



*Institushonal Palicy far di acces to justice far
afrodiscendant pipol of Judishal Powa and di
Acshan Plan*



Comisión de Acceso a la Justicia
Poblaciones en Condición de Vulnerabilidad

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afrodicendant pipol of Judishal Powa and di Acshan Plan**

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Credits

Acces of Justice Comishan, Judishal Powa of Costa Rica
Acces of Justice Subcomishan for Afrodicendant Pipol.
Coperieshan Office and Internashonal Rilieshans.
Acces of Justice Unit.
Costarrican Cooperéishan Comishan with UNESCO.
Comishoner of Afrodicendants Afiers Office.
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Institutional Policy for the access to justice for afrodescendant population of Judicial Power and the Action Plan

It is a stimulus that in all of the Americas there is about 200 million that consider themselves as afrodescendant. Since we know, there are many studies that show that there are the most poor and excluded. In Costa Rica, for example, it has no difference at all, its population represents 7.8% of the population, (Census from 2011), has suffered constant and historical violence of the rights, cause of conditions of structural discrimination, that insidiously in limiting the access to justice, employment, getting a house, education and social benefits.

When the census of 2011 afrodescendant population presents several characteristics, there is not a lot of population in directive level, there is a lot of working population that does not qualify, less access to social security and housing, and also a lot of unsatisfied basic needs.

The unemployment rate for white population is 1.7% while in afrodescendant population is 2.3%. Spots in public or private directive level a 8.1% are occupied by afrodescendant population and is a big difference with population that identify themselves as spanyard cause they get 15% of the spots. Since we know while afrodescendant population in elemental occupation is 27.5%, white population is 20.5%.

About afrodescendant population the inequalities they have are: 4.0% of the population have no access to any service, 12.8% to sanitary infrastructure, 15.1% to housing and 8.2% have no access to health, contrary to white population the data shows: 2.5% have no access to any service, 8.9% in sanitary infrastructure, 9.6% housing and 6.4% have no access to health.

The percentage of housing in extreme poverty is of 8.5% for the afrodescendant and 5.0% for white population: in regards to not having social security afrodescendants are 18.7% when white population are only 13.8%.

Finally the afrodescendant population that have a computer and internet is 42.4% and 39.1% in the case of white population they have 49.9% and 46.6%¹.

The structural discrimination that is shown, adding that afrodescendants suffer multiple and hard type of discrimination for a lot of reasons like age, gender, language, religion, social origin, disability and other social and cultural conditions, it obligates to seek out series of national and international to promote and effectively protect the rights.

From the approval of the convention agency since 1926 until today have consigned international instruments destined to prohibit slavery, racism and their effects in institutional structures:

Universal Human Rights Declaration, International Convention on the Elimination of all Racial Discrimination from 1965, International Day of the Elimination of Racial Discrimination of March 21st 1966, the Declaration from 1973-1982 as the first 10 years fight agency racism and racial discrimination, Celebration between 1978 and 1983 of the 1st and 2nd World Conference agency racism, Proclamation of United Nations of 2nd and 3rd decade of fight agency racism, in 2001 the Celebration of the 3rd World Conference agency racism, racial discrimination, xenophobia and other intolerance forms, when they recognize that

¹ Recopilated data for the PNUD 2015 about data bias of the X National census of the Population and VI of housing 2011 National Institute

Afrodescendants are still victims of slavery, colonialism and racism, Di Proclamation in 2011 as International Year of Afrodescendant, and the recent proclamation from General Assembly of UN of International Decade for Afrodescendant established by resolution 68/237 with the slogan "Recognition, Justice and Development".

In a national level there are a series of norms destined to eradicate the racial discrimination, in the recent efforts we can find the Creation of the National Policy for a society without racism, discrimination and xenophobia, 2014-2025, which does not recognize that Afrodescendants represent a specific group and that their rights should be promoted and protected.

In January the President of Costa Rica put in a Presidential Commission in Afrodescendant Affairs and in Di Gaceta number 77 of April 22nd published the directive 022-P: "About the Decade of the Afrodescendants" which established the obligation of all government institutions to centralize and not to formulate public policies destined to fulfill the Program of Activities of the International Decade of Afrodescendant, approved by General Assembly of United Nations by resolution number 69/16.

No matter all the initiatives we just mention, the direct and indirect racial discrimination still persists and reviv the importance to count institutional policies that permit access to justice to all the population that are vulnerable.

