



Cognitive Insights for Artificial Intelligence

An Artificial Intelligence (AI) Policy Assessment: Republic of Costa Rica

By Monica Lopez, PhD
April 11, 2022

National AI Strategy

The Republic of Costa Rica does not have a dedicated national AI strategy. Rather, the country has proposed a general human-centered science, technology and innovation plan and a specific digital strategy that addresses issues related to AI technology. On its second version, the National Plan on Science, Technology and Innovation 2022-2027 (*Plan Nacional de Ciencia, Tecnología e Innovación 2022-2027* (PNCTI)) is a general overview of the country's goals around the use of information and communication technologies for a sustainable, equitable and creative future. In this plan, AI is one of several thematic areas separate from its inclusion within the thematic area of Digital Technologies. For AI, focus is placed on pursuing the following actions: i) the development of technical capabilities and competencies across STEM/STEAM curricula in schools and technical colleges, ii) the development of a program of study for technical certification in AI as offered by a collaboration between the Ministry of Public Education and technical colleges, iii) the development of understandable and accessible AI systems for all, and iv) the further support of the fAIr Latin America and Caribbean (LAC) initiative designed by the Inter-American Development Bank (IDB) to ensure the ethical and responsible adoption of AI.¹ As a member state of UNESCO, Cost Rica has participated in the drafting and adopting of UNESCO's first worldwide agreement on the ethics of AI.²

In response to the demands of the first version of the National Plan on Science, Technology and Innovation 2015-2021, the Ministry of Science, Technology and Telecommunications (*Ministerio de Ciencia, Tecnología y Telecomunicaciones* (MICITT)) presented the Digital Transformation Strategy: The Bicentennial of Costa Rica 4.0 (*Estrategia de*

¹ Plan Nacional de Ciencia, Tecnología e Innovación 2022-2027 (Consulta Pública). MICITT 2021, <https://www.micitt.go.cr/consulta-publica-no-vinculante-plan-nacional-ciencia-tecnologia-e-innovacion-2022-2027>

² Los Estados Miembros de la UNESCO adoptan el primer acuerdo mundial sobre la ética de la inteligencia artificial. UNESCO. November 25, 2021, <https://es.unesco.org/news/estados-miembros-unesco-adoptan-primer-acuerdo-mundial-etica-inteligencia-artificial>

Transformación Digital hacia la Costa Rica del Bicentenario 4.0 2018-2022).³ The advising agency to the MICITT is the High Level Commission of the Digital Government (*Comisión de Alto Nivel de Gobierno Digital del Bicentenario*) and its function is to identify, propose, and validate national projects. Of particular relevance to AI in the digital strategy is the mention of the country's goal "to transform public institutions with efficient and collaborative work, applying new technologies for intelligent decision-making."⁴ Four areas of action were proposed: i) the development of national public policies for the acquisition, development and management of digital technologies, for which a third version was released January 28, 2022⁵, ii) the establishment of a digital ecosystem for citizen identification using biometric information like digital fingerprinting and portraiture,⁶ iii) the development of a connected digital platform for public services, and iv) the development of a pathway towards a National Cybersecurity Strategy currently in draft form.⁷

Another initiative specific to AI is Costa Rica's declared intention to build a National Laboratory for AI (*Laboratorio Nacional de Inteligencia Artificial (LaNIA)*).⁸ A letter was signed by MICITT, the National Center of High Technology (*Centro Nacional de Alta Tecnología (CENAT)*) and the National Program (*Programa del Estado de la Nación (PEN)*) for the cooperation in AI, science and technology. The laboratory intends to search for cross-sector solutions to national problems with the support of AI through international cooperation and interaction between the public and private sectors with the goal to create an ecosystem, strengthen trust, and promote research and education in AI.

