costa Rican Social Insurance Fund had set up a working group for the institutional programme for physical accessibility in 2006. All new infrastructure complied with accessibility regulations, and renovations of existing infrastructure were under way. A practical guide on accessibility had been adopted for use throughout the country.

4. Under article 121 of the Criminal Code, abortions could only be performed if the mother’s health or life were at risk; they were never performed on the grounds of a potential or actual disability in the foetus. The Costa Rican Social Insurance Fund was implementing a strategy for the prevention of obstetric violence against all persons, including persons with disabilities. Full and informed consent was required for sterilization procedures, and the sterilization of persons with disabilities was performed only at their request. Data on in vitro fertilization in Costa Rica were not disaggregated by disability, but persons with disabilities had the right to access the technology and, according to the high complexity reproductive medicine unit, had undergone the procedure in the past.

5. Examples of community-based rehabilitation included sports initiatives, conducted in collaboration with municipalities and paralympic groups. Persons with disabilities could receive home visits if needed, and programmes were in place to provide care in community hospitals, to prevent the need to travel across the country to receive treatment. Work in that area was carried out on an interinstitutional level and in collaboration with communities.

6. The Government had worked with the “Telethon” public fundraising campaigns and other non-governmental organizations (NGOs) to develop and improve infrastructure and equipment for persons with disabilities. Campaigns had been conducted to raise awareness of persons with disabilities as rights holders, and the National Rehabilitation Centre had raised awareness of the lived experience of persons with disabilities. When receiving care, persons with disabilities were informed of their rights and what to do if they felt they were not being respected.

7. **A representative of Costa Rica**, speaking via video link, said that the centre for family violence, run by the National Institute for Women in conjunction with the 911 emergency system, functioned as a telephone hotline and was therefore not accessible for persons with hearing impairments. However, the 911 emergency system had a free-of-charge mobile application, which was accessible for those persons and others who were unable to communicate orally.

8. Specialized care and temporary accommodation centres, run by the National Institute of Women, admitted women who were deemed to be at serious risk of femicide, as determined using a standardized scale, and their children; consent from those women was required for admission. The centre’s regular staff were not trained to assist women with disabilities, but trained workers were contracted as necessary, for example when women who had mobility issues following surgery or who had acquired a disability as a consequence of attempted femicide were admitted.

9. **A representative of Costa Rica**, speaking via video link, said that the creation of accessible recreational spaces and tourist facilities was a priority for the Government. A national plan for tourism for all had been launched in 2023 to ensure that all persons could discover what the country had to offer. The plan built on the goals of an existing programme on social tourism with integrity and introduced further measures, such as conducting awareness-raising among public officials, providing training for the private sector, improving the accessibility of tourist attractions and making relevant information available. More than 20 private businesses were participating in the plan, which had benefited more than 700 persons to date. The programme on social tourism with integrity brought together institutions, organizations and private businesses to ensure that all persons, including those in situations of vulnerability, and regardless of age or socioeconomic background, could enjoy tourist activities in the country.

10. The Government promoted tourism for all, as it did not believe that tourism was a luxury reserved for a social elite. Accordingly, it had established operational models and agreements with relevant actors, such as the Costa Rican Chamber of Tourism, NGOs and businesses in the tourism industry; signed logistical contracts with businesses; and provided awareness-raising and training for businesses on social tourism. There were 14 beaches with accessible walkways in Costa Rica, 2 of which also had accessible changing rooms. A network for accessible tourism was active, an increasing number of private businesses were working to make transport, gastronomy, hospitality and tourist activities accessible, and more and more tour guides were certified to work with persons with disabilities.

11. **A representative of Costa Rica**, speaking via video link, said that, under article 16 of the Biomedical Research Act (No. 9234), persons with disabilities could only participate in biomedical research if they gave informed consent and if the information required for that consent was provided in accessible formats. Under the same act, clinical research was assessed with particular scrutiny when it involved persons who were particularly vulnerable or might have difficulties understanding the information provided or freely expressing their desire to participate. Additional protection measures were required for research if patients had disabilities that required extensive medical attention, had moderate or severe cognitive disabilities, had severe psychiatric disabilities, were suffering medical emergencies, were in a critical condition in intensive care or had a terminal illness. Research could only be conducted if it was in the best interests of the patient, would provide therapeutic benefits and a reasonable chance of improvement compared to standard treatments and would not present a greater risk to the patient than that of their condition or alternative treatments. Informed consent would be obtained in a way that best met the needs of patients, including with the participation of family members and authorized representatives. If consent was given by someone other than the patient, the latter was informed as soon as possible and was able to withdraw consent without consequence to his or her future care.