Siempre, this policy inscribes itself by the reform of article one from the constitution first established 15 years ago by Joyce Sawyer, Afrolimonense deputy. The reform that was signed on Monday August 24th of 2015 established the recognition of Costa Rica as pluricultural and multicultural nation.

From that reform we can read article one: "Costa Rica Republic is democratic, free, independent, multicultural and pluricultural".

This recognition means imperative the elaboration, approval and implementation of institutional policies that are visible and recognize the different ethnicities and cultures that conform Costa Rica.

In the case of Judicial Power the recognition of the diversity that conform our nation is fundamental, and the particular necessity, to permit an effective access to justice and also permit efficiency to fulfill all the economic, social political and cultural human rights.

We understand that the Institutional Policy of the Access to Justice of Afrodescendants in Judicial Power, permit not only the fulfillment of article 1 in the Constitution, contributes with this to the structural reform about the construction of national identity and the conformity of our country, but also, contributes to the effective access to justice for Afrodescendant people in regards the necessity, that puts the institution as pioneer in the fulfillment of international norms about human rights; so in that matter, the Judicial Power of Costa Rica:

- a. RECOGNIZING the obligation to adapt measures in the institution to foment and stimulate the respect and observance of human rights and the fundamental freedom of all persons and groups without any distinction, by race, ethnicity, sex, age, sexual orientation, language, religion, political opinion or from any other matter, social

origin, economical position, migrant condition and/or refugee, disabled or any other social condition.

- b. REAFIMIN' di institutional commitment with the implementation of the Hundred Rules of Brasilia about Access to Justice for people in Vulnerable Conditions.
- c. RIVALDIETIN' di commitment with the eradication of all forms of discrimination that affect Afro-descendant people in Costa Rica.
- d. WIT DI CANVICKSHAN that equality principles and no discrimination are fundamental to guarantee access to justice between all humans.
- e. JAVIN' IN COUNT of the existence and persistence of racism, sexism and Xenophobia towards Afro-descendants, its effect in more or less the access of justice and fulfillment of the economic, political, social and cultural human rights as towns.
- f. CONSIDERIN' that a pluricultural, multicultural and democratic society should respect the ethnic identity, cultural, linguistic, religious, of gender and sexual of all people and create the conditions that will permit express, preserve and develop the right to identity.
- g. KONSHENS of the necessity of creating a suitable instrument, that be able to mould the principles and high standard institutional values, in which the postulates the following guidelines that contribute to generate a change oriented to respect of diversity, with no racial discrimination and social inclusion.
- h. AKARDIN' to the Political Constitution that establish in article one: Costa Rica Republic is democratic, free, independent, multiethnic and pluricultural;

To adopt this Institutional Policy for the Access to Justice for Afro-descendant people and its Action Plan, destined to assist the conditions to give equal treatment and non-discriminatory, that permit equal access to the judicial system for Afro-descendant people.

Sekshan I Definishans

Accardin' wit di porposes of dis Palicy and di Plan of Acshan, we andastand di next definishans:

Acces to justice

Set of facilitis, servicis and supports dat garranti in a effectiv matta acces to justice for Afrodicendants, promuotin' fier treatment and proscrybin' all discriminieshan to reach di objectiv of a fulfil justice.

Afirmativ acshans

For dis Palicy, evry fact dat correck or compensiet past or present discriminieshan, or to avoid dat discriminieshan be reprodus in da fiucha and ther are orientieted to promuot di transformieshan of di bijevia and the institushonalize mentality so it can materrialyz di quality of apartunitis and a betta representieshan of Afrodicendants.

Vulnerability Candishan

Acardin' to di definishan of di ruls use in Brasilia dis expreshan designiets to "*duos grup of persens tru di rison of ieg, genda, fisical and mental helt or tru soshal circumstansis, economics, ethnics or culturral, dem encounta special dificultis to plienly exersize thier riths in di justice system recagnaiz tru di juridikshan order.*

Some of di kieses of vulnerability or as fallos: ieg, discapacity, indigenos and minority, di victimieshan of migration, pavaty, genda and dipravieshan of freedom.

Di determinieshan of di candishan of vulnerability in ich contry depends on di specific caracteriztikis and also di soshal and economic development".²

Etnic - rieshal discriminieshan³

In a soshal contruckshan dat ridounds in a siris of altitude barriers and di envyroment, di sozyaty prodyuz basin in steriotype, prejudice, stigma, fier and ignorrans. Dem limit di full participieshan of calectiv and individuals in iqual candishans generietin' soshal exclushan. As a soshal contruckshan it has di fallowin' caracteriztikis:

- It transmits from generieshan to generieshan, tru di mins of comunikieshan, literature, edukieshan system, publicity.

