

## COSTA RICA

# Human rights and globalization: trinkets for gold



Following neoliberal prescriptions, government economic policy focuses on macroeconomic stability, attracting investment and exports and expanding infrastructure. This model has had a negative social impact, making it necessary to move towards a form of development that can generate wealth that will remain in the country, through productive chains. The State must revive its democracy-enhancing function, while at the same time articulating a vision of coexistence based on ethics, equality, inclusion and respect for diversity.

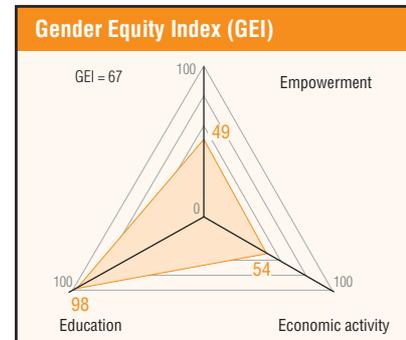
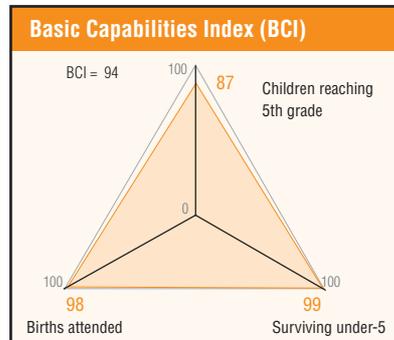
Centro de Estudios y Publicaciones Alforja<sup>1</sup>

Historically, Costa Rica has scored well on social and human development indices, owing to political and social consensus that, starting in the middle of the 20th century, allowed greater public investment in areas such as health, education, roads and massive extension of electricity and telecommunications. It is the result of a holistic vision, in which a political coexistence model guaranteed the 'resolution' of conflicts among various social and economic sectors, and at the same time helped to strengthen people's awareness of human rights.

In the 1940s, a political alliance strongly supported by working class sectors produced a new type of state that was very different from other Central American countries and was characterized by strong state social intervention and the adoption of change-oriented policies. This period saw the creation of the Social Security Office, the Labour Code and the University of Costa Rica and the consolidation and expansion of secondary education.

This Solidarity Model of the State abolished the army as a permanent institution, nationalized banks, put into operation an energy development policy, taxed capital as a means of strengthening public finances and encouraged national industries to substitute imports and guarantee development that was less dependent on unstable international markets. Thus, a financial platform was created, financed through domestic taxation, complemented by a legal framework to enable the implementation of policies to strengthen different social sectors, contributing to greater social mobility.

However, after liberalization was introduced in the 1980s, a substantial change took place, characterized by the opening up of the economy, financial liberalization, the promotion of exports, and the redefinition of the role of the State in the economy and society. The reduced size and functions of the State



together with market liberalization, including opening the economy to imports and efforts to attract direct and financial foreign investment – in line with international financial institutions prescriptions – have weakened the country's political and financial capability to sustain social reform, frayed the social protection network and hollowed out the principles guaranteed in the 1949 Constitution. Since then, Costa Rican development has followed a double track: although social indicators are still above average for Central American and many Latin American countries, declining social equality and cohesion will have a major impact on these indicators over the next 10-15 years.

### Trade liberalization and human rights

The neoliberal model expanded after the negotiation of free trade agreements (FTAs) with Canada, Chile, Mexico, Panama, the United States and the Caribbean community, as well as current negotiations with the European Union. The successful conclusion of these has been presented as a choice between 'joining the world' or 'remaining in isolation.' In many fields, especially commerce, global processes require new instruments and mechanisms that favour the free transit of goods and persons, thus affecting specific legislation, constitutional frameworks and human rights. Goods become globalized, but not rights; we are witnesses to the construction of societies that are 'liberal' insofar as trade is concerned, yet conservative in terms of democracy and citizen participation, human rights, diversity, justice and equality.

It is within this framework that human rights in Costa Rica must be viewed. Following is an overview of the rights that various citizen networks regard as having deteriorated the most.

### The right to political participation

Although the Government of President Oscar Arias elected in 2006 championed the FTA with the United States, a year later Costa Rica was the only signatory that had not ratified it, owing to a fiercely contested national debate about what it represented. For some, the FTA was the crowning of the neoliberal project; for others it was the final dismantling of the rule of law. In April 2007 the Supreme Electoral Tribunal permitted a citizen initiative to collect signatures to demand the first national referendum in the history of the country. However, FTA supporters violated the electoral law, the Constitution and the referendum law itself, greatly damaging citizens' political rights. All of this was justified by the Government and endorsed by a partisan, non critical majority' of magistrates in the Constitutional Chamber.

- Chambers of commerce conducted censuses of their workers and relatives of voting age in order to 'take' them to vote, intimidating them with the potential loss of their jobs should they not vote in favour of the FTA.
- Numerous bank accounts were opened in the names of pro-FTA leaders, in which thousands of dollars from Costa Rican, Central American and US companies were deposited to support the pro-FTA media campaign, in full view of the Electoral Tribunal.
- Local media owners agreed to present pro-FTA arguments as news reports, which saturated the media, with no intervention by the Tribunal.
- The Tribunal authorized the President to take part in the campaign in favour of the FTA, contrary to provisions in the referendum law. Arias

1 Several citizen networks contributed to this article: COSECODENI (Childhood and adolescence), Red de Control Ciudadano (Public policies watch), Mesa Intersectorial de Derechos Humanos (Non-exclusion and non-discrimination), Colectiva por el Derecho a Decidir (Sexual and reproductive rights), Centro Internacional para los Derechos Humanos de los Migrantes, Consejo Consultivo de la Sociedad Civil and Movimiento Diversidad. Special thanks to Rubén Chacón of the Costa Rican Lutheran Church for sharing his work. Compilation of contributions and final writing: Mario Céspedes from the Centro de Estudios y Publicaciones Alforja.

visited communities and companies offering development projects or threatening to cancel those being implemented.