Public Participation

Citizen participation in Costa Rica has a vast and rich history that has given rise to a significant number of democratic innovations. The Constituent Assembly of 1949 was reintroduced into the constitutional text with instruments for citizen participation. With later reforms to the Constitution in 2002 and 2003, public participation was enhanced through the inclusion of the Referendum and the Popular Initiative. In 2003, Article 9 of the Political Constitution of Costa Rica was further amended, complementing the various instruments of citizen participation that had already been incorporated into the Constitution. Costa Rica's democratic institutions provide a robust legal framework to support public participation. The basic principles are laid out by the constitution and detail the legal framework for citizens'

³ Estrategia de Transformación Digital hacia la Costa Rica del Bicentenario 4.0 2018-2022. MICITT, <https://www.micitt.go.cr/sites/default/files/estrategia-tdhcrb.pdf>

⁴ Ibid. Translated to English.

⁵ Código Nacional de Tecnologías Digitales v 3.0. MICITT 2022, https://www.micitt.go.cr/sites/default/files/cntd_v.3.0_-_firmado_digitalmente_y_marca_de_hora.pdf

⁶ Por Usted, por Costa Rica: Firma Digital. firmadigital, <https://www.mifirmadigital.go.cr/>

⁷ Costa Rica Estrategia Nacional de Ciberseguridad. MICITT, https://www.micitt.go.cr/sites/default/files/costa_rica_-_enc_2022_-_draft_final_.pdf

⁸ Transformación Digital: potenciando las sinergías en campos como la Inteligencia Artificial dentro del Sistema Nacional de Ciencia y Tecnología. January 27, 2020. MICITT, <https://www.micitt.go.cr/noticias/transformacion-digital-potenciando-las-sinergias-campos-como-la-inteligencia-artificial>

participation in the policy cycle. The National Commission for Open Government is using its online platform to enable public consultations on relevant national policies. The MICITT publishes all its public consultation opportunities on its website⁹ as well as on social media through its Facebook page.¹⁰

Costa Rica has made important progress in aligning its regulations and practices around public governance, including public participation on OECD standards^{11,12} as well as for Costa Rica's official entry —initiated in the first quarter of 2021— in the CoST initiative to implement the Infrastructure Transparency Index (ITI) for improving transparency and accountability across public infrastructure. These commitments consolidate the transformation of Costa Rica towards an open government.¹³ Public participation has also been open for the National Plan on Science, Technology and Innovation 2022-27,¹⁴ for the creation of the High Level Commission of the Digital Government,¹⁵ and more recently for the National Strategy for Cybersecurity,¹⁶ among other digital initiatives. However, being that there is no specific national AI strategy, there is no public participation solely on AI initiatives and policies. Given the government's openness to public consultation, there is the expectation that public participation will be possible once a national AI strategy and its policies are drafted.

Significant AI Developments

While the country lacks the qualified technological expertise and labor force to implement AI, Costa Rica has been pursuing significant developments in the implementation of AI across several industries via collaborations and/or partnerships with the private and public sectors, including international collaborators. AI is already being applied, for example, in finance, commerce, healthcare, education, government, agriculture, and manufacturing. To mitigate for the lack of human capital with qualified technical expertise, Costa Rica partnered with the Arab Emirates to create training and education activities on data mining and big data.

⁹ Consultas Públicas. MICITT, <https://www.micitt.go.cr/transparencia/consultas-publicas>

¹⁰ Ministerio de Ciencia, Tecnología y Telecomunicaciones de Costa Rica. MICITT, <https://www.facebook.com/miciter>

¹¹ Public Governance in Costa Rica. OECD 2021, <https://www.oecd.org/costarica/costa-rica-public-governance-evaluation-accession-review.pdf>

¹² Costa Rica busca fortalecer la participación ciudadana con políticas de impacto regulatorio. December 8, 2017. Comunicados Desarrollo Social Economía, <https://www.meic.go.cr/meic/comunicado/889/costa-rica-busca-fortalecer-la-participacion-ciudadana-con-politicas-de-impacto-regulatorio.php>

