

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Costa Rica has been a member of ILO-IPEC since 1996.¹¹⁴¹ Currently, Costa Rica is participating in several ILO-IPEC projects funded by USDOL, including a project to collect child labor statistics¹¹⁴² and a project to combat child labor in the coffee sector (in Turrialba and Guanacaste).¹¹⁴³ Costa Rica is also participating in a USDOL-funded ILO-IPEC regional project aimed at combating commercial sexual exploitation.¹¹⁴⁴ With other donor funding, in July 2002, the Government of Costa Rica and ILO-IPEC began to map and define the worst forms of child labor, in preparation for a Timebound Program.¹¹⁴⁵ In 2003, in collaboration with the Government of Costa Rica, ILO-IPEC began implementing a Timebound Program. The Timebound Program focuses on enabling an environment at the national level to eliminate the worst forms of child labor, as well as direct action activities in the Brunca Region.¹¹⁴⁶ ILO-IPEC is also carrying out a project aimed at raising awareness, collecting information, and providing direct attention to children involved in domestic work in the homes of third parties.¹¹⁴⁷ In collaboration with ILO-IPEC, the labor union Central del Movimiento de Trabajadores Costarricenses (CMTC) is supporting a pre-school center for the children of street vendors in San José.¹¹⁴⁸

In 1996, the Government of Costa Rica established the National Directive Committee for the Progressive Eradication of Child Labor and the Protection of Adolescent Workers in Costa Rica,¹¹⁴⁹ which provides direction on child labor issues to the Ministry of Labor's National Directorate for Inspection.¹¹⁵⁰ The Committee, in 1998, developed a national plan to eliminate child labor and fostered a number of institutions that address child labor, including the Executive Secretariat for the Eradication of Child Labor, the Ministry of Labor's Office of Eradication of Child Labor and Protection of Adolescent Laborers, and the National Commission Against the Commercial Exploitation of Minors and Adolescents.¹¹⁵¹ The commercial sexual exploitation of children is

¹¹⁴¹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited June 20, 2003]; available from http://www.ilo.org/public/english/standards/ippec/about/countries/t_country.htm.

¹¹⁴² INEC, MTSS, and ILO-IPEC, *Informe Nacional de los Resultados de la Encuesta de Trabajo Infantil y Adolescente En Costa Rica*, San José, 2003. This survey was carried out with support from a USDOL funded ILO-IPEC SIMPOC project.

¹¹⁴³ ILO-IPEC, *Prevention and Elimination of Child Labor in the Coffee Industry in Costa Rica*, COS/99/05/050, Geneva, 1999. See also ILO-IPEC, *Statistical Information and Monitoring Program on Child Labor (SIMPOC): Central America*, project document, CAM/9905/050, 1999.

¹¹⁴⁴ Though the project focuses primarily on awareness raising, institutional capacity building, and international and national coordination, this project targets 150 girls in Limón, Costa Rica for direct services, such as education, social services, and health care. See ILO-IPEC, *Stop the Exploitation: Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, project document, RLA/02/P51/USA, 2002, 26-40.

¹¹⁴⁵ ILO-IPEC, *Actividades Preparatorias para la Eliminación de las Peores Formas de Trabajo Infantil en Costa Rica*, Informe, August 2002. See also Government of Costa Rica, *Avances convenio 182*, 2003.

¹¹⁴⁶ ILO-IPEC, *IPEC Action Against Child Labour 2002-2003: Progress and Future Priorities*, Geneva, October 2003.

¹¹⁴⁷ ILO official Rigoberto Astorga, electronic communication to USDOL official, September 16, 2002. See also Jamie Darenblum, Costa Rican Ambassador to the United States, letter to USDOL official, September 6, 2002.

¹¹⁴⁸ ILO official Maria José Chamorro, electronic communication to USDOL official, September 10, 2002.

¹¹⁴⁹ The National Directive Committee for the Progressive Eradication of Child Labor and the Protection of Adolescent Workers in Costa Rica, formed in 1996, was formerly known as the National Directive Committee Against Child Labor from 1990-1996. Ministry of Foreign Trade, Submission to the U.S. Department of Labor of a Report and Comments on Child Labor Issues, official submission USDOL Official, June 5, 2003, 8. See also U.S. Embassy- San José, *unclassified telegram no. 1586*, June 2000. See also U.S. Embassy- San José, *unclassified telegram no. 2206*, August 21, 2003.

