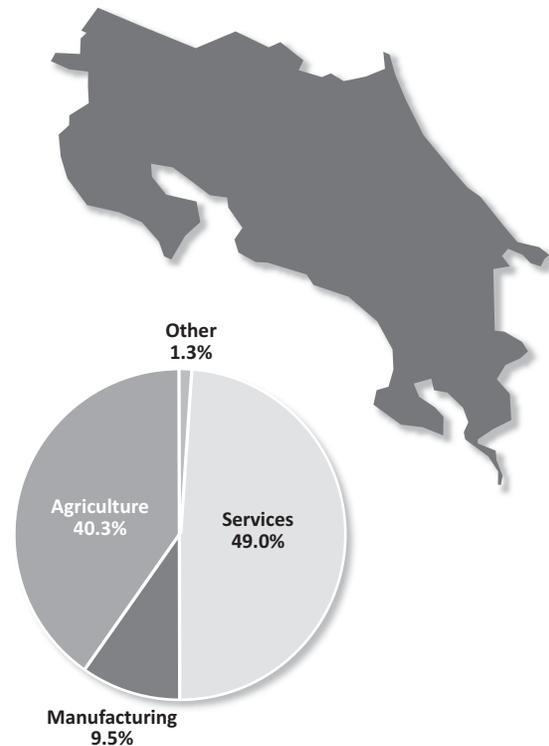


# Costa Rica

*The Government of Costa Rica implemented a cash transfer program conditioned on school attendance and education programs for child laborers and children at risk of entering the worst forms of child labor. However, gaps remain in legal protections and coverage of social programs to assist child laborers, especially in agriculture and urban informal work.*

## Statistics on Working Children and School Attendance

Children	Age	Percent
Working	12-14 yrs.	5.7%
Attending School	5-14 yrs.	91.2%
Combining Work and School	7-14 yrs.	3.1%



## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Costa Rica,<sup>1274</sup> many in agriculture. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of bananas, coffee, melons, oranges, palm oil, sugarcane and tomatoes.<sup>1275</sup> Such work frequently involves the use of potentially dangerous machinery and tools, application of harmful pesticides, and carrying heavy loads. Children also work in potentially dangerous construction activities and in street vending, which often requires them to carry heavy loads and puts them at risk for accidents as they walk in and out of traffic. Children are also found in domestic service, where they are vulnerable to physical and sexual abuse.<sup>1276</sup>

Children are exploited in other activities constituting worst forms of child labor. According to the Government's National Commission against Commercial Sexual Exploitation of Children, the children in Costa Rica are victims of commercial sexual exploitation, including child sex tourism and child pornography. Child sex tourism is a particular problem in the provinces of Guanacaste, Limon,

Puntarenas, and San Jose, as well as border towns and port areas.<sup>1277</sup> Children are trafficked within the country for sexual exploitation and forced labor as domestic servants. Children are also trafficked to Costa Rica from neighboring countries for the purpose of forced labor.<sup>1278</sup>

## Laws and Regulations on the Worst Forms of Child Labor

The Child Code and Labor Code both contain provisions on child labor. While the Child Code sets the minimum age for employment at 15, the Labor Code establishes 12 as the minimum age. Although the Government has indicated that the minimum age of 15 is the age enforced by labor authorities, the conflicting minimum age legislation leaves a potential loophole through which children could be exploited.<sup>1279</sup>

The Labor Code prohibits children under the age of 18 from working in certain occupations that are hazardous to their physical, mental or moral health, including working at night in mines, quarries, and other dangerous places such as bars where alcohol is sold. The Child Code identifies additional hazardous types of work prohibited for children under the age of 18, including work with machines, toxic substances,

and loud noises.<sup>1280</sup> While the Government has identified some types of prohibited hazardous work for children, a comprehensive list of hazardous occupations has not yet been adopted.<sup>1281</sup>