¹³ CoST Infrastructure Transparency Initiative. CoST Costa Rica, <https://infrastructuretransparency.org/where/cost-costa-rica/>

¹⁴ Consulta Pública No Vinculante Plan Nacional de Ciencia, Tecnología e Innovación 2022-2027. MICITT 2021, <https://www.micitt.go.cr/consulta-publica-no-vinculante-plan-nacional-ciencia-tecnologia-e-innovacion-2022-2027>

¹⁵ Consulta Pública Propuesta Creación de la Comisión de Alto Nivel de Gobierno Digital. MICITT 2022, <https://www.micitt.go.cr/decreto-comision-alto-nivel-gobierno-digital>

¹⁶ Consulta Pública No Vinculante Estrategia Nacional de Ciberseguridad - Costa Rica. MICITT, <https://www.micitt.go.cr/consulta-publica-no-vinculante-estrategia-nacional-ciberseguridad-costa-rica>

Other partnerships include with state of Texas in the United States to provide scholarships for AI training as well as investment in human capital through the re-training of workers' skills.¹⁷

In the public sector, examples of AI use include informing on the COVID-19 response, improving government efficiency and decision making, enhancing relationships with and services for citizens and businesses, increasing public safety and security, strengthening public sector integrity and accountability, and enhancing education systems.¹⁸ The country currently uses Future Up, a pilot skills and training platform that utilizes AI to provide skills development suggestions to participants based on their abilities, interests and experiences.¹⁹ Additionally, the IDB, through the fAIr LAC hub initiative has created a regional observatory to map and track cross-institutional AI projects and AI use across the country.²⁰

There are important enterprises already providing AI services in Costa Rica. For example, the enterprise Equinom has developed an AI system to analyze and improve the nutritive value of seeds for human consumption.²¹ Additionally, a host of companies in Costa Rica provide services ranging from IT, accounting, business consulting, and software and web development to business intelligence, big data, AI, and cloud services and consulting.²² Internationally, Costa Rica has partnered with an Estonian enterprise to integrate its digital solutions with AI technology to better manage forests in a sustainable way.²³

Costa Rica appears to be adapting to AI opportunities faster than most countries in the region. According to a study by the IDB that analyzed the future of work in Latin America and the Caribbean, 68% of jobs in Costa Rica could be occupied by robots.²⁴ The country is seen as the tech epicenter of Central America since Intel established the biggest microchip factory in 1997. Additionally, Intel's AI-driven drones are being used to capture data towards solving environmental challenges. Nvidia's technology is used to study big data analytics, computer vision and graphics processing units. Microsoft is supporting Costa Rica's digital transformation through cloud and AI technology. And with the presence of Amazon, HP, Intel, IBM and others, Costa Rica is very well positioned to continue to lead the way in Latin America.²⁵

¹⁷ Murillo, E. ¿Cuál es el presente y futuro de la inteligencia artificial en Costa Rica? April 3, 2019. CRHoy, <https://www.crhoy.com/tecnologia/cual-es-el-presente-y-futuro-de-la-inteligencia-artificial-en-costa-rica/>

¹⁸ State of Implementation of the OECD AI Principles: Insights from national AI policies. OECD Digital Economy Papers, No. 311, 2021 OECD Publishing, Paris, <https://dx.doi.org/10.1787/1cd40c44-en>.

¹⁹ Future Up. Banco Interamericano de Desarrollo fAIr LAC, <https://fairlac.iadb.org/es/piloto/future-up>

²⁰ Observatorio. Inter-American Development Bank, <https://fairlac.iadb.org/es/observatorio>

²¹ Echeverria, M. Semillas supercargadas, nutrición plant-based desarrollada con IA. April 22, 2021. The Food Tech, <https://thefoodtech.com/tecnologia-de-los-alimentos/semillas-supercargadas-nutricion-plant-based-desarrollada-con-ia/>

²² List of the Best Costa Rica AI Developers. The Manifest, <https://themanifest.com/cr/artificial-intelligence/companies>