¹¹⁵⁰ U.S. Embassy- San José, *unclassified telegram no. 2206*.

¹¹⁵¹ U.S. Embassy- San José, *unclassified telegram no. 1586*. See also U.S. Embassy- San José, *unclassified telegram no. 2725*, October 2002. See also Government of Costa Rica, *Informe del Gobierno de Costa Rica Sobre Las Iniciativas y Políticas Dirigidas al Cumplimiento del Convenio 182 de la Organización Internacional del Trabajo Referente a la Eliminación Inmediata de las Peores Formas del Trabajo Infantil*, Ministry of Labor and Social Security, Washington, D.C., 2002. See also U.S. Embassy- San José, *unclassified telegram no. 2206*.

recognized as a problem in Costa Rica and it is on the political and public agenda through discussion in presidential discourse, political debates, newspaper reports, editorials, studies, and fora.¹¹⁵²

In September 2000, the government established the “National Agenda for Children and Adolescents, 2000–2010,” where it pledged to prevent and eliminate the worst forms of child labor and achieve 100 percent retention of children in basic education by the year 2010.¹¹⁵³ Since implementation of the agenda, the government has created promotional materials on the problem of child labor; provided awareness training to over 5,000 government officials, college students, and private sector employees in the banana industry; and educated 7,000 youths on worker rights. All labor inspectors are reportedly trained in child labor enforcement and the prevention of child exploitation.¹¹⁵⁴ On October 8, 2002, the Ministry of Labor announced a nationwide program aimed at providing small loans and economic aid to families with at-risk children.¹¹⁵⁵ In 2003, the government launched an awareness raising campaign entitled “Mobilize Costa Rica Against Child Labor.”¹¹⁵⁶ On March 17, 2003, the Ministry of Transport and the Costa Rican Taxi Associations signed an agreement that states that if a taxi is found involved in the commercial sexual exploitation of children, its concession will be withdrawn.¹¹⁵⁷

In the area of education, the government promotes children’s access to primary school through ongoing publicity campaigns sponsored by the Ministries of Labor and Public Education.¹¹⁵⁸ Other educational programs have focused on the reintegration of child laborers into the education system. The Ministry of Education has been supporting ongoing efforts by providing scholarships for poor families in order for them to cover the indirect costs of attending school.¹¹⁵⁹ Costa Rica is involved in an IDB program aimed at improving pre-school and lower-secondary education.¹¹⁶⁰

Incidence and Nature of Child Labor

In 2002, the National Survey on Child and Adolescent Labor reported that 11.4 percent of children ages 5 to 17 were economically active.¹¹⁶¹ World Bank estimated that 4 percent of children ages 10 to 14 years in Costa Rica were working.¹¹⁶² In rural areas, children work in agriculture and cattle-raising, primarily on family-owned farms.

¹¹⁵² ILO-IPEC, *Explotación Sexual Comercial de Personas Menores de Edad en Costa Rica*, San José, May 2002, 11, 35.

¹¹⁵³ Government of Costa Rica, *Agenda Nacional para la Niñez y la Adolescencia: Metas y Compromisos, 2000-2010*, San José, September 2000, 11, 21.

¹¹⁵⁴ U.S. Embassy- San José, *unclassified telegram no. 2206*. See also Government of Costa Rica, *Informe de Avance de las Acciones Realizadas en Materia de Niñez y Adolescencia*, Washington, D.C., 2001. See also Government of Costa Rica, *Avances convenio 182*.

¹¹⁵⁵ U.S. Embassy- San José, *unclassified telegram no. 2725*. See also Government of Costa Rica, *Aportes del Gobierno de Costa Rica a Programas de Erradicación del Trabajo Infantil*, 2003.

¹¹⁵⁶ U.S. Embassy- San José, *unclassified telegram no. 2206*. See also Government of Costa Rica, *Avances convenio 182*.

¹¹⁵⁷ ILO-IPEC, *Technical Progress Report, “Stop the Exploitation. Contribution to the prevention and elimination of commercial sexual exploitation of children in Central America, Panama and the Dominican Republic”*, Geneva, September 2, 2003, 8.