² Iberoamerican, X. C. J. (2013). 100 Rulz of Brasilia bout acces to Justice for pipol in vulnerabiliti. *Juridick Magazin*, 1(1), 111-132.

³ Cause of di inadmisibiliti of di voice riez or rieshal do rifer to etnical daiversiti and cultural of adda human grups, in dis document, di term riez and rieshal wil miin di existanz and soshal usage of concepts, dat will implikiet a taip of discriminieshan biez in a falz bilif, dat di fisical triets implikiet intelektual superrioriti or inferrioriti, fisical and moral if gets cluosa or farda of fisical carakteriztikis, tradishionali asocietid to di homogenik grup.

- It is in constant evolution and mutability, it depends on social and cultural patterns that are transmitted through negative treatment, towards the person who are affected by racial prejudice bias and false belief and the physical characteristics determine the personality and the conduct.
- Restricts access of people discriminated of the full enjoyment of resources, services and rights.

Recapitulating, the differentiated treatment, excluding is bias on ethnic cultural origin (habits, customs, clothing, symbols, lifestyle, sense of belonging, language, social beliefs of a determined social group) or physical characteristics of a person (skin color, features, height and addas) that has as objective to annul and recognize the rights and the liberties of the person to exercise the economic, social and cultural leading to differentiated treatment in a negative form of the person discriminated.

The International Convention for the elimination of all forms of racial discrimination in the 1st article and 1st verse indicates "(...) the expression racial discrimination shall mean any distinction, exclusion, restriction or preference bias on race, national or ethnic origin that has the objective to annul the recognition and exercise of equality conditions, human rights and fundamental liberties in the social, political and cultural areas of public life.

Structural racism

Is the set of factors, values, practices, patterns, stereotypes, signs that collaborate with the natural reproduction⁴ stereotypes of people that belong to different human groups, this puts them in a less prestigious position and vulnerable authority. This reproduces in institutional practices and conduct patterns of the historical and cultural disadvantages that limits the access of institutional services.

For the effect of this Policy the structural situation of discrimination that Afrodescendant population suffers should be analyzed at the light of the obstacles that this people faces to access the justice mechanism in equal conditions to get reparations because of the discrimination suffered.⁵

Indirect discrimination by ethnic-racial motives

Bias is what was established in the International Convention against all forms of discrimination and intolerance: *is the situation in which a disposition, criteria or practice apparently neutral puts the people of a ethnicity in a particular disadvantage towards people of another ethnic group.*⁶

⁴ Implies to adopt a series of social constructions, as nature facts immutable and unquestionable.

⁵ For the elaboration of this definition the work of the elements of the Inter-American Commission on Human Rights Nombá 66/66. Kiez 12.001 Simone André Diniz Fund. Brazil. October 21st, 2006.

⁶ Adopted in Antigua, Guatemala on Wednesday June 5th 2013 in the Fourth Ordinary Period of Sessions in the General Assembly of American States Organization. Has not been ratified by Costa Rica but our country pushes it considerably.

Multipul or agravietid discriminieshan

Evry discrib restrickshan in two or more of institushonal palicy of acces to justice for di populieshans in vulnerability and its objectiv is to limitiet di acces to justice in iqual candishans.

Effectiv acces to justice for Afrodicendants

Set of regulieshans, facilitis, servisis, adjustment and support dat permits and garrantis witout any discriminieshan to enjoy of di jurridickshal servisis for Afrodicendants for di full enjoyment of dem riths.

Afrodicendant pipol

It difains who recognaiz Africa as dem origin and common territory and implies a complex system of miscegenieshan, a common expiriens of slievry and riecism, and also forms or common mins of resistanz and opreshan.⁷ Considering dat di culturral identity and di actual situieshan of Afrodicendant pipol it is so connected to di ansestral African heritage likewise to di slievry situieshan in di Amerricas.⁸

For di effectks of dis Policy and its Acceshan Plan we andastand by Afrodicendant evry person dat difine demself as a desendant of African and recagnaiz in his identity di African Ancestrality or dat is dicentant of African origin dat was victims of fuorz rootlessness and trasatlantic trafic of slievz.