²³ Costa Rica Avanza en Implementación de Inteligencia Artificial para Manejo Forestal Sostenible, <https://www.presidencia.go.cr/comunicados/2021/04/costa-rica-avanza-en-implementacion-de-inteligencia-artificial-para-manejo-forestal-sostenible/>

²⁴ Robots Would Occupy 68% of the Jobs in Costa Rica in the “Not Too Distant” Future. April 28, 2021. The Costa Rica News, <https://thecostaricanews.com/robots-would-occupy-68-of-the-jobs-in-costa-rica-in-the-not-too-distant-future/>

²⁵ Di Salvo, M. Costa Rica Puts Time and Attention into AI Development. October 17, 2019. Nearshore Americas, <https://nearshoreamericas.com/costa-rica-puts-time-and-attention-into-ai-development/>

Campaigns

Costa Rica launched a campaign to promote the use of technology for peace purposes. Costa Rica is the only country in the world without an army, having permanently abolished the military in 1948. As such, the campaign's main objective is to promote the mobilization of Costa Rican society to support the development of technology, including AI, exclusively for peace purposes at the national level.²⁶

Controversies

A new AI system called Prometea, developed by the Innovation and AI Laboratory of the School of Law of the University of Buenos Aires and the Public Prosecutor's Office of the Autonomous City of Buenos Aires, has been implemented in the judicial system of the Inter-American Court of Human Rights in Costa Rica for its use in judicial cases. Regardless of whether judicial cases are simple (e.g. minor infractions, traffic accidents, and taxi license disputes) or complex (e.g. murder trials), controversy lies in the inevitable biases of the AI-enabled system and the lack of algorithmic transparency behind the decision-making process. Transparency of the AI system's algorithm, therefore, must be assured to protect due process and the rule of law. Any national AI strategy should cover algorithmic transparency. Otherwise, the rule of law will be jeopardized.²⁷

The use of data analytics and AI techniques for hiring, firing and promotion in Costa Rica has also been very controversial due to the system's bias and lack of transparency. Fortunately, due to strong laws on data protection and privacy, companies recruiting in Costa Rica must adapt their recruiting processes to accommodate Costa Rican law, especially with regard to discrimination. However, controversy persists because Costa Rican law does not directly regulate the impacts or effects of AI on recruitment.²⁸

OECD AI Principles

Costa Rica endorsed the OECD AI Principles for designing safe, fair, trustworthy and robust AI systems²⁹ before becoming a member of OECD on May 25, 2021.³⁰ Given that Costa Rica is not a G20 member,³¹ the country has not endorsed G20 AI Principles. However, several

²⁶ Costa Rica lanza Campaña para la promoción de la Tecnología al servicio de la paz. March 10, 2021. MICITT, <https://www.micitt.go.cr/noticias/costa-rica-lanza-campana-la-promocion-la-tecnologia-al-servicio-la-paz>

²⁷ Morar, D. and Giandana, F. Victor Frankenstein's responsibility? Determining AI legal liability in Latin America. Global Information Society Watch. 2019. Latin America, <https://giswatch.org/ar/node/6178>

²⁸ Costa Rica - Artificial Intelligence Bias and Data Transparency in the Legal Workforce: The Use of Data Analytics for Hiring, Firing, and Promotion in Costa Rica. Alvaro Aguilar, Aguilar Castillo Love. June 2019. American Bar Association. https://www.americanbar.org/groups/labor_law/publications/ilelc_newsletters/issue-june-2019/artificial-intelligence-bias-and-data-transparency/

²⁹ Forty-two countries adopt new OECD principles on Artificial Intelligence. May 22, 2019. OECD, <https://www.oecd.org/newsroom/forty-two-countries-adopt-new-oecd-principles-on-artificial-intelligence.htm>

