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## U.S. Department of State

### Costa Rica Country Report on Human Rights Practices for 1998

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#### COSTA RICA

Costa Rica is a longstanding, stable, constitutional democracy with a unicameral Legislative Assembly directly elected in free multiparty elections every 4 years. Miguel Angel Rodriguez of the Social Christian Unity Party won the presidency in the February elections, in which approximately 70 percent of eligible voters cast ballots. The Government respects constitutional provisions for an independent judiciary.

The 1949 Constitution abolished the military forces. The Ministry of Public Security--which includes specialized units such as the antidrug police--and the Ministry of the Presidency share responsibility for law enforcement and national security. In 1996 the Government combined several police units within the Ministry of Public Security, including the Border Guard, the Rural Guard, and the Civil Guard, into a single "public force." Public security forces generally observe procedural safeguards established by law and the Constitution.

The market economy is based primarily on agriculture, light industry, and tourism. After 3 percent growth in 1997, economic growth was projected at 4.5 percent. Government fiscal difficulties continued, with the public sector deficit projected to amount to 4 percent of gross domestic product (GDP). The Constitution protects the right to private property; however, domestic and foreign property owners encounter considerable difficulty gaining adequate, timely compensation for lands expropriated for national parks and other purposes. The law grants considerable rights to squatters who invade uncultivated land, regardless of who may hold title to the property.

Citizens enjoy a wide range of individual rights and freedoms. The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Nonetheless, the judicial system moves very slowly in processing criminal cases, resulting in lengthy pretrial detention for some suspects. Domestic violence is a serious problem, and abuse of children also remains a problem. Traditional patterns of unequal opportunity for women and racial minorities remain, in spite of continuing government and media efforts to advocate change.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

There were no reports of political or other extrajudicial killings.

In September 1997, a criminal court found two of three former judicial police officers guilty of the 1994 murder of farmer *Ciro Monge*; the third officer awaited trial at year's end. The court sentenced the two men to 12 years in prison and \$200,000 (50 million colones) in fines and costs. The two convicted officers appealed the rulings and lost; one fled the country.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The Constitution prohibits cruel or degrading treatment and holds invalid any statement obtained through violence. The authorities generally abide by these prohibitions. An effective mechanism for lodging and recording complaints of police misconduct exists. As of mid-August, the Ombudsman's office had received 6 reports of police abuse of authority or misconduct. The Ombudsman's office investigates complaints and, where appropriate, initiates suits against officials.

A large percentage of police personnel owe their appointments to political patronage. The Rodriguez administration continued implementation of the 1994 Police Code designed to depoliticize and professionalize the police force. The Government's long-term plan is to establish permanent, professional cadres, eventually resulting in a nonpolitically appointed career force. The basic course for new police recruits includes training using a human rights manual developed by the Ministry of Public Security.

Prisoners generally receive humane treatment. Prisoners are separated by gender and by level of security (minimum, medium, and maximum). There are separate juvenile detention centers. Illegal narcotics are readily available in the prisons, and drug use is common. While guards rarely abuse prisoners physically, there are credible reports that prisoners are sometimes subjected to other forms of abuse such as extortion. The Prison Rights Ombudsman investigates complaints and refers serious cases of abuse to the Public Prosecutor.

Penitentiary overcrowding remained a problem, with the prison population estimated at 67 percent above planned capacity. The Government is expanding six prisons to address this problem. In March 1996, the Supreme Court's Constitutional Chamber issued an order to the San Sebastian prison in San Jose, giving the institution 1 year to achieve minimally acceptable conditions for the prisoners. As of

August, that prison was still 88 percent above capacity, a decline from 121 percent the previous year, reflecting the transfer of many long-term prisoners to other institutions.

The Government permits prison visits by independent human rights monitors.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution and law prohibit arbitrary arrest, detention, or exile, and the Government generally respects these prohibitions.

The law requires issuance of judicial warrants before making arrests. The Constitution entitles a detainee to a judicial determination of the legality of the detention during arraignment before a court officer within 24 hours of arrest. The authorities generally respect these rights.

The law provides for the right to release on bail, and the authorities observe it in practice. Generally, the authorities do not hold detainees incommunicado. With judicial authorization, the authorities may hold suspects for 48 hours after arrest or, under special circumstances, for up to 10 days.

The Constitution bars exile as punishment.

#### e. Denial of Fair Public Trial

The Constitution and law provide for an independent judiciary, and the Government respects this provision in practice. The Constitution provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

The Supreme Court supervises the work of the lower courts, known as tribunals. The Legislative Assembly elects the 22 Supreme Court magistrates to 8-year terms, subject to automatic renewal unless the Assembly decides otherwise by a two-thirds majority. Accused persons may select attorneys to represent them, and the law provides for access to counsel at state expense for the indigent.

Persons accused of serious offenses and held without bail, however, sometimes remain in pretrial custody for long periods. Lengthy legal procedures, numerous appeals, and large numbers of detainees cause delays and case backlogs. There were 802 accused persons, representing 17 percent of the prison population, jailed awaiting trial as of March 31.

There were no reports of political prisoners.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices. Government authorities generally respect these prohibitions, and violations are subject to effective legal sanction. The law requires judicial warrants to search private homes. Judges may approve use of wiretaps in limited circumstances, primarily to combat narcotics trafficking.

The law grants considerable rights to squatters who invade uncultivated land, regardless of who may hold title to the property. Landowners in Pavones, Golfito, have a 10-year history of conflict with squatters, which includes frequent violent invasions. Upon taking office, President Rodriguez increased the police presence in the Pavones region in an effort to show his commitment to resolving the problem.