The Constitution prohibits slave labor.<sup>1282</sup> The Penal Code sets 18 as the minimum age for prostitution and prohibits procuring a child for prostitution or benefiting economically from the crime. The Penal Code also prohibits the production and possession of child pornography.<sup>1283</sup> Costa Rica’s Penal Code prohibits all forms of trafficking and provides for increased penalties for the trafficking of children.<sup>1284</sup>

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

### Institutional Mechanisms for Coordination and Enforcement

The Office for the Eradication of Child Labor and Protection of the Adolescent Worker (OATIA), within the Ministry of Labor, has the primary responsibility for coordinating the Government’s policies and programs to combat child labor. The OATIA monitors the implementation of the National Action Plan for the Prevention and Eradication of Child Labor and Special Protection of Adolescent Workers. It also, provides technical assistance to Government ministries, and designs social programs to combat child labor.<sup>1285</sup> The National Commission against Human Trafficking

is headed by the Ministry of Public Security and composed of Government agencies and civil society organizations. It coordinates national training and policy efforts to combat trafficking in persons.<sup>1286</sup>

The Ministry of Labor is responsible for investigating child labor violations, including hazardous and forced child labor, and enforcing child labor law, and currently employs 120 labor inspectors who investigate all types of labor violations including child labor violations, an increase of 30 labor inspectors over 2008.<sup>1287</sup> Members of the public can register child labor complaints through the Ministry of Labor’s Web site and OATIA must investigate within 10 days of the complaint.<sup>1288</sup> OATIA received approximately 100 complaints of under-age children working during the reporting period. These cases were referred to other agencies for social services.<sup>1289</sup> During 2009, OATIA identified 16 minors under the age of 15 and 33 minors above the age of 15 engaged in hazardous work. However, information is not available on the total number of inspections conducted, the sectors in which inspections were carried out, or enforcement actions taken in cases where hazardous child labor is found.<sup>1290</sup>

During 2009, OATIA carried out 74 training events on child labor issues for representatives from government, NGOs, and trade unions, reaching 574 people.<sup>1291</sup> The Ministry of Labor’s budget for 2009 was \$140,000 for activities against child labor.<sup>1292</sup>

The Sexual Crimes and Domestic Abuse Unit of the prosecutor’s office and the *Organismo de Investigación Judicial* (the Judicial Police, OIJ) investigate and prosecute crimes involving the commercial sexual exploitation of children. The public can report both commercial sexual exploitation and trafficking of children through the national emergency hotline.<sup>1293</sup> During the reporting period, there were 16 convictions in cases of commercial sexual exploitation of children.<sup>1294</sup> The Patronato Nacional de la Infancia (National Child Welfare Agency, or PANI) is responsible for preventing commercial sexual exploitation of children and providing assistance to its victims. It assisted 51 of these victims in 2009.<sup>1295</sup>

In 2008, the OIJ created the Smuggling and Trafficking Unit and currently has six agents dedicated to investigating trafficking crimes.<sup>1296</sup> During the reporting period, the Government initiated three

child trafficking investigations. Labor inspectors, immigration police, and OIJ agents received anti-trafficking training from the National Commission against Human Trafficking.<sup>1297</sup>

## Government Policies on the Worst Forms of Child Labor

The National Development Plan incorporates the goal of reducing child labor into its 2000-2010 education strategy.<sup>1298</sup> In addition, during the reporting period, the Government implemented the National Action Plan for the Prevention and Eradication of Child Labor and Special Protection of Adolescent Workers.<sup>1299</sup> As part of the implementation of the National Action Plan, the Government incorporated an educational subsidy into its national conditional cash transfer program (*Avancemos*, or “Let’s Get Ahead”), to provide funds for families to send their children to school rather than work.<sup>1300</sup> The *Avancemos* program is implemented by the *Instituto Mixto de Ayuda Social* (Social Welfare Institute) on the regional level.<sup>1301</sup>