³⁰ La importancia de establecer un marco orientador de política pública para el uso responsable y ético de la inteligencia artificial y su aplicación en Costa Rica. November 2021. Banco Interamericano de Desarrollo, <https://publications.iadb.org/es/la-importancia-de-establecer-un-marco-orientador-de-politica-publica-para-el-uso-responsable-y>

³¹ G20, <https://g20.org/about-the-g20/#participants>

proposed policies of Costa Rica’s national digital transformation strategy, in which AI is included, align with the G20 AI principles. These include a focus on inclusive growth; human-centered values and fairness; transparency; robustness, security, and safety; and accountability.³²

While Costa Rica’s progress in establishing the foundations for utilizing AI in the service of social good has increased considerably, and is advanced in terms of infrastructure³³ and connectivity,³⁴ it has been for the digital and data strategy. Moreover, in an OECD’s digital government agency survey, Costa Rica stated “insufficient guidance on the ethical use of data represent[ing] a strong barrier for data-enabled policy making, service design and delivery, and organisational management.”³⁵ As such, Costa Rica has not implemented OECD AI principles for AI systems. Here, the fAIr LAC hub in the country is a promising initiative because it aims to help in defining an ethical and responsible AI framework,³⁶ as well as supporting the country in designing a roadmap for a national AI strategy.³⁷

Data Protection

Costa Rica has two comprehensive laws that protect the personal data of individuals and the regulation of data privacy. While under the Ministry of Justice and Peace (Ministerio de Justicia y Paz), the entity in charge of data protection law compliance is the totally independent Agency for the Protection of Citizen’s Data (Agencia de Protección de Datos de los Habitantes (Prodhab)).³⁸

Law No. 7975, the Undisclosed Information Law, specifies that the unauthorized disclosure of confidential and/or personal information is a crime.³⁹ Law No. 8968 protects the personal data handling of individuals. These laws, together with their by-laws, were enacted to regulate activities of companies that administer databases containing personal information.⁴⁰ The laws require obtaining subjects’ consent before processing or using their data. The consent must

³² Código Nacional de Tecnologías Digitales v 3.0. MICITT 2022, https://www.micitt.go.cr/sites/default/files/cntd_v.3.0_-_firmado_digitalmente_y_marca_de_hora.pdf

³³ Hacia la adopción ética y responsable de la IA como herramienta para solucionar problemas sociales a gran escala. fAIr LAC Costa Rica, <https://fairlac.iadb.org/es/hub/costa-rica>

³⁴ Artificial Intelligence for Social Good in Latin American and the Caribbean: The Regional Landscape and 12 Country Snapshots A fAIr LAC initiative report. IDB July 2020, <https://publications.iadb.org/publications/english/document/Artificial-Intelligence-for-Social-Good-in-Latin-America-and-the-Caribbean-The-Regional-Landscape-and-12-Country-Snapshots.pdf>

³⁵ OECD/CAF (2022). The Strategic and Responsible Use of Artificial Intelligence in the Public Sector of Latin America and the Caribbean. OECD Public Governance Reviews. OECD Publishing, Paris, p.60, <https://doi.org/10.1787/1f334543-en>

³⁶ Costa Rica will promote the responsible use of artificial intelligence with the support of the Interamerican Development Bank. September 29, 2021. CINDE, <https://cinde-cr.herokuapp.com/en/essential-news/costa-rica-will-promote-the-responsible-use-of-artificial-intelligence-with-the-support-of-the-interamerican-development-bank>

³⁷ Pérez, C. C. País carece de estrategia de inteligencia artificial en el estado. September 18, 2021. El Financiero (Costa Rica), <https://www.pressreader.com/costa-rica/el-financiero-costa-rica/20210918/281629603405431>

³⁸ ¿Quiénes somos? Agencia de Protección de Datos de los Habitantes Prodhab. <http://prodhab.go.cr/quienesomos/>

³⁹ Legislación Nacional-Costa Rica-Ley de Información No Divulgada 7975. http://www.sice.oas.org/int_prop/nat_leg/Costa/lind7975.asp