Sekshan II General Principals

Dis Palicy and its Acshan Plan suld be interpetieted biesed fundamentaly in di principal dat are going to be menshan, dem shuld oriented the wie'of actin'of judishal workers and shuld consider in rilieshan wit di atribiuts of mienstrimin'and interdipendenz, cause dem a complemiet ich adda and have a specific funshan, wich mien idea is to promuot a effectiv acces to justice for Afrodicendants.

Witout been a exhaustive list di principals are:

⁷ For di enumerieshan of dis aspekks dem tuk in count elements develop in di book *Di Afrodicendant Town of Quince* Duncan Moodie, Palibro, 2012.

⁸ Di Afrodicendant term teek relevanz, at a juridik level internashonali, in di III Rigional Conferenz of di Amerricas in Santiago –ivent dat pripier di World Conferenz of Riecism, Discriminieshan, Xenofobi and Intoleranz in Durban, Africa, in 2001, nevadeless it was inishali propuos by di raiter, cathedratik and brasilian activist Sueli Carneiro in di Workshop about Etniciti and Identiti intu di 4th Portuguese -Afrobrasilian Congres of Soshal Cyenz, dictietid in di Filosofi and Soshal Cyenz Institut of di Federal University of Rio de Janeiro (1-5 of septemba) in 1996.

Iquality

Implikietz di equiparieshan of riths and obligieshans of Afrodicendant populieshan into di constitushonal valius and di nashonal and internashonal regulieshan to aply in Costa Rica, such as di adopshan of ways to suppress di norms or practisis of any nature dat vyoliet di garantis.

No rieshal discriminieshan

Promuots di eliminieshan of all distinschan, exclushan or restrickshan bies in etnical-rieshal criteria to Afrodicendants, dat has a effek to anuliet di recognishan and enjoyment of dem human riths and fundamental freedom.

To fulfil it, it is fundamental give a effektiiv proteckshan dta teek in count di economical, soshal and culturral characteristicks, suchass situieshan of speshal vulnerability dat dem culd be expuosed by ethnic and rieshal motivz.

Di Judishal Powa will look up to erradikiet any discriminatory practice, facilitietin' di spiecis of informieshan, komunikieshan and participieshan for Afrodicendants and also for pipol dat work in dis institushan, and it will matirialaiz tru acshans dat ashur a optimos level of komunikieshan, acces to di informieshan and rispeckful tritment dat facilitietz and permits di rith of acces to justice.

In dis sense, discriminieshan does not constitiutz afirmativ acshans, destinietid to garrantii di acces of justice of Afrodicendant pipol in equal candishans but dat will not implikiet di separieshan of riths for diffren grups and dat not perpetuiet afta achiv di objectivs.

Interculturral

Shuo di necessity of recagnaiz di culturral diversity dat exists in di socyaty, as di effek to promotu rispeck and a peaceful coexistanz between diffren culturral and soshal grups tru asertiv dialogue and mutual rispeck and it matirialyz in di incorporieshan of conducks, and di eliminieshan of altitude barriers biesed in etnical and rieshal prejudices, dat blocks di effektiiv to justice for Afrodicendants, and also in a positive recagnishan of human diversity as a element of existanz of richness inna multiethnic and pluricultural Costarican stiet.

Di judishal workers shud rispeck di diversity of humans, and will andastand di Afrodicendanz as part of a nashonal diversity, dat wit aspekks suchass: niem, ieg, culcha, genda, soshaleconomical candishan, sexual orientieshan and/or discapacity candishan conformietz di person and di identity.

Iquality principal

Pushes di judishal workers to teek incount di human undatown of di conflicts nd it matirialyz in di considerieshan of di personal candishans, familiar, etnical, culturral, soshal and economical in ich one of di kieses in a wie' dat dem garrantii di fulfilment of dem riths.

Speshal proteckshan

It materializ in di speshal considerieshans dat should riciv di Afrodicendants dat have 2 or more vulnerability candishans suchass women, child, youth, LGBTI, elders, migrants, refugees, elder and youth prisoners, vistsims of crime, or pipol wit discapacity, in special effecks dat mie' be consider tu ashur dem riths and garantii dem acces ti justice as a ricuayament for a effectiv difenz of economical, political, soshal and culturral riths.

Inclushan principal

Implikietz di crieshan of process and di implementieshan of acshans dat meek us superiet soshal, economical and culturral disadvantage and will permit dat can enjoy di rith of citizen parcitipieshan, passin ova di stigmitieshan dat teeks to pavaty, marginieshan, exclushan and ricicism.