12. The Act on Equal Opportunities for Persons with Disabilities (No. 7600) set out basic requirements for the treatment of persons with disabilities in different contexts. In order to operate, commercial establishments were required to obtain an operating permit, and public and private health-care services were required to have accreditation, in line with the Act's provisions on accessibility.

13. Abortion was prohibited as an optional procedure in Costa Rica, but, under article 121 of the Criminal Code, was permitted when the life of the mother was at risk. Provisions of Act No. 9379 on the promotion of the personal autonomy of persons with disabilities establishing that women with cognitive disabilities must be provided with reasonable, objective and evidence-based information, in accessible formats, regarding their diagnosis and must be guaranteed their personal autonomy were incorporated into all relevant regulations to ensure that those women, or their representatives, could be fully informed of matters regarding their health.

14. Executive Decree No. 41632-S established national regulations for the comprehensive care of all persons who were subjected to violence in health-care services. Although the regulations did not specifically refer to persons with disabilities, that group experienced violence in health-care services more than any other. Regulations on the comprehensive care of persons with HIV/AIDS explicitly provided that the psychosocial needs and level of

vulnerability of patients should be taken into account. Factors requiring particular attention included the appearance of new risk factors, drug addiction, disability and family violence.

15. **A representative of Costa Rica**, speaking via video link, said that the National Council of Persons with Disabilities coordinated all municipal accessibility and disability commissions, which had accessibility and disability plans in place to take such measures as providing Costa Rican Sign Language interpreters, including during judicial processes. The National Council also monitored legislation relating to persons with disabilities. Article 8 of the Act on Equal Opportunities for Persons with Disabilities, on access to justice, had been amended. Training and capacity-building on the rights of persons with disabilities and guarantees of equal access to justice had been delivered to judges and members of the judiciary, as well as to persons with disabilities themselves.

16. The National Council's programme on disability and poverty provided financial support to persons with disabilities living in poverty. Different forms of support were available for persons with disabilities who had been abandoned by their families. The Unit for Personal Autonomy, through various sources of financing, provided persons with disabilities with personal assistance services that were accredited by the National Training Institute.

17. The National Council of Persons with Disabilities was part of the National Coalition against the Smuggling of Migrants and Trafficking in Persons, as well as the Coalition's permanent commission on support for victims, and advocated for the needs of persons with disabilities to be taken into consideration within those mechanisms. It also coordinated with the Directorate General for Migration through its nine regional offices. Since its enactment 28 years before, the Act on Equal Opportunities for Persons with Disabilities had been amended to include the definitions set out in the Convention.

18. **A representative of Costa Rica** said that child marriage, which was prohibited, did not exist in Costa Rica. In addition, the Criminal Code had been amended to make sexual relations between adults and minors a criminal offence. Female genital mutilation was not a traditional practice of any of the country's peoples, and there had been no reports of any instances of the practice.

19. Standards for the participation of and assistance to persons with disabilities in emergencies and situations of humanitarian risk, which all relevant public, private and civil society entities were required to follow, had been adopted in 2017. The National Council of Persons with Disabilities and the National Commission on Emergencies had signed a cooperation agreement, and the National Risk Management Plan (2016–2020) had provided for measures for the inclusion of persons with disabilities. A disability perspective informed the development of national and municipal emergency preparedness plans.

20. **A representative of Costa Rica**, speaking via video link, said that the National Council on Persons with Disabilities was working with members of the deaf community to ensure the implementation of the Act on the Recognition and Promotion of Costa Rican Sign Language (No. 9822), which had been adopted in 2020. The Council's work with the Ministry of Education, meanwhile, focused on inclusive education, including university education, for students with disabilities.

21. Together with their counterparts from the Ministry of Labour and Social Security, Council officials promoted the labour rights of persons with disabilities, in particular in respect of the quotas for the employment of such persons in the public sector. Work with the National Employment Agency and the National Statistics and Census Institute was also ongoing, not least to ensure that the Institute included the Washington Group short set of questions on functioning in its surveys. The results of the most recent national survey of persons with disabilities, which had been conducted in 2023, were expected in the near future.

22. **A representative of Costa Rica** said that persons with disabilities, for whom some adjustments to migration proceedings could be made, were not prevented from entering the country on the grounds of their disability. Article 3 of the General Act on Migration suggested that one of the aims of the Act was the integration of migrants into society, taking as a basis the principles of respect for human life, cultural and individual diversity, solidarity and gender equity, and the human rights guaranteed in the Constitution and the international

agreements and conventions duly signed, ratified and brought into force in the country. Under articles 93 and 94 of the Act, the Directorate General for Migration and Alien Affairs could authorize the entry and stay of special categories of migrants, including persons of particular vulnerability.