¹¹⁵⁸ U.S. Embassy- San José, *unclassified telegram no. 1586*.

¹¹⁵⁹ U.S. Embassy- San José, *unclassified telegram no. 2725*.

¹¹⁶⁰ Inter-American Development Bank, *Approved Projects - Education*, [online] June 12, 2003 [cited June 20, 2003]; available from <http://www.iadb.org/exr/doc98/apr/apeduc.htm>.

¹¹⁶¹ According to the survey, 127,077 children aged 5 to 17 work. INEC, MTSS, and ILO-IPEC, *Informe Nacional*, 33. The Government of Costa Rica completed this national child labor survey in 2003 with support from the ILO.

¹¹⁶² World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. According to the ILO, 18,000 children between the ages of 10 and 14 were working. See ILO, *Yearbook of Labor Statistics 2001* (Geneva: 2001); available from <http://laborsta.ilo.org>.

Costa Rican children traditionally help harvest coffee beans and sugar cane, although Nicaraguan immigrants, including children, are also found working on farms.¹¹⁶³ Child labor in agriculture and the service sector continues to be prevalent in the Cartago, Limón, and Brunca regions of the country.¹¹⁶⁴ Some children work as domestic servants, and others may be involved in construction, carpentry, furniture making, baking, sewing and the small-scale production of handicrafts.¹¹⁶⁵ Children also bag groceries at supermarkets, sell goods on streets or highways, and watch over parked vehicles.¹¹⁶⁶

The prostitution of children is a continuing problem in Costa Rica,¹¹⁶⁷ and is often associated with the country's sex tourism industry.¹¹⁶⁸ Costa Rica is a transit and destination point for children trafficked for commercial sexual exploitation purposes, including prostitution.¹¹⁶⁹ Most trafficking victims originate from Colombia, the Dominican Republic, Nicaragua, Panama, and to a lesser extent from Russia, the Philippines, Romania, and Bulgaria.¹¹⁷⁰

Education is compulsory and free for 6 years at the primary level and 3 years at the secondary level.¹¹⁷¹ In 2000, the gross primary enrollment rate was 106.8 percent and the net primary enrollment rate was 91.1 percent.¹¹⁷² In 1999, 80.2 percent of children enrolled in primary school reached grade 5.¹¹⁷³ The proportion of dropouts is higher in rural areas (16 percent) than in urban areas (7.5 percent).¹¹⁷⁴

¹¹⁶³ U.S. Embassy- San José, *unclassified telegram no. 0515*, February 1998. See also U.S. Embassy- San José, *unclassified telegram no. 2206*.

¹¹⁶⁴ U.S. Embassy- San José, *unclassified telegram no. 2725*. See also ILO-IPEC, *Trabajo Infantil y Adolescente en la Región Brunca Diagnóstico*, San José, 2001. See also ILO-IPEC, *Cartago: Dimensión, naturaleza y entorno socioeconómico del trabajo infantil y adolescente*, San José, 2002.

¹¹⁶⁵ U.S. Embassy- San José, *unclassified telegram no. 0515*. See also INEC, MTSS, and ILO-IPEC, *Informe Nacional*, 37-43. See also National Institute of Children (PANI), *El Trabajo Infantil Juvenil en Costa Rica y Su Relación Con La Educación: Análisis de los Resultados de la Encuesta de Hogares de Propósitos Múltiples 1994 Sobre Actividades de los Menores de Edad*, San José, June 1995, 23-24.

¹¹⁶⁶ U.S. Embassy- San José, *unclassified telegram no. 0515*. See also INEC, MTSS, and ILO-IPEC, *Informe Nacional*, 37-43. See also National Institute of Children (PANI), *El Trabajo Infantil Juvenil en Costa Rica y Su Relación Con La Educación*, 23-24.

¹¹⁶⁷ According to the National Institute of Children (PANI), street children in San José, Limón and Puntarenas are at the greatest risk of entering prostitution. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Costa Rica*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18326.htm>. See also ILO-IPEC, *Explotación Sexual Comercial de Personas Menores*, 11, 15.