⁴⁰ Protección de la Persona frente al tratamiento de sus datos personales No. 8968. http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NRTC&nValor1=1&nValor2=70975&nValor3=85989&strTipM=TC

cover the purpose for data collection, how the data will be processed, among other things, and must disclose all recipients and parties with access to the data. Consent is also required before a company can transfer data to a third party. Additional laws include Costa Rica's Executive Decree No. 37554-JP for data breach, and Article 42 from the General Telecommunications Law No. 8642 that also protects the privacy of communications and personal information. This law has complementary administrative regulation N° 35205-MINAET that guarantees the secrecy of communications, the right to privacy, and the protection of personal data of subscribers and users.⁴¹

Based on the European Union's General Data Protection Regulation (GDPR) model, on January 28, 2021, Costa Rica a) reformed its data privacy Law No. 8968,⁴² b) restructured Prodhab, and c) adopted Convention 108 of the European Union on the Protection of Personal Data.⁴³ Organizations that manage databases containing personal information and that distribute and commercialize such personal information in any manner must comply with new reformed Law No. 8968. Particularly, they must comply with the following: a) report and register the company and the database with Prodhab, b) report technical measures to secure the database, c) protect and respect confidentiality of personal information, d) secure information contained in the databases, and e) establish a proceeding to review requests filed by data subjects for the amendment of any error or mistakes in the database.⁴⁴

Algorithmic Transparency

Cost Rica does not have any documents where algorithmic transparency and/or legal rights related to AI algorithms are discussed. While Costa Rica complies with GDPR, GDPR falls short of algorithmic transparency outside of profiling (Article 22).⁴⁵ However, in the Lisboa Declaration approved during the XXV International Congress for State Reform and Public Administration of 24-27 November 2020 in Lisboa and co-organized by the Latin American Center for Administration for Development (CLAD), a series of actions pertaining to AI were proposed. These actions included i) the assessment of algorithmic models by informing, documenting and publishing the results from pilot projects online, and ii) the further updating of Law No. 8968—which protects the data and privacy of Costa Rica citizens—to include the ethics of AI specific to algorithmic transparency and the creation of a manual on the ethics of AI

⁴¹ Ley General de Telecomunicaciones. Sistema Costarricense de Información Jurídica. https://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NRTC&nValor1=1&nValor2=63431&nValor3=91176&strTipM=TC

⁴² Costa Rica: Towards a comprehensive reform on Data Privacy. February 2021. Giró | Martínez, <https://www.giromartinez.com/news/costa-rica-comprehensive-reform-on-data-privacy/>

⁴³ Camarillo, B. Iniciativa busca incluir la protección de datos como un derecho autónomo en la Constitución. January 25, 2021. LaRepublica, <https://www.larepublica.net/noticia/iniciativa-busca-incluir-la-proteccion-de-datos-como-un-derecho-autonomo-en-la-constitucion>

⁴⁴ Data Protection Laws of the World-Costa Rica. January 24, 2022. DLA Piper, <https://www.dlapiperdataprotection.com/index.html?t=law&c=CR>

⁴⁵ Burack, J. AI and GDPR: Data Protection and Transparency in Focus. June 16, 2020. Path for Europe (PfeU), <https://pathforeurope.eu/ai-and-gdpr-data-protection-and-transparency-in-focus/>

for the public administration to use as an instrument to measure and evaluate the impact of AI throughout Costa Rica. These actions were given a time frame ranging from one to four years.⁴⁶

Costa Rica has shown a willingness to regulate AI. The Director of Digital Governance of the Ministry of Science, Innovation, Technology, and Communications has said that the governance of AI is in its initial steps in terms of defining a public policy and national strategy to use AI.⁴⁷ As a starting point, the government will promote the responsible use of AI with the support and leadership of the IDB through the fAIr LAC initiative. Participants in this initiative include government (MICITT, COMEX, the Ministry of Public Education, the Costa Rican Social Security Fund, the Unique Beneficiary System of the State and the Ministry of Foreign Trade); academia (the Technological Institute of Costa Rica, the State of the Nation Program, INCAE, and 10xAcademy); private enterprise (Microsoft, Intel, and AFZ); non-profit (the Costa Rica Investment Promotion Agency (CINDE)), and representatives from civil society.