Mienstrimin'

Implikietz di incorporieshan of di necesitis, aspirieshan and caracterizticks of di pipol diversity, populieshans and towns. In di kiese of Afrodicendants, it implikietz di considirieshan of dem voices in di elaborieshan of acshans and stragetis in a matta dat dem experienses, necessities, and intrest, incorpotietz integraly in di design, implementieshan, monitorin' and evaluyeshan of dis Policy and Plan of Acshan.

Control of conveshonality

Makianism dat shud be teekin' kiere by judishal domestic instances, and involucrietz di comparieshan between di local rith and di supranashonal, inna wie' dat dem no hav incompatibility and will be effecttibly apply di internashonal instruments of aplikieshan in Costa Rica, includin' di regulieshan of emergent riths and di jurisprudence of di Interamerican Human Riths Court.

Sekshan III

Goals

1. Incorporiet in di institushonal acts di intercultural principal, based in rispeck to di diversity, to teek incount di acces to iquality of candishans from sex, genda, edukieshonal level, etarian grup, discapacity candishan, etnc and colcha.
2. Fulfil dat di principals of iquality and no discriminieshan be fundamental pillars in di treat to pipol dat use, and between judishal workers. Di incorporieshan of these and adda principals shud be complementieted wit di valius dat are in di Manual of Share Valius and di Axiologikal Policy of Judishal Powa.
3. Facilitiet timely, efficient and effective comunikieshan between judishal workers and di Afrodicendant populieshan. Di institushan will provaid in kiese of necessity, pipol who will transliete when dem have as madda toung a language different than Spanish. Dat

includes di necessity to count wit pipol to translite in Limon Creole English, speshaly in duos judishal districks were there is more concentrieshan of Afrocostaricans.

4. Promuot di realizeshan of studies about di acces of justice for Afrodicendants, dem particular necesitis, and di nature, causes and manifestieshans of rieshal discriminieshan and intoleranz, wit di objectiv to obtien nalege dat will positivly impact di service provishan in di Jurisdickshan, Auxiliar of Justice and Administrieshan of Judishal Powa fi garantii di effectiv acces to justice.
5. Includ in all systems and judishal registers di recoleckshan of data, di variable Afrodicendant as a variable of etnical selfdeterminieshan, dat could be able to extract desagreguieted informieshan dat visibilyz di real situwieshan and di necesitis of di Afrodicendant populieshan wit a focus in genda and diversity with di goal of getting' correctiv meshurs. It is recommended to incoporiet a specific question bout etnical – rieshal selidentifikieshan, identical to di one in 2011 census.⁹
6. Generiet desagreguieted statistiks by ieg and sex tru a design and aplikieshan of di prapa tools dat will permit recopiliet interesting data bout di situwieshan of Afrodicendant and di acces to justice.
7. Recopiliet and incoporiet in di Jurisprudenshal registers resolushans rilieted to inherent riths of Afrodicendant populieshan inna desagreguieted wie'.
8. Include in di exam themes to get into di Judishal Powa (Judishal Carrer or any adda system of evaluwieshan for getting a job inna di institushan), tieory bout human riths of Afrodicendant populieshan, rieshal discriminieshan (emfasize in struktural discriminieshan), its forms of manifestieshan and consecuenses, inna matta dat di nolege in di topic will be refleck in di established criteria for accesi' to a spot in di Judishal Powa.

⁹ About Articul 92 of di World Conferenz aguenz Riecism, Rieshal Discriminieshan, Xenofobi and adda Intoleranz Forms, of di High Comishoner of United Nieshans for Human Riths, made in 2001 in Durban, South Africa, urges di contris to meek efforts to visualaiz statistikcly di etnical populieshans. In di articul urges to di States to recopiliet, analaiz, spred and publish rilyable data statistiks inna nashonal and local level and dem teek all wiez posible to periodicali evaluiet di situwieshan of individuals and grups dat are victims of riecism, rieshal discriminieshan, xenofobi and adda intoleranz forms, also stablish dat informieshan will pick up, wit di explicit consent of pipol havin in count di wie' dem difain demselvz and wit relativz norms of human riths and fundamental freedoms, siemwie', establish dat di statistical data and di informieshan shud bi pickup wit di objectiv of fiscalaiz di situwieshan of di marginalaiz grups, and di development and evaluwieshan of di legislieshan, di palicis, practicis and adda wiez to combat and privent riecism, rieshal discriminieshan, xenofobi and adda intoleranz forms, as mien idea to determiniet if some of di meshors have any involuntari impact. Articul 92 of di III World Conferenz aguenz Riecism, Rieshal Discriminieshan, Xenofobi and adda Intoleranz Forms nuon as Durban Convenshan.