23. Costa Rica, like other countries in Central America, was implementing the Global Compact for Safe, Orderly and Regular Migration. It was also implementing the Global Compact on Refugees, an instrument that had made it possible to identify more clearly the needs of particular groups of migrants, for whom Costa Rica was both a transit country and a destination.

24. **A representative of Costa Rica** said that answers to the questions that could not be answered on the spot would be provided in writing in due course.

25. **Ms. Aldana Salguero** (Coordinator, Country Task Force) said that she wished to know, as she had noted at the previous meeting, what efforts the State party was making to amend the Code on Children and Adolescents, article 62 in particular, with a view to putting an end to the educational segregation of children with disabilities. It would be helpful, too, as she had also noted at the previous meeting, to learn what plans had been made to do away with the practice of awarding children with disabilities school-leaving certificates different from those awarded to other children.

26. She would welcome an account of the measures being taken to punish parents or other caregivers who subjected children with disabilities to corporal punishment. A description of the changes that were being made to older buildings in the State party with a view to making them accessible to persons with disabilities would also be welcome.

27. **Ms. Fernández de Torrijos** (Country Task Force) said that she would welcome information, as she had noted at the previous meeting, on the repeal of article 5 of Act No. 9379, which recognized the legal capacity of persons with disabilities, pursuant to Act No. 9747 of 2019. She wished to know, too, whether the delegation was aware of the acts of torture and ill-treatment to which the residents of the group home Manos Abiertas had been subjected, with the apparent approval of the National Council of Disabilities, only days earlier. What had gone wrong in that case?

28. **Mr. Morris** (Country Task Force) said that he understood the challenges faced by the delegation but would nonetheless welcome answers to the questions he had asked. In particular, he wished to know why the State party had not signed and ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled and whether any of the relevant initiatives undertaken by the State party had led to an increase in the participation of persons with disabilities in electoral processes. Replies to those and other questions would inform the recommendations made by the Committee in its concluding observations.

29. **Mr. Al-Azzeh** (Country Task Force) said that the responses provided by the delegation, while informative, had been somewhat general. The Committee had received reliable information to the effect that, despite its being prohibited by law, early marriage still took place in Costa Rica. It would therefore be useful to receive statistical information on the number of cases of early marriage detected in the State party and to know what was being done to address that phenomenon. Similarly, the Committee had been informed that, even though abortion was severely restricted by law in Costa Rica, forced abortions nonetheless took place. Any statistical information that the delegation could provide on the number of forced abortions performed in the State party, the reasons for such abortions and the women or girls who underwent them would be most welcome.

30. The Committee would likewise appreciate additional information on the curative security measures, which included placement in a psychiatric hospital or a special educational treatment centre, that could be imposed on persons with disabilities under article 101 of the Criminal Code. It would also be helpful to hear more about how the State party intended to ensure the involvement of persons with disabilities, particularly women and children with disabilities, and their representative organizations, in the formulation, implementation and monitoring of public policies and programmes concerning their rights. He would also be interested to know how the State party ensured that women with disabilities, Indigenous

persons with disabilities and persons of African descent with disabilities all had equal access to justice and to relevant procedural information in accessible formats.

31. **Ms. Gamio Ríos** said that, despite the legal prohibition on forced sterilization in Costa Rica, there was reliable evidence to suggest that the practice continued to occur. The delegation might provide further information on the measures taken by the State party to eradicate the forced sterilization of women and girls with disabilities who were deprived of their liberty in psychiatric institutions. She wondered what steps the State party had taken to ensure that the national mechanism for the prevention of torture carried out regular monitoring activities in psychiatric institutions and to eradicate practices that violated the rights of persons with disabilities in that setting. An explanation of the rationale behind the proposal to subsume the role of “personal assistant” under that of “guardian” within the framework of Act No. 10192, despite those roles being quite distinct, would also be welcome.

*The meeting was suspended at 4.30 p.m. and resumed at 4.55 p.m.*

32. **A representative of Costa Rica** said that the civil and electoral rights of persons with intellectual and/or psychosocial disabilities were guaranteed in Act No. 9379, specifically in article 5, which recognized the legal capacity and capacity to act of all persons with disabilities and reaffirmed that they were the holders of their rights and could legitimately exercise them.