In 2008, the Government adopted an Inter-institutional Protocol which calls on the Ministry of Labor, Ministry of Education, Social Welfare Institute, National Training Institute, and their regional and local agencies to coordinate together and with private sector to provide services to child laborers and children at-risk.<sup>1302</sup>

The Government of Costa Rica signed the UN Development Assistance Framework to reach development objectives, strengthening public policies to combat child labor and its worst forms.<sup>1303</sup> In 2009, the Government also adopted the Roadmap towards the Elimination of Child Labor in Costa Rica which was developed by OATIA in coordination with ILO-IPEC. The Roadmap sets specific objectives for government and civil society organizations. It integrates the issue of child labor into six themes which include poverty, education, health, legal frameworks, awareness raising, knowledge generation, and monitoring.<sup>1304</sup> The Government also incorporated child labor into the National Plan for Development by identifying it as an issue to be addressed within the plan’s national strategies to combat poverty.

The Government has also adopted policies specifically aimed at combating child trafficking and commercial

sexual exploitation of children. The National Committee for the Eradication of Commercial Sexual Exploitation of Children (CONACOES) implemented the third National Plan to Eradicate Commercial Sexual Exploitation of Children (2008-2010). It 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, and strengthen the judicial system to defend victims’ rights.<sup>1305</sup> In December 2009, the Government signed an agreement with the National Costa Rican Institute of Tourism (ICT) to combat child sex tourism. As part of the agreement, approximately 200 tourist companies have signed a Code of Conduct against child sex tourism.<sup>1306</sup>

## Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Costa Rica has participated in a number of donor-funded projects to combat child labor including a regional project to combat commercial sexual exploitation of children through education, capacity building, and legal reform.<sup>1307</sup> Another regional project focused on strengthening regional cooperation, legislation, policies, and institutions to reduce child labor by providing education.<sup>1308</sup>

The Government is currently implementing the conditional cash transfer program *Avancemos* which encourages low-income families to keep their children in school.<sup>1309</sup> In 2009, the program had enrolled more than 165,000 beneficiaries, both children and adults, an increase from the previous year’s 130,000 beneficiaries. Approximately 70 percent were under the age of 18. Funding for the program in 2009 was approximately \$80 million.<sup>1310</sup> In addition, OATIA implements projects throughout the country aimed at eliminating child labor by improving living and working conditions among indigenous and migrant groups in agriculture, as well as providing educational services to working and at-risk children and adolescents. However, the number of OATIA personnel dedicated to overseeing these initiatives declined from 12 to 8 between 2005 and 2009.<sup>1311</sup>

The Government also operates some programs specifically aimed at fighting trafficking and the commercial sexual exploitation of children. For

example, the Government supports public awareness campaigns aimed at fighting trafficking in persons.<sup>1312</sup> In addition, CONACOES, in conjunction with NGOs, implemented pilot projects in 6 communities to prevent and assist child victims of commercial sexual exploitation.<sup>1313</sup> In addition, the Government of Costa Rica participates in a \$3.3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.<sup>1314</sup>

The Government of Costa Rica has undertaken efforts to address child labor by supporting educational services and awareness raising campaigns. Although the Government of Costa Rica has implemented programs to address child labor in agriculture, research found no evidence that it has carried out programs to assist children involved in urban informal work.<sup>1315</sup>

### Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Costa Rica:

#### IN THE AREA OF LAWS AND REGULATIONS:

- Adopt a comprehensive list of hazardous occupations for children.
- Increase the minimum age provisions in the Labor Code from 12 to 15, ensuring consistency with provisions in the Child Code.

#### IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make publicly available the number of inspections carried out which identified worst forms of child labor and sanctions/penalties imposed as a result.

#### IN THE AREA OF PROGRAMS:

- Expand programs to reach child laborers and children at risk for entering work in urban informal work.
- Target assistance to the most vulnerable, including migrant indigenous children.
- Increase the number of personnel in the Office for the Eradication of Child Labor and Protection of the Adolescent Worker (OATIA) dedicated to implementing and monitoring programs to address the worst forms of child labor.