9. Strengthen di Subcomishan for di Acces to Justice for Afrodicendants as coordinieta instance and di Acces of Justice Unity as exekiutin' instance of dis Palicy and its Accshan Plan fi ashur its effectivity.
10. Promuot di cordinieshan wit all judishal instances and also adda institushans and/or instances wit rilieted goals dat may facilitiet di integral attenshan to di necesitis of di Afrodicendant populieshan.
11. Promuot di krieshan interagency agreements dat will contribyut to di development of di administrieshan of justice for Afrodicendants.
12. Inform, form, and awierness di judishal personal, tru di krieshan of permanent capacitieshan corses about di nashonal legislieshan and about di meckianism to acces justice to meek effectiv di riths of this populieshan. Dat will be tru a Judishal School and di diffren capacitieshan units, wich has to be program as soon as possible.
13. Dvelop divulgieshan campienz bout forms of rieshal discriminieshan and mecanism to erradikiet it in coordinieshan with di Department of Komunikieshan and Press in wich will promuot a positive change in di judishal kulcha, teekin' advantege of informatik platforms dat di institushan has an di ones created by universities.
14. Intigriet di Institushonal Palicy of Acces to Justice for Afrodicendants to di misshan, di vishan and di institushonal objectivz amd also to di Estragety Planifikieshan Process and inna di Anual Operativ Plans.
15. Dvelop all di mesures of administrative karacta, normative, procedural and operieshanal necessary to garantii di intigrieshan and aplikieshan of dis palicy inna di diffren fields of de Judishal Powa.
16. Garantii di fallowin' and monitorin' of di Palicy creating di necessary tools to coordiniet between de three fields of di administrieshan of justice, responsable for its aplikieshan.
17. Design and exekiyut di afirmativ acshans needed, dat are rekwyard to implement di Acshan Plan wit di goal of eliminiat di iniquitalis between judishal workers dat are Afrodicendant.
18. Establish obligatory di implementieshan of di Palicy in all of di fields of di Judishal Powa. Di breach and non aplikieshan by di judishal workers of di guidelines establish in dis document, will be komunikieted to di Judishal Inspeckshan, for dem to meek di disciplinary procedure.
19. Promuot di internashonal coperieshan, as a tool for di expiriens and ideas interchange, suchass to share, design and/or exekiyut common intrest programs, destiniated to fulfil di objectivz of dis Palicy.

20. Garantii service provishan by criteria of efishency, agility and accessibility accordin' to di demands and necesitis of Afrodicendants, dat will eliminiet all duos practices dat will led to a discriminatory effeck by ethnic, kulcha or reishal content.

Acshan Plan

Di acshans to fallo in all fields of di Judishal Powa for di implementieshan of di Institushonal Palicy for Acces to Justice for Afrodicendants and its Acshan Plan shuld be orientieted to di identifikieshan and erradikieshan of di iniqualtis dat privent and effecttiv acces to justice.

Di Subcomishan of Acces for di Farodicendants and di Acces of Justie Unity will be responsible to check on di implementieshan, fallowin' and evaluwieshan of di Palic, in coordinieshan wit di diffrent institushonal instances, includin' di Comishan of Acces to Justice

Di Estrategical Areas for di Exekiushan for di Palicy of Acces to Justice for Afrodicendants will be:

1. Jurisdickshonal Area

In di nalege of di kieses, di judges will procuriet to promuot and protect di enjoyment of human riths in candishans of iquality and witout any type of of discriminiieshan in regards ethnic, sex, genda, reliyan, sexual orientieshan, political opinions, or any adda topic suchass nashonality, fenotype, soshaleconomical candishan or adda; givin' speshal attenshan to kidz and adolescents.

In dem labor of juridical aspects interpetieshan, di judges in di wie' dat could be possible by what is establish in di juridical nashonal and internashonal ordering and In di general principals of rith, dem shuld teek in considerieshan di language and kulcha of di appering person and di etnical particulartytis, or well, dem will look for di best assessment in di study of kieses, to eliminiet all misandastandin' dat could meek a diffrent and exclusive treat, dat would have a discriminatory result and limitietz acces to justice in iqual candishans.

In al kieses, di judges should aply di Internashonal Convenshans dat are ratifikieted in Costa Rica for Afrodicendants to figth discriminiieshan and human riths in general. In dem labor of analyzin' juridical valorieshan, di judges shall refrien to meek valorieshans considerin'rieshal type establishin'disntinshans or hierarkies based on fenotypic criteria dat could produce discriminatory and subordnary effecks.