In spite of these initiatives and the many participant organizations, an initial report by IDB released in May 2020 —acknowledging the country’s efforts in the development of digital and data transformation— confirmed the absence of action in the design of a national strategy for AI.⁴⁸ While Costa Rica recognizes that adopting AI technologies involves challenges, the country aims to capitalize from the benefits of an ethical and responsible AI supported by the IDB’s fAIr LAC hub.⁴⁹

Human Rights

Costa Rica is considered one of the best countries in Latin America for upholding Human Rights.⁵⁰ Freedom House ranks the country free, receiving an overall score of 91/100 and a score of 87/100 for freedom on the internet.⁵¹ Human rights are established and protected by Costa Rica’s Constitution in Title 4, Articles 20 through 49.⁵² The country has been involved in the creation of international rights standards and is a signatory to the 1948 United Nations Declaration of Human Rights (UNDHR).⁵³ Costa Rica scored above the world mean for human rights, achieving top global rankings.⁵⁴ Thus, Human rights in Costa Rica predominantly stem from UNDHR, the country’s Constitution, and the Inter-American Human Rights System.

⁴⁶ Inteligencia Artificial y ética en la administración pública. March 2021. Centro Latinoamericano de Administración Para el Desarrollo, <https://clad.org/wp-content/uploads/2021/03/Libro-7-Inteligencia-artificial-y-ética-en-la-gestión-pública.pdf>

⁴⁷ Pérez, C. C. Costa Rica carece de estrategia de uso de la inteligencia artificial en el Estado. September 17, 2021. El Financiero, <https://dplnews.com/costa-rica-carece-de-estrategia-de-uso-de-la-inteligencia-artificial-en-el-estado/>

⁴⁸ Ibid.

⁴⁹ Costa Rica will promote the responsible use of artificial intelligence with the support of the Inter-American Development Bank. September 29, 2021. CINDE, <https://www.cinde.org/en/essential-news/costa-rica-will-promote-the-responsible-use-of-artificial-intelligence-with-the-support-of-the-interamerican-development-bank>

⁵⁰ Human Rights in Costa Rica, https://en.wikipedia.org/wiki/Human_rights_in_Costa_Rica

⁵¹ Freedom House, Global Freedom Scores, <https://freedomhouse.org/countries/freedom-world/scores>

⁵² Costa Rica Constitution, <https://www.costarica.com/culture/costa-rica-constitution/Metrics>

⁵³ Human Rights in Costa Rica, https://en.wikipedia.org/wiki/Human_rights_in_Costa_Rica

⁵⁴ Human Development Index, https://en.wikipedia.org/wiki/Human_Development_Index

According to the Human Rights and Rule of Law Index, Costa Rica's score is very high at 1.1 on a scale of 0 (high) to 10 (low).⁵⁵ In a 2020 report on human right practices, Costa Rica has no reports of significant human right abuses. The government has mechanisms in place to identify and punish officials who may commit human rights abuses.⁵⁶ To date, Costa Rica has continued its candidacy to the Human Rights Council. This candidacy establishes Costa Rica's vocation, historical and permanent commitment to respect, promote and strengthen the Universal System of Human Rights. Specifically, putting the human being at the center of its actions and procuring solidarity and cooperation among nations that promote the realization of rights at a national and international level. Costa Rica has also allocated an important and sustained public investment in the realization, promotion and respect of human rights. Such investment includes supporting public policies that pursue the expansion of social inclusion schemes and protection through the equitable distribution of the benefits of development.⁵⁷

Regarding AI, Costa Rica's law does not specifically regulate the use of AI.⁵⁸ However, given Costa Rica's high scores from UNDHR and the Human Rights and Rule of Law Index, its Constitution and legislation, as well as the support coming from the IDB's fAIr LAC initiative, there is high expectation that the country will promote the responsible use of AI.