The Government made more progress on issues of land tenure and protection from squatter invasions outside the Pavones region. The Legislative Assembly is reexamining laws that give title through adverse possession, and squatter evictions are occurring with increased frequency. On May 19, the police removed 278 families from a parcel of land in Cartago province. On September 4, police removed 300 families of squatters from property near Quepos, Puntarenas. These evictions were conducted lawfully and with respect for the rights of the squatters. There were no credible accounts of abuses by the officers who enforced the evictions, despite the sometimes forceful resistance of the squatters being removed.

The investigation remains open in the case of the 1997 shootings in the Pavones region of U.S. citizen landowner Max Dalton and squatter Alvaro Aguilar. Press reports indicated that the investigators believed the two men shot each other; charges were never pressed against the first suspect in the case. At year's end, the official investigation remained inconclusive.

## **Section 2 Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The Constitution provides for freedom of speech and the press, and the Government respects these rights in practice. An independent press, a generally effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

There are 9 major privately owned newspapers, several periodicals, 20 privately owned television stations, and over 70 privately owned radio stations, all of which pursue independent editorial policies. While the media generally criticize the Government freely, there were unconfirmed allegations that the Government withheld advertising from some publications in order to influence or limit reporting. In March a court acquitted the editor and two reporters from the La Nacion daily newspaper after a former minister accused them of libel. However, the court found them guilty of a lesser charge of defamation, fined them, and awarded the plaintiff damages to be paid by the newspaper. In a separate case in May, a court absolved a reporter, an editor, and an executive from La Nacion of libel charges.

In 1996 the Legislative Assembly passed a "right of response" law that provides persons criticized in the media with an opportunity to reply with equal attention and at equal length. While the print and electronic media continued to criticize public figures, the law has proven difficult for media managers to administer. On occasion, some media outlets delayed printing responses because submissions were not clearly identified as replies to previously published items.

The Office of Control of Public Spectacles rates films and has the authority to restrict or prohibit their showing; it has similar powers over television programs and stage plays. Nonetheless, foreign and particularly American films spanning the U.S. rating system are offered to the public. A tribunal reviews appeals of the office's actions.

### **b. Freedom of Peaceful Assembly and Association**

The Constitution provides for these rights, and the Government respects them in practice.

### **c. Freedom of Religion**

The Constitution provides for freedom of religion, and the Government respects this right in practice. While the Constitution establishes Roman Catholicism as the state religion, people of all denominations

freely practice their religion without government interference. Religious education teachers, including those in public schools, must be certified by the Roman Catholic Episcopal Conference. Foreign missionaries and clergy of all denominations work and proselytize freely.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government respects them in practice. There are no restrictions on travel within the country, on emigration, or the right of return.

There is a long tradition of providing refuge to people from other Latin American countries. In August the Government declined to grant asylum to Elizabeth Trujillo, a Cuban who claimed inside knowledge of Fidel Castro's state of health and a supposed Cuban sponsored kidnap attempt against her. In April the Government granted asylum to Peruvian judge Delia Revoredo after she fled Peru due to politically motivated threats. Her asylum was revoked later after she and her husband, Jamie Mur, whose own asylum petition was also pending, returned to Peru for a week in September to address some legal matters there.

The Government cooperates with the office of the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government makes a distinction between political asylum and refugee status; the issue of the provision of first asylum did not arise. The Constitution specifically prohibits repatriation of anyone subject to potential persecution, and there were no reports of forced expulsion of persons to a country where they feared persecution. The authorities regularly repatriated undocumented Nicaraguans, most of whom entered the country primarily for economic reasons. However, in the wake of Hurricane Mitch, the Government announced a program of general amnesty for all Nicaraguans, Hondurans, and Salvadorans in the country prior to November 9.

Allegations of abuse by Border Police periodically arise. Although instances of physical abuse appear to have declined, there were credible reports of extortion of migrants by border officials.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through free and fair elections held on the basis of universal suffrage and by secret ballot every 4 years. The independent Supreme Electoral Tribunal ensures the integrity of elections, and the authorities and citizens respect election results. The Constitution bars the President from seeking reelection, and Assembly members may seek reelection only after at least one term out of office. In the 1998 elections, President Rodriguez's Social Christian Unity Party (PUSC) won a plurality in the Legislative Assembly, winning 27 of 57 seats. The National Liberation Party (PLN) won 23 seats, the Democratic Force won 3 seats, and 4 minor parties, the Labor Action, National Integration, Costa Rican Renovation, and Libertarian Movement parties, each won 1 seat.

Women encounter no legal impediments to their participation in politics. While they are underrepresented in leadership positions in the Government and political parties, this situation has begun to change. Both vice presidents, the Minister of Justice, and 11 legislative assembly deputies are women. Former Assembly Deputy Sandra Pizsk continues as Ombudsman, a key autonomous post created in 1993 to protect the rights and interests of citizens in their dealings with the Government, and Linette Saborio remains the Director General of the judicial investigative organization. The PUSC mandated that a minimum of 40 percent of posts in party councils be occupied by women and created the new Ministry for the Condition of Women, headed by Dr. Yolanda Ingianna Mainieri. To commemorate the 45<sup>th</sup> anniversary of the first female members of the Assembly, the new female legislators formed the

Foundation of Women Parliamentarians of Costa Rica. While working for a number of social objectives, including the decentralizati