Di judges of exekiushan of sentence shall enshur dat dis stage will not produce adverz effecks in Afrodicendant pipol, based in rieshal distinshan dat constityut in violieshan of dem riths, wit di konsekwent impairment of di inherent dignity of evry human.

In al kiese dat di person don't speak Spanish, dem should provaid wit interpretieshan service in dem madda tonge, inludin' Limon Creole English. Siemwie', di carresponding office should ashuor dat all di resolushan be notifikietid inna wie' she or him andastand.

2. Administrative Area

Planifikieshan, Fallowin', Evaluwieshan and Budget

Di Planifikieshan Dyrekshan will promot di incorporieshan of di derivietid acshans of de Palicy of Acces of Justice for Afrodicendants and its Acshan Plan, in di Estrategik Plan, in di Operieshonal Annual Plans of di offices of di Judishal Powa, to ashuor di implementieshan and it will be di responsible to guard for di development of a system of indikietas and desagreguieted statistikz dat will permit visualyz di Afrodicendant populieshan as one who uses di judishal services, to contempliet dem necesitis and to Evaluyiet di impact dat produce wit di aplikieshan of di Palicy, tru di monitorin' instrument design, and countin' wit di support of Acces of Justice Unit.

Di principals and goals of di Palicy should be consider in di Ekiparieshan of Apartunitis Institushonal Plan for di Populieshans in Vulnerability Candishans and in di budget of di offices of Judishal Powa.

Dem should give pryority to di best asignieshan of di fynanshal and human resources dat will meek possible to satr to aply dis Palicy and di konshens of di judishal workers about di inherent human riths of Afrodicendant populieshan inna matta dat it will be reflected in al acts, tramitieshan or resolushan dat di Judishal Powa meeks.

Investiguieshan

Di Acces of Justice Unit and di Subcomishan of Acces to Justice of Afrodicendants will promot di juridical investiguieshan; diagnostical divelopment and studies in acces to justice and non discriminiieshan, dat will permit to betta di acces for Afrodicendants and also di implementieshan of di Palicy and its Acshan Plan in all judikshal stages.

Capacitieshan

To garantii di aplikieshan of di Institushonal Palicy of Acces to Justice for Afrodicendants and its Acshan Plan, di judishal school and di Capacitieshan Units of Public Difenz, di Judishal Investiguieshan Organism, Di Capacitieshan Secshan of human manegment, as any adda instance created for di effeek, sould design and shuo capacitieshan programs and permanent sensibilisieshan bout di riths dat assits Afrodicendants and di principal forms of exclushan dat dem fiezz.

Di Judishal School will have to incorporiet in dem obligatory basic courses and capacitieshan plans a modul dat focuz on intercultural diversity and its aplikieshan in etnical grups and culturaly daiverz.

Capacitieshan and sensibilisieshan programs should be in fieva to get di goals consignietid in di Palicy and contribiyut in a possitiv matta to di attenshan of Afrodicendants, dem acces to justice and di construckshan of a peace kulcha.

Di Capacitieshan and awierness sould oriented to di eliminieshan of barriers, mits, steriotypes and prejude, dat propiciet discriminiieshan and estigmatyzin' conducts for ectnical

ans rishal rison, in wich generieted situwyeshans dat impact inna negativ matta di riths of Afrodicendants.

Important is to consider in di capacitieshan and sensibilisieshan programs, di perspectivz and riths of Afrodicendant kidz and adolecents.

Di capacitieshan and formieshan programs should:

1. Instruck bout di principal patrons of discrimineshan towards Afrodicendants.
2. Promuot more nalege and rispeck to patrimony, kulcha and history of Afrodicendants, includin' history of Africa, the Trasatlantic treat of slievz and riecist doctrinz.
3. Recagnaiz di contribushans of Afrodicendants to di Costarican socyaty and di world development.
4. Incess and updiet nalege bout valid regulieshans from convenshans and tritis in wich Costa Rica is signatory as also di applicable jurisprudence inna nashonal or internashonal level.
5. Promuot dat di Judishal workers get a high level of konshens dat will be in fieva to rispeckful conducts of dignity, iquality, and non discrimineshan. Di formieshan should be continius to mantien, updiet and divelop di competishans and fulfil dis wie' a betta performanz of judishal funshan, rom a human riths perspective. Formieshan has to go more dan a simple teorrikal lernin', prokurietin' di awierness and sensibilisieshan tru di experienz of direck contact wit Afrodicendant Populieshan.
6. Intigriet in dis kinda process di civil organisieshans of Afrodicendants and duos edukieshonal and soshal institushans dat could meek contributiushanz dipendin' dem area of work.

