

## Costa Rica

### *Selected Statistics and Indicators on Child Labor<sup>986</sup>*

Population, children, 12-14 years, 2004:	264,993
Working children, 12-14 years (%), 2004:	5.7
Working boys, 12-14 years (%), 2004:	8.1
Working girls, 12-14 years (%), 2004:	3.5
Working children by sector, 12-14 years (%), 2004:	
- Agriculture	40.3
- Manufacturing	9.5
- Services	49.0
- Other	1.3
Minimum age for work:	15
Compulsory education age:	15
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	110.2
Net primary enrollment rate (%):	-
School attendance, children 5-14 years (%), 2004:	91.2
Survival rate to grade 5 (%), 2006:	87.6
ILO Convention 138:	6/11/1976
ILO Convention 182:	9/10/2001
CRC:	8/21/1990
CRCOPAC:	1/24/2003
CRCOPSC:	4/9/2002
Palermo:	9/9/2003
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

### **Incidence and Nature of Child Labor**

In Costa Rica, children work in agriculture, forestry, hunting, fishing, trade, industry, and services.<sup>987</sup> Children work in the production of bananas, coffee, and sugarcane.<sup>988</sup> Some indigenous children from Panama migrate seasonally to Costa Rica with their families and work in agriculture.<sup>989</sup> Children work collecting mollusks, selling goods, and producing fireworks; they also work in domestic service, family-owned businesses, construction, transportation, and garbage dumps.<sup>990</sup>

According to the National Institute for Children (PANI), commercial sexual exploitation of children is a problem in Costa Rica.<sup>991</sup> Children are trafficked within the country for sexual

exploitation and forced labor. The Costa Rican Government identified child sex tourism as a serious problem, and girls are trafficked into the country from other countries for commercial sexual exploitation.<sup>992</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 15 years.<sup>993</sup> Minors under 18 years are prohibited from working at night; in mines, quarries, and other dangerous places; where alcohol is sold; and in activities where they are responsible for their own or others' safety. They are also not allowed to work with dangerous equipment, contaminated substances, or excessive noise.<sup>994</sup> Employers of youth 15 to 17 years must maintain a child labor registry. Violations of minimum age and child labor standards are punishable by fines.<sup>995</sup>

Costa Rican laws on work hours state that minors 15 to 17 years are prohibited from working for more than 6 hours a day or 36 hours a week.<sup>996</sup> Children may work longer hours in agriculture and ranching.<sup>997</sup> When PANI determines that child labor is performed to meet the family's basic needs, economic assistance must be provided to the family.<sup>998</sup>

Slave labor is prohibited under the law.<sup>999</sup> Costa Rica does not have armed forces, and the minimum age for recruitment to the police force is 18 years.<sup>1000</sup> The penalty for paid sexual relations with a minor under 13 years is 4 to 10 years in prison; if the victim is 13 to 15 years, it is 3 to 8 years of imprisonment; and if the victim is 15 to 18 years, then it is 2 to 6 years of incarceration.<sup>1001</sup> The penalty for profiting economically from the prostitution of a minor under 13 years is 4 to 10 years in prison, and it is 3 to 9 years if the victim is 13 to 18 years of age.<sup>1002</sup> The production of pornographic materials with minors is punishable by 3 to 8 years in prison. The penalty for possession of pornography involving minors is 6 months to 2 years.<sup>1003</sup> The penalty for promoting, facilitating, or aiding the trafficking of minors for

commercial sexual exploitation or slave labor is 4 to 10 years in prison.<sup>1004</sup>

The Inspections Directorate of the Ministry of Labor is responsible for investigating child labor violations and enforcing child labor laws. The Ministry currently employs 90 labor inspectors who investigate all types of labor violations, including child labor violations.<sup>1005</sup> USDOS has stated that enforcement of child labor laws in the informal sector is limited by a lack of resources.<sup>1006</sup>

The Office for the Eradication of Child Labor and Protection of the Adolescent Worker (OATIA) employed nine professionals to help coordinate policy and actions taken by other agencies to combat child labor.<sup>1007</sup>