¹¹⁶⁸ Maria Cecilia Claramunt, *Sexual Exploitation in Costa Rica: Analysis of the critical path to prostitution for boys, girls, and adolescents*, UNICEF, 1999, 29.

¹¹⁶⁹ U.S. Department of State, *Trafficking in Persons Report - 2003: Costa Rica*, Washington, D.C., June 11, 2003, [cited June 23, 2003]; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>. See also U.S. Department of State, *Country Reports- 2002: Costa Rica*, Section 6f.

¹¹⁷⁰ U.S. Department of State, *Trafficking in Persons Report: Costa Rica*, 41.

¹¹⁷¹ U.S. Department of State, *Country Reports- 2002: Costa Rica*, Section 5. A tradition of free schooling dates back to 1869. See Infocostarica staff, *Education in Costa Rica*, [infocostarica.com](http://www.infocostarica.com), [online] August 13, 2002 [cited June 20, 2003]; available from <http://www.infocostarica.com/education/education.html>.

¹¹⁷² USAID, *Global Education Database* Washington, DC, 2003; available from <http://quesdb.cdie.org/ged/index.html>. See also World Bank, *World Development Indicators 2003*.

¹¹⁷³ World Bank, *World Development Indicators 2003*.

¹¹⁷⁴ Rodolfo Pisoni, *Informe Sobre el Trabajo Infantil y Adolescente en Costa Rica*, PANI, April 1999, 59. See also Raquel Gólcher Beirute, "UNICEF Señala Debilidades en Lucha Contra Deserción: Niños Esperan Mejor Educación," *La Nación Digital* (San José), September 20, 2000; available from http://www.nacion.com/ln_ee/2000/septiembre/20/pais8html.

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.¹¹⁷⁵ The Children and Adolescents' Code prohibits minors under the age of 18 from working in mines, bars and other businesses that sell alcohol, in unsafe and unhealthy places, in activities where they are responsible for their own safety and the safety of other minors, and where they are required to work with dangerous equipment, contaminated substances or excessive noise.¹¹⁷⁶ Also under the Children and Adolescent's Code, children are not allowed to work at night or more than 6 hours a day or 36 hours a week.¹¹⁷⁷ Children under the age of 18 are not permitted to work in the banana industry.¹¹⁷⁸

The Children's Bill of Rights states that all children and adolescents have the right to protection from all forms of exploitation, including prostitution and pornography.¹¹⁷⁹ The Law Against the Sexual Exploitation of Underage Persons, approved in 1999, established penalties for those engaged in the commercial sexual exploitation of children.¹¹⁸⁰ The Penal Code provides for a prison sentence of between 4 and 10 years if the victim of prostitution is under the age of 18.¹¹⁸¹ The Penal Code also prohibits the entry or exit of women and minors into and out of the country for prostitution, and provides for 5 to 10 years imprisonment, if convicted.¹¹⁸²

The Ministry of Labor and Social Security is responsible for detecting and investigating labor violations, while the National Board for Children and the judiciary branch are responsible for investigating and prosecuting cases of child sexual exploitation.¹¹⁸³ The Ministry of Labor houses the Office of Eradication of Child Labor and Protection of Adolescent Workers, which is responsible for coordinating all direct action programs, maintaining a database on all workers under the age of 18, coordinating the implementation of the National Plan and public policy, and training labor inspectors on child labor.¹¹⁸⁴ All labor inspectors are reportedly trained in child labor enforcement and the prevention of child exploitation.¹¹⁸⁵ To deal with child labor on a local level, a labor inspector is appointed in each Regional Office of the National Directorate of Labor Inspection.¹¹⁸⁶ Child labor

¹¹⁷⁵ In 1998, Costa Rica passed the Children and Adolescence Code, which amended Articles 88 and 89 of the Labor Code to increase the minimum age for work to 15. See Daremblum, letter to USDOL official, September 6, 2002, and Daremblum, letter to USDOL official, October 23, 2001. See also *Código de la Niñez y la Adolescencia, 1997*, Article 78. See also Government of Costa Rica, *Código de Trabajo*, Articles 88 and 89.

