

UNEDITED VERSION

CRC/C/OPAC/CRI/1

COMMITTEE ON THE RIGHTS OF THE CHILD
Forty-fourth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 8 OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON
THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF
CHILDREN IN ARMED CONFLICTS**

Concluding observations: Costa Rica

1. The Committee considered the initial report of Costa Rica (CRC/C/OPAC/CRI/1) at its 1200th meeting (see CRC/C/SR.1200), held on 15 January 2007, and adopted, on 2 February 2007, at its 1228th meeting, the following concluding observations:

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the replies to the list of issues submitted in a timely fashion. The Committee also appreciates the constructive and informative dialogue with the State party's high-level delegation.
3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's third periodic report on 3 June 2005 contained in CRC/C/15/Add.266.

B. Positive aspects

4. The Committee welcomes that:
 - a) since the armed forces were abolished in the 1949 Constitution, national law prohibits both voluntary and compulsory enlistment;
 - b) only persons over 18 may be recruited in police forces - which are in any case of civilian nature;
5. The Committee also welcomes the ratification by the State party of:
 - a. the Optional Protocol to the Convention on the Rights of the Child on sale of children, child prostitution and child pornography on 9 April 2002;
 - b. ILO Convention no 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 10 September 2001;
 - c. the Rome Statute of the International Criminal Court on 7 June 2001.

C. Principle areas of concern and recommendations

C.1. General measures of implementation

Legislation

6. The Committee welcomes the enactment of law 8272 of 2002, which introduced two new articles in the Criminal Law (378 and 379) to make war crimes and crimes against humanity criminal offences. The Committee also welcomes the fact that the amended article 7 of the Criminal Code in conjunction with article 8 allows for conditional universal jurisdiction over crimes covered by human rights treaties to which Costa Rica is a party, including the Optional Protocol.
7. **In order to strengthen the national and international measures for the prevention of the recruitment of children for armed forces or armed groups and their use in hostilities, the Committee recommends that the State Party:**
 - a) explicitly prohibit by law, in line with article 38 of the Convention, the recruitment of children under the age of fifteen years into armed forces/groups and their direct participation in hostilities;
 - b) explicitly prohibit by law the violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities;
 - c) establish extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State Party;
 - d) stipulate explicitly that military personnel should not undertake any act that violates the rights enshrined in the Optional Protocol regardless of any military order to that effect.

Prevention/culture of peace

8. The Committee notes with appreciation the State party's efforts to promote - both nationally and internationally - a culture of peace, *inter alia* through primary and secondary education courses, the "Costa Rica Consensus" and the prohibition of "war toys". The Committee encourages the State party to continue and, where possible, strengthen these efforts with the involvement of NGOs and other parts of civil society.

Dissemination and training

9. The Committee notes the State party's view that 'since it has no army and it is not involved in any internal armed conflicts, the dissemination of the Protocol and monitoring of its implementation are confined to certain professional circles'. In light of article 6, paragraph 2, of the Optional Protocol, the Committee recommends that the State party make the principles and provisions of the Protocol widely known and promoted by appropriate means, to adults and children alike. The Committee further recommends that the State party develop systematic awareness-raising education and training on the provisions of the Optional Protocol for all relevant professional groups, including those working with asylum-seeking, refugee and migrant children coming from countries affected by armed conflict, such as teachers, medical professionals, social workers, police officers, lawyers and judges.

C. 2. Measures adopted with regard to disarmament, demobilization, physical and psychological recovery and social reintegration

Assistance for physical and psychological recovery

10. The Committee notes the State party's view that, due to the absence of conflicts and of armed forces, measures concerning the disarmament, demobilization or social reintegration of child soldiers are not relevant. However, the State party is a country of destination of asylum-seekers and migrants, including children - some of whom may come from countries affected by armed conflict – and the Committee regrets the lack of information about measures adopted with regard to their identification, physical and psychological recovery and social reintegration.

11. The Committee recommends that the State party:

- a) **identify at the earliest possible stage refugee, asylum-seeking and migrant children entering Costa Rica who may have been recruited or used in hostilities contrary to the Protocol;**
- b) **carefully assess the situation of these children and provide them with immediate, culturally sensitive and multidisciplinary assistance for their physical and psychological recovery and their social reintegration in accordance with article 6 (3) of the Convention;**
- c) **include information on measures adopted in this respect in its next report.**

C.3. Follow-up and dissemination

12. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to the members of the Cabinet, or a similar body, the Parliament (Asamblea Legislativa), the Defence Ministry and to provincial authorities, where applicable, for appropriate consideration and further action.

13. The Committee recommends that the initial report submitted by the State Party and concluding observations adopted by the Committee be made widely available to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

C.4. Next report

14. In accordance with article 8, paragraph 2, of the Protocol the Committee requests the State party to include further information on the implementation of the Optional Protocol in its combined third and fourth periodic reports under the Convention on the Rights of the Child, in accordance with article 44 of the Convention, due on 19 September 2007.