PANI, the Special Prosecutor for Domestic Violence and Sexual Crimes, and various ministries are responsible for preventing and prosecuting crimes involving commercial sexual exploitation of children. PANI leads public awareness campaigns and provides assistance to minors involved in commercial sexual exploitation.<sup>1008</sup> The Government conducts training on trafficking in persons for police officers, immigration officials, and national health workers.<sup>1009</sup>

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

The National Agenda for Children and Adolescents 2000-2010 includes strategies to prevent and eliminate the worst forms of child labor.<sup>1010</sup> In addition, the Government of Costa Rica supports the Second National Action Plan for the Prevention and Eradication of Child Labor and Special Protection of Adolescent Workers 2005-2010 (SNPA). In January 2009, a revised SNPA was published that incorporated new government programs and priorities that specifically address the root causes of child labor and offer educational opportunities.<sup>1011</sup> The third National Plan to Eradicate Commercial Sexual Exploitation of Children (2008-2010) aims to raise awareness, increase institutional capacity to address risk factors in target regions and populations, develop mechanisms to guarantee victims' access to psychosocial services, strengthen the judicial system to defend victims'

rights, and create mechanisms to strengthen the National Commission against Commercial Sexual Exploitation of Children and Adolescents.<sup>1012</sup> An inter-institutional protocol was published in April 2008 to improve national coordination to address underage workers.<sup>1013</sup> The Government supports public campaigns aimed at reducing child sex tourism and commercial sexual exploitation; it also supports a national hotline that is publicized through the media.<sup>1014</sup>

Since 2006, the Costa Rican Government has been carrying out "Avancemos" (Let's Get Ahead), a conditional cash transfer program that encourages low-income children to remain in school or return to school.<sup>1015</sup> As of October 2008, more than 130,000 beneficiaries were enrolled in the program, with about 75 percent under 18 years. Approximately 42 percent of the beneficiaries lived in rural areas, while 58 percent were from urban areas.<sup>1016</sup>

The Government participates in several other projects throughout the country aimed to eliminate child labor, improve living and working conditions of indigenous and migrant groups, and protect at-risk children and adolescents.<sup>1017</sup> One such project aims to improve the living and working conditions of indigenous and migrant families during the coffee harvest seasons. Further, the Ministry of Agriculture and OATIA have worked in collaboration with a sugarcane producers association (ASOPRODUCE) to eliminate child labor in sugarcane production in the communities of Mora and Puriscal.<sup>1018</sup>

The Government of Costa Rica also participated in regional projects funded by USDOL, including a 7-year USD 8.8 million regional project implemented by ILO-IPEC which concluded in April 2009 and sought to combat commercial sexual exploitation through a variety of activities, including capacity building and legal reform. In addition, the project targeted 713 children for withdrawal and 657 children for prevention from commercial sexual exploitation in Central America.<sup>1019</sup> The Government participated in a 4-year USD 5.7 million Child Labor Education Initiative regional project implemented by CARE that worked to strengthen the capacity of the Government and civil society to combat child

labor through education and withdrew or prevented 4,105 children from exploitive child labor.<sup>1020</sup>

The Costa Rican Government also participated in a regional ILO-IPEC project that ended in August 2008 and was funded by the Government of Canada to prevent and combat the worst forms of child labor by strengthening the country's labor ministry.<sup>1021</sup> In addition, the Government of Costa Rica participates in a Phase III USD 3.3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain and implemented by ILO-IPEC.<sup>1022</sup>

<sup>986</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Costa Rica, *Código de la Niñez y la Adolescencia*, (1998), article 78; available from <http://www.protegiendoles.org/documentacion/articulo23.pdf>. For age to which education is compulsory, see U.S. Department of State, "Costa Rica," in *Country Report on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/>. For free public education, see Government of Costa Rica, *Constitución Política*, (1949), article 78; available from <http://www.cesdepu.com/nbdp/copol2.htm>. See also U.S. Department of State, "Country Reports- 2007: Costa Rica," section 5.

<sup>987</sup> UN Committee on the Rights of the Child, *Individual Observation concerning Minimum Age Convention, 1973 (no. 138) Costa Rica (ratification: 1976)*, [online] 2008; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. See also CARE USA, *Primero Aprendo Project. Perfil del Programa en Costa Rica*, [online] 2009 [cited February 22, 2009; available from <http://www.primeroaprendo.org/perfil?idpais=CR>].