¹¹⁷⁶ *Código de la Niñez y la Adolescencia, 1997*, Article 94. See also Daremblum, letter to USDOL official, September 6, 2002.. See also Daremblum, letter to USDOL official, October 23, 2001.

¹¹⁷⁷ *Código de la Niñez y la Adolescencia, 1997*, Article 95. See also U.S. Department of State, *Country Reports- 2002: Costa Rica*, Section 6d.

¹¹⁷⁸ U.S. Department of State, *Country Reports- 2002: Costa Rica*, Section 6d.

¹¹⁷⁹ U.S. Embassy- San José, *unclassified telegram no. 1977*, August 2000.

¹¹⁸⁰ Ministry of Foreign Trade, Submission to the US Department of Labor of a Report and Comments on Child Labor Issues, 5.

¹¹⁸¹ This provision is found in Article 170 of the Penal Code. See U.S. Embassy- San José, *unclassified telegram no. 1977*. See also U.S. Department of State, *Country Reports- 2002: Costa Rica*, Section 6f.

¹¹⁸² This provision is found in Article 172 of the Penal Code. See Interpol, *Legislation of Interpol member states on sexual offences against children: Costa Rica*, [online] [cited June 24, 2003]; available from <http://www.interpol.int/public/Children/SexualAbuse/NationalLaws/csaCostaRica.asp>.

¹¹⁸³ The Ministry of Labor carries out these responsibilities through its Bureau for the Attention and Elimination of Child Work and Protection of Adolescents, and through the Office of Labor Inspection. See Daremblum, letter to USDOL official, October 23, 2001, 3.

¹¹⁸⁴ Ministry of Foreign Trade, Submission to the US Department of Labor of a Report and Comments on Child Labor Issues, 7. See also Esmirna Sánchez Vargas, "Costa Rica: retos y avances en la erradicación del trabajo infantil, Oficina de Atención y Erradicación del Trabajo Infantil y Protección del Trabajador Adolescente," *Encuentros 4 Aportes* (April 2002), [cited June 24, 2003]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipcc/boletin/numero4/paraeldialogotres.html>.

¹¹⁸⁵ Government of Costa Rica, *Informe de Avance de las Acciones Realizadas en Materia de Niñez y Adolescencia*, Washington, D.C., 2001, 8.

¹¹⁸⁶ Ministry of Foreign Trade, Submission to the US Department of Labor of a Report and Comments on Child Labor Issues, 6.

investigations can be initiated after an inspection, or in response to complaints filed by government or NGO representatives, or members of civil society, including children and adolescents who are subject to exploitation.¹¹⁸⁷ In 2001, the Ministry of Labor received approximately 1,400 complaints of child labor, and launched a hotline for reporting such cases.¹¹⁸⁸ Due to limited resources, child labor regulations are not always enforced outside the formal economy.¹¹⁸⁹

The government effectively enforces its law against forced labor¹¹⁹⁰ and has been enforcing its prohibitions against the sexual exploitation of minors by raiding brothels and arresting pedophiles.¹¹⁹¹ Hundreds of investigations were launched in 2002 by the Special Prosecutor on Sex Crimes, leading to a handful of convictions.¹¹⁹² In June 2003, a special legislative commission focused on children and adolescents was created by the Legislative Assembly.¹¹⁹³

The Government of Costa Rica ratified ILO Convention 138 on June 11, 1976, and ILO Convention 182 on September 10, 2001.¹¹⁹⁴

¹¹⁸⁷ Darenblum, letter to USDOL official, October 23, 2001.

¹¹⁸⁸ U.S. Embassy- San José, *unclassified telegram no. 2725*.

¹¹⁸⁹ U.S. Department of State, *Country Reports- 2002: Costa Rica*, Section 6d. See also U.S. Embassy- San José, *unclassified telegram no. 2206*.

¹¹⁹⁰ U.S. Department of State, *Country Reports- 2002: Costa Rica*, Section 6c.

¹¹⁹¹ *Ibid.*, Section 6f. See also U.S. Embassy- San José, *unclassified telegram no. 2082*, August 2001.

¹¹⁹² U.S. Department of State, *Trafficking in Persons Report: Costa Rica*.

¹¹⁹³ U.S. Embassy- San José, *unclassified telegram no. 2206*.

¹¹⁹⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 19, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.