33. Based on the information provided by the tenth national population census and the sixth national housing census regarding the 10.4 per cent of the population with disabilities, and in accordance with articles 95 (4) and 99 of the Constitution and the provisions of Act No. 7600, the Supreme Electoral Tribunal had adopted a series of procedural and institutional measures to improve the inclusion of persons with disabilities in electoral processes.

34. Through the Accessibility Programme for Exercising the Right to Vote, the Supreme Electoral Tribunal guaranteed equal conditions for exercising the right to vote for persons with disabilities and older adults. Prior to national and municipal elections, the officials running the Programme provided training to political parties, advisers and electoral guides in order to inform them about the rights of persons with disabilities, raise their awareness of the support services available to help to create an accessible environment for those persons and provide them with the tools necessary to work with those persons in a dignified and respectful manner. Past experience had shown that it was usually physical obstacles that most discouraged or prevented persons with disabilities from voting. Therefore, the officials running the Programme prioritized the implementation of measures designed to ensure that those voters could gain access to the polling station and, therefore, to the vote itself.

35. The Supreme Electoral Tribunal was responsible for providing the necessary resources so that, at the time of voting, citizens with disabilities could choose the voting method that was most convenient for them. Since 2018, all persons with disabilities, including those who continued to be deprived of their liberty in psychiatric hospitals, had been included in electoral processes. For the elections that had taken place in 2020, 2022 and 2024, the Tribunal had provided each polling station board with a support package comprising several tools to assist persons with a visual impairment, deaf persons, persons with intellectual disabilities and persons with physical disabilities in casting their vote. It had also set up boards to run polling stations in nursing homes and mental health centres, provided training to the electoral officers responsible for receiving the votes on election days and conducted mobile identity card campaigns in homes for older adults and mental health centres. Electoral guides had also been deployed to assist citizens with disabilities and older adults during the voting process. In the municipal elections of 2024, some polling station boards had made available an electronic voting device with built-in accessibility features for persons who had a visual impairment.

36. The National Council of Persons with Disabilities, while respecting the exclusive competence of the Supreme Electoral Tribunal in electoral matters, had worked with the Tribunal to formulate a series of recommendations aimed at improving the voting experience of persons with disabilities.

37. **A representative of Costa Rica** said that he was grateful to the members of the Committee for their flexibility and understanding in the face of the difficulties encountered

by the delegation. The Committee's frustration at the absence of officials from San José and at the inadequate responses that it had received to many of the questions posed was quite understandable. While real progress had been made in improving the situation of persons with disabilities in Costa Rica, he acknowledged that much remained to be done to achieve that goal. He wished to reassure the Committee that, despite the challenges that had arisen, Costa Rica remained committed to ensuring the realization of all the rights of persons with disabilities enshrined in the Convention.

38. For States with only small delegations, the treaty body strengthening process and, more specifically, the harmonization of the working methods of the different treaty bodies, were of the utmost importance. The recommendations made by the treaty bodies had always served to inform public policy in Costa Rica. Recommendations that were specific, easily actionable and that included a timeline for implementation would help the Costa Rican authorities to build on the progress achieved to date in order to further improve the situation of persons with disabilities in the country. The Committee might consider recommending that State bodies working in the disability field should make the budgetary provision necessary to cover the cost of sending officials to Geneva to take part in the consideration of future periodic reports of Costa Rica. The delegation would see to it that the Committee received the outstanding responses to its questions in writing within 24 hours.

39. **Mr. Morris** said that the Committee did not doubt the commitment of Costa Rica, which had been involved in framing and drafting the Convention, to fulfilling all the rights that it guaranteed to persons with disabilities and to improving their quality of life. However, despite the delegation's best efforts to provide responses, disappointingly, many of the questions posed by Committee members had gone unanswered or had not been answered in sufficient detail. In order for the Committee to carry out an objective assessment of the situation regarding the human rights of persons with disabilities in Costa Rica, and for it to make the recommendations necessary to guide the State party's efforts over the next reporting cycle, it needed to receive written responses to its questions within 24 hours.

40. **The Chair**, thanking the delegation for its efforts to respond to the questions posed by Committee members despite the challenging circumstances, said that the Committee would take on board the delegation's comment regarding the importance of harmonizing the working methods of the treaty bodies in the context of the treaty body strengthening process and would reflect further on that matter in the light of the difficulties that had arisen during the dialogue with the delegation of Costa Rica. She was confident that, once the Committee had received the written responses to its questions, it would be able to formulate constructive, targeted recommendations to help to guide the efforts of the Costa Rican authorities to ensure the realization of all the rights enshrined in the Convention.

*The meeting rose at 5.15 p.m.*