<sup>988</sup> U.S. Embassy- San Jose, *reporting*, January 29, 2009. See also Adital/Casa Alianza, "Costa Rica: Día Mundial contra el Trabajo Infantil" [online] 2003 [cited February 22, 2009]; available from <http://www.mujereshoy.com/secciones/848.shtml>.

<sup>989</sup> U.S. Department of State, "Costa Rica," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119154.htm>.

<sup>990</sup> Government of Costa Rica, *Memoria: A Report Submitted to the ILO on the actions undertaken by the Government to implement the provision of C. 182 for the period ending May 22, 2008*, Ministerio de Trabajo, San

Jose, May 31, 2008, 18. See also Adital/Casa Alianza, "Costa Rica: Día Mundial contra el Trabajo Infantil". See also Gloopal.net, "El planeta de los niños trabajadores" [online] 2007 [cited February 2, 2009]; available from [http://cumbresiberoamerica.cip.cu/compendios\\_informativos/cumbres\\_iberoamericanas/cumbres/xviii-cumbre-iberoamericana-el-salvador-san-salvador-29-30-de-octubre-de-2008/documentos\\_pdf/el-planeta-de-los-ninos-trabajadores](http://cumbresiberoamerica.cip.cu/compendios_informativos/cumbres_iberoamericanas/cumbres/xviii-cumbre-iberoamericana-el-salvador-san-salvador-29-30-de-octubre-de-2008/documentos_pdf/el-planeta-de-los-ninos-trabajadores). See also U.S. Department of State, "Country Reports- 2008: Costa Rica," section 6d.

<sup>991</sup> U.S. Department of State, "Country Reports- 2008: Costa Rica," section 5.

<sup>992</sup> U.S. Department of State, "Costa Rica (Tier 2 Watch)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>. See also U.S. Department of State, "Country Reports- 2008: Costa Rica," section 5.

<sup>993</sup> Government of Costa Rica, *Código de la Niñez y la Adolescencia*, article 78.

<sup>994</sup> *Ibid.*, articles 2, 78, 92, 94, 95. See also, Government of Costa Rica, *Código de Trabajo*, Ley No. 2, (1943), articles 88 and 89; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/44102/65002/s95cri02.htm#t2c7>

<sup>995</sup> Government of Costa Rica, *Código de la Niñez y la Adolescencia*, 1998, articles 98 and 101.

<sup>996</sup> Government of Costa Rica, *Código de la Niñez y la Adolescencia*, article 95.

<sup>997</sup> Government of Costa Rica, *Código de Trabajo*, article 89.

<sup>998</sup> Government of Costa Rica, *Código de la Niñez y la Adolescencia*, article 92.

<sup>999</sup> Government of Costa Rica, *Constitution*, articles 20 and 56.

<sup>1000</sup> Coalition to Stop the Use of Child Soldiers, "Costa Rica," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=52>.

<sup>1001</sup> Government of Costa Rica, *La Reforma y Adición de Varios Artículos al Código Penal*, 4573, (August 30, 2007), article 160; available from [http://ministeriopublico.poder-judicial.go.cr/publicaciones/legislacion\\_dia/2007/02-2007.pdf](http://ministeriopublico.poder-judicial.go.cr/publicaciones/legislacion_dia/2007/02-2007.pdf).

<sup>1002</sup> *Ibid.*, article 171.

<sup>1003</sup> *Ibid.*, article 173.

<sup>1004</sup> Government of Costa Rica, *Código Penal de Costa Rica*, (1970), article 172; available from [http://www.oas.org/Juridico/MLA/sp/cri/sp\\_cri-int-text-cpenal.pdf](http://www.oas.org/Juridico/MLA/sp/cri/sp_cri-int-text-cpenal.pdf).

<sup>1005</sup> Government of Costa Rica, *Informe solicitado por el Departamento de Trabajo de los Estados Unidos*, submitted in response to U.S. Department of Labor Federal Register Notice (December 19, 2008) "Request for

Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Ministerio de Trabajo y Seguridad Social, San José, December 31, 2008, 11. See also U.S. Embassy- San Jose, reporting, January 29, 2009.