- The Tribunal approved new regulations to the referendum in which political parties were given the right to have observers, against the original citizen-oriented rules, and obliging people to 'belong' to a political party in order to use their right to become observers.
- The Vice-President and another government representative prepared a memorandum, later made public, suggesting some 'corrections' to the pro-FTA campaign, including, among other things, generating four types of fear:
  - Fear of losing one's job
  - Fear of democratic institutions being attacked
  - Fear of foreign interference in the campaign against the FTA
  - Fear that the vote against the FTA would win.Although the Vice-President resigned after being exposed, the pro-FTA campaign carried out each and every one of these suggestions.
- Visits by Chile, the US and Central American governments to factories, giving talks in favour of the FTA, which the media presented as 'expert' opinions.
- Violation of the electoral truce on the part of corporations and the media, which encouraged worker street demonstrations until the day before the referendum.

### *The right to work*

The FTA threatens the right to work, guaranteed by articles 56 and 71 of the Constitution and articles 23 and 24 of the Universal Declaration of Human Rights, since it promotes two types of work: 'exclusive' for a minority, and cheap labour for the majority, modifying labour legislation and the rights of workers. A bill before the Legislative Assembly proposes a longer working day with no requirement to pay for extra hours. The bill therefore allows employers to keep employees at work more hours per day without taking on greater costs.

### *The right to food security*

Following the neoliberal policies of the structural adjustment plan, Costa Rica abandoned the production of food for national consumption for the sake of an export oriented agriculture based mainly in single crop farming, which has high environmental and social costs. These policies, which would increase with the ratification of the FTA with the US and further agreements with Europe and China, on which negotiations have started, would result in the loss of national food sovereignty. Specifically, they would a) affect the right of Costa Rican society to define its

agrarian and food policy; b) diminish or eliminate its capacity to define sustainable strategies of food production, distribution and consumption; c) reduce its capacity to guarantee the right to healthy food based on small and medium producers and respect for the diversity of indigenous and peasant agricultural production, trading and management of rural lands; and d) threaten the right to access to land, and to cultivate it using traditional practices and biodiverse local seeds that represent the indigenous cultural heritage and identity.

### *The right to inclusion and non-discrimination*

Those that promote the predominant economic model appear to be interested only in the buying and selling of goods. Using unscientific ideas and a tendency towards social control, dominant interests encourage the exclusion of wide sectors of society, not only through reducing access to resources, but also through myths and stereotypes that support a culture of stigma and discrimination. This embraces large numbers of children and youths, women, migrants, indigenous peoples, peasants, people with visible handicaps, as well as people who are discriminated against because of their gender identity or sexual orientation. This trend will continue in the absence of political will for change in favour of inclusion.

### *The right to education*

The FTA has turned education into a service, another good that is sold and bought. The Costa Rican educational model, an important factor in the country's human development indices, is threatened by the State's reduced capacity to support the right to universal free education – financially, technically or politically. Quite the contrary, the educational system suffers from a serious lack of coordination between levels, dramatically reduced enrolment in rural areas and among poor people, rising dropout and repetition rates, cultural curricular discrimination against indigenous peoples, people of African descent, and people with special needs, deteriorating infrastructure, and old-fashioned content and methodology.

### **Recommendations**

The restoration of full human rights in Costa Rica would require the State to recover its democracy-enhancing function, including a progressive tax structure, equitable public spending and the production of decent work, based on social interest.<sup>2</sup>

Authorities must commit to an extensive revision of the legal and legislative framework (codes, specific laws, regulation of public institutions etc. others) that will allow a transition towards a new form of coexistence based on ethics, equality, inclusion and respect for diversity. There must be the political will to allocate the necessary financial resources and advance the passage of currently 'frozen' laws to benefit excluded social sectors.

Costa Rican citizens aspire to an equitable and balanced agenda of human rights that will also include handicapped people, same sex unions, the rights of women and poor people along with migrant and domestic workers, indigenous peoples, people of African descent, as well as the ratification of international treaties which will benefit society as a whole.

During the celebration of the 60th Anniversary of the Universal Declaration of Human Rights in 2008, human rights campaigns should be held with the goal of restoring full and inclusive democracy. Any law, decree, or institutional proposal aimed at any specific sector should be discussed and agreed upon by all citizens. The Human Rights Committee of the Legislative Assembly, as a multi-party space, should convene a Citizens Forum on Human Rights in which to debate the adoption of all human rights laws currently awaiting approval in the Legislative Assembly, along with the content and operation of the much-needed Action and Non Discrimination Plan that would contribute to political and cultural renewal. This Forum should provide the opportunity for citizens to demand that the Government comply with its constitutional and international obligations, as well as the construction of new models of coexistence in which respect for diversity is highlighted as central to the creation of a national culture that will protect, promote and respect human rights. ■

<sup>2</sup> Minutes of the workshop: "Análisis crítico del informe nacional de los ODM desde la perspectiva de organizaciones sociales" Red de Control Ciudadano, Coronado, 2-3 February 2005.