Informieshan and Divulguieshan

Di Press and Komunikeshan Department of de Judishal Powa, will meek some programs of informieshan and divulguieshan to pipol dat use di service about di acces to di administrieshan of justice in iquality candishans also about di instances and mekanisims of disposishan to efecktiet di correspondandt cliems in kiese dat dem consider ther is any afecktieshan. Siemwie' dem will divulguet into di Judishal Powa di Institushonal Palicy of Acces to Justice for Afrodicendants, usin' di muost ideal mien.

In Cordinieshan wit di Acces of Justice Unit and di Subcomishan for di Acces of Justice for Afrodicendants will meek divulguieshan campien of di Palicy and its Acshan Plan, focus to apruoch judishal populieshan of all di contry, usin' electronick media, audiovishual, afichz, and any adda tool dat facilitietz di difushan, wit di goal of affeck thier aplickieshan. Siemwie' dem will have to exekiyut sensibilieshan campiens bout human riths of Afrodicendants and di divulguieshan of good Institushonal practices., in topics of riths and servicin' of dis populieshan, wit a speshal considerieshan kidz and adolecents riths.

Human Manegment Dirrecshan

Human Manegment Dirrecshan should garantii di rith of all pipol dat belongs to di diverse colectivz of di contry, to opt for acces to all di open spots in di Judishal Powa, witout any discriminieshan.

Di Judishal Powa agree dat dem contratieshan or jayarin' system refleck apropietly di diversity of di workers in adda to attend di speshal necesitiso of di Afrodicendants.

3. In di Auxiliar Justice Area.

a) Public Ministry

Any kiese dat involuckrietz rieshal discriminieshan sould be abord by a person dat has formieshan in human riths and wit griet expiriencz in rieshal discriminieshan, muost important di permanenz in di public Ministry a person wit di menshan formieshan, dat will facilitietz di optimus candishans to di ofended, to faind reparieshan inna di suffa ofensez.

b) Public Difenz

Di Public Difenz Personal should be capacitieted abd awierned in di wie' dat dem incorporiet in di difenz strategy, di internashonal convenshans such as di principals and sisposishans bout rieshal discriminieshan for aplikieshan in Costa Rica.

c) Judishal Investigieshan Organism

All kieses dat involuckrietz rieshal discriminieshan should be abuord by a person dat has formieshan in human riths and wit griet expiriencz in rieshal discriminieshan. Di teknikal and profeshonal personal of di Judishal Investigieshan Organism will have to incorporiet di focus in diversity and di criteria of non rieshal discriminieshan in all effortz.

4. Interistitushonal Rilieshans

Di Acces to Justice Unit and di Subcomishan of Acces to Justice for Afrodicendants of di Judishal Powa will enshur for di exekiushan of a work wit a institushonal fuocos dat will permit criet pasitiv synergis for an intigral atenshan and di acces of justice for Afrodicendant pipol.

As far as pasibul shud establish rilieshan betwen dem and adda institushas suchas':

- a) Presidenshal Comishoner of Afrodicendant afiers.
- b) External Rilieshans Ministri.
- c) Human riths Comishan. Afrodicendants afiers Subcomishan from di Legislativ Asembli.
- d) Defensoría de los Habitantes.

- e) Cathedra of Africa and di Caribbean Stodis of di University of Costa Rica.
- f) Afrodescendant Civil Society Organizations.
- g) Di Patronato.

Responsible Body of di Implementieshan.

Di subcomishan for di Acces to Justice for Afrodescendant pipol and di Acces of Justice Unit, will be di responsible body to operriet di Palicy tru cordinietin', planifikietin', technical asistanz, investiguieshan, falowop and evaluieshan of di akshans dat will be implemented in all di offisis of di Judishal Powa.

Institushonal Comitment

Di Judishal Powa comits to apruv dis Palicy, promuote dat pipol nuo about it, respeck and aplikieshan of di internashonal instuments and nashonal legislieshan, about human riths of Afrodescendant pipol, and also any adda institushonal palicy dat recanaiz di riths of populieshans in vulnerabiliti, includin'di Hundred Rulz of Brasilia bout acces to Justice for pipol in Vulnerabiliti candishans.