<sup>1006</sup> U.S. Embassy- San Jose, reporting, January 29, 2009. See also U.S. Department of State, "Country Reports-2008: Costa Rica," section 6d.

<sup>1007</sup> Government of Costa Rica, *Response to FRN 2008*, 11.

<sup>1008</sup> U.S. Department of State, "Country Reports- 2008: Costa Rica," section 5.

<sup>1009</sup> U.S. Embassy- San Jose, reporting, January 29, 2009.

<sup>1010</sup> Government of Costa Rica, *Agenda Nacional para la Niñez y la Adolescencia: Metas y Compromisos, 2000-2010*, San José, September 2000, 21.

<sup>1011</sup> Government of Costa Rica, *Response to FRN 2008*, 16. See also U.S. Embassy- San Jose, reporting, January 29, 2009.

<sup>1012</sup> Government of Costa Rica, *Plan Nacional para la Erradicación de la Explotación Sexual Comercial de Niños, Niñas, y Adolescentes 2008-2010*, San José, 2007; available from [http://white.oit.org.pe/ipec/documentos/plan\\_nac\\_esc\\_costa\\_rica.pdf](http://white.oit.org.pe/ipec/documentos/plan_nac_esc_costa_rica.pdf).

<sup>1013</sup> Government of Costa Rica, *Protocolo de Coordinación Inter Institucional para la Atención Inmediata de las Personas Trabajadores Menores de Edad*, Decreto No. 34423-MTSS, (April 1, 2008); available from [http://historico.gaceta.go.cr/pub/2008/04/01/COMP\\_01\\_04\\_2008.html#\\_Toc194722901](http://historico.gaceta.go.cr/pub/2008/04/01/COMP_01_04_2008.html#_Toc194722901). See also Government of Costa Rica, *Memoria*, 9.

<sup>1014</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Costa Rica." See also UN Committee on the Rights of the Child, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (no. 182) Costa Rica (ratification: 2001)*, [online] 2008; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21858&chapter=9&query=%28Costa+Rica%29+%40ref&highlight=&querytype=bool&context=0>.

<sup>1015</sup> U.S. Embassy- San Jose, reporting, January 29, 2009. See also Government of Costa Rica, *Memoria*, 12.

<sup>1016</sup> U.S. Embassy- San Jose, reporting, January 29, 2009.

<sup>1017</sup> Ibid.

<sup>1018</sup> Ibid.

<sup>1019</sup> ILO-IPEC, *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, San José, 2005.

<sup>1020</sup> CARE USA, *Primero Aprendo Project. Combating Exploitive Child Labor Through Education in Central America (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) and the Dominican Republic*, Project Document, 2004.

<sup>1021</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008. See also ILO-IPEC official E-mail communication to USDOL official, February 4, 2008.

<sup>1022</sup> ILO-IPEC official, E-mail communication, December 18, 2008. See also ILO-IPEC official E-mail communication, February 4, 2008.

## Côte d'Ivoire

### Incidence and Nature of Child Labor

In Côte d'Ivoire, many children work in agriculture on family farms and on rubber, cotton, palm, cocoa, coffee, rice, and commercial fruit plantations (such as banana, pineapple, and papaya plantations).<sup>1023</sup> Children are also engaged in fishing and animal husbandry.<sup>1024</sup> In the urban informal sector, children work as street vendors, shoe shiners, errand runners, car washers and watchers, as food sellers in street restaurants, and in public works construction.<sup>1025</sup>

According to a 2007 survey led by Tulane University and implemented by The National School of Statistics and Applied Economics in Côte d'Ivoire, many children (estimated at 1.36

million) work in the cocoa sector. According to the survey, many of these children work under hazardous conditions, such as carrying heavy loads, spraying pesticides, clearing land, and burning vegetation; are immigrants from neighboring countries, particularly Burkina Faso; do not attend school (49 percent); and report limited access to intervention projects that provide assistance to children (98 percent of children surveyed).<sup>1026</sup> Studies conducted by the Ivorian Government in 2005, 2007, and 2008 substantiate many of Tulane University's findings.<sup>1027</sup> In addition, the independent verification assessment of the Government's 2008 certification survey results further substantiates Tulane University's findings.<sup>1028</sup>