Evaluation

Costa Rica has not yet set out a dedicated national AI strategy. However, it is collaborating with the IDB on a roadmap for a national AI strategy and an accompanying ethical framework. To this end, Costa Rica has specifically endorsed worldwide initiatives focused on the ethical and responsible use of AI, including the OECD's AI principles, the UNESCO's recommendations for AI, and participating in the IDB-led fAIr LAC hub. The country has Prodhav, an independent data protection agency charged with enforcing law compliance. Costa Rica has also adopted the GDPR. These actions further strengthen the country's strong record on human rights and data protection. The country is already moving forward with its technological revolution through its Digital Transformation Strategy: The Bicentennial of Costa Rica 4.0. As such, Costa Rica has created strong alliances and partnerships both with foreign enterprises providing digital services and products for the country, and domestically with the private, public and investment sectors to adopt AI technologies. Given the country's solid commitment for digital leadership, it is only a matter of time before a specific national AI strategy is presented.

⁵⁵ Human rights and rule of law index scores in 2021, https://www.theglobaleconomy.com/Costa-Rica/human_rights_rule_law_index/

⁵⁶ Country Reports on Human Rights Practices for 2020 United States Department of State • Bureau of Democracy, Human Rights and Labor, <https://www.state.gov/wp-content/uploads/2021/03/COSTA-RICA-2020-HUMAN-RIGHTS-REPORT-1.pdf>

⁵⁷ Candidacy of Costa Rica to the Human Rights Council, 2020-2022. Human Rights Council, <https://www.universal-rights.org/wp-content/uploads/2019/10/Candidacy-of-Costa-Rica-to-the-Human-Rights-Council-2020-2022.pdf>

⁵⁸ Aguilar, A. Costa Rica- Artificial Intelligence Bias and Data Transparency in the Legal Workforce: The Use of Data Analytics for Hiring, Firing, and Promotion in Costa Rica. June 3, 2019. American Bar Association, https://www.americanbar.org/groups/labor_law/publications/ilelc_newsletters/issue-june-2019/artificial-intelligence-bias-and-data-transparency/

Metrics table template as proposed by CAIDP.⁵⁹

Evaluation Criteria	Yes / Partly / No	Grade
Q1. Endorsed OECD AI Principles?	Y	1
Q2. Implementing OECD AI Principles?	N	0
Q3. Endorsed Universal Declaration of Human Rights?	Y	1
Q4. Implementing Universal Declaration of Human Rights?	Y	1
Q5. Established process for meaningful public participation in development of national AI Policy?	N	0
Q6. Materials about country's AI policies and practices readily available to the public?	N	0
Q7. Existence of independent agency or mechanism for AI oversight?	N	0
Q8. Do the following goals appear in the national AI policy: "Fairness," "Accountability," "Transparency," ("Rule of Law") ("Fundamental Rights")? [implementation? = legal force? = enforcement?]	N	0
Q9. Costa Rican law established a right to Algorithmic Transparency [GDPR? / COE+?]	N	0
Q10. Supported the Universal Guidelines for AI?	Y	1
Q11. Endorsed the UNESCO Recommendation on AI Ethics?	Y	1
Q12. Has Costa Rica's Data Protection Agency sponsored the 2018 GPA Resolution on AI and Ethics and the 2020 GPA Resolution on AI and Accountability?	N	0
Grading key: Yes/Y = 1; Partly/P = 0.5; No/N = 0	Total Grade = 5	

⁵⁹ Artificial Intelligence and Democratic Values Index. February 2022. Center for AI and Digital Policy, <https://www.caidp.org/reports/aidv-2021/>