<sup>1274</sup> Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

<sup>1275</sup> U.S. Embassy- San Jose, *reporting*, February 1, 2010. See also ILO-IPEC, *Trabajo Infantil y Pueblos Indigenas*, 2006, 68; available from <http://www.oit.org.pe/ipec/documentos/panama.pdf>.

<sup>1276</sup> ILO Committee of Experts, *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 U.S. Embassy- San Jose, *reporting, February 1, 2010*.

<sup>1277</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, 6-8, 18; 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). See also USAID, *Child Sex Tourism Assessment*, 2006, 12.

- <sup>1278</sup> U.S. Department of State, “Costa Rica (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>. See also U.S. Department of State, “Costa Rica,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136107.htm>.
- <sup>1279</sup> Government of Costa Rica, *Código de la Niñez y la Adolescencia*, (1998), article 92; available from <http://www.protegiendoles.org/documentacion/articulo23.pdf>. See also Government of Costa Rica, *Código de Trabajo*, Ley No. 2, (1943), article 87; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/44102/65002/s95cri02.htm#t2c7>. See also ILO Committee of Experts, *Individual Observation C138: Costa Rica (2008)*.
- <sup>1280</sup> Government of Costa Rica, *Código de la Niñez y la Adolescencia*, article 94. See also Government of Costa Rica, *Código de Trabajo*, article 88.
- <sup>1281</sup> ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (no. 182) Costa Rica (ratification: 2001)*, [online] 2009 [cited March 4, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23498&chapter=9&query=%28C182%29+%40ref+%2B+%28Costa+Rica%29+%40ref&highlight=&querytype=bool&context=0>.
- <sup>1282</sup> Government of Costa Rica, *Constitución Política*, (1949), articles 20 and 56; available from <http://www.cesdepu.com/nbdp/copol2.htm>.
- <sup>1283</sup> Government of Costa Rica, *Código Penal de Costa Rica*, (1970), articles 160, 171, 173; available from <http://ministeriopublico.poder-judicial.go.cr/coop-intern/normativa%20nacional/general/02.pdf>.
- <sup>1284</sup> *Ibid.*, article 172.
- <sup>1285</sup> Esmirna Sánchez Vargas, “La Oficina de Trabajo Infantil y Adolescente en Costa Rica,” May 10, 2010; available from <http://white.oit.org.pe/ipecc/alcuentros/interior.php?notCodigo=813>.
- <sup>1286</sup> U.S. Department of State, “Country Reports- 2009: Costa Rica,” section 6.
- <sup>1287</sup> U.S. Embassy- San Jose, *reporting, February 1, 2010*. See also U.S. Department of State, “Country Reports- 2009: Costa Rica,” section 7d. See also U.S. Embassy- San Jose, *reporting, January 29, 2009*.
- <sup>1288</sup> U.S. Embassy- San Jose, *reporting, February 1, 2010*.
- <sup>1289</sup> *Ibid.*
- <sup>1290</sup> U.S. Embassy- San Jose official, E-mail communication to USDOL official, September 23, 2010.
- <sup>1291</sup> U.S. Embassy- San Jose, *reporting, February 1, 2010*.
- <sup>1292</sup> U.S. Embassy- San Jose, *reporting, January 29, 2009*.
- <sup>1293</sup> U.S. Embassy- San Jose, *reporting, February 1, 2010*.
- <sup>1294</sup> U.S. Embassy - San Jose official, E-mail communication to USDOL official, July 19, 2010.
- <sup>1295</sup> U.S. Department of State, “Costa Rica,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119154.htm>.
- <sup>1296</sup> U.S. Department of State, “Costa Rica (Tier 2),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/123135.htm>. See also U.S. Embassy- San Jose, *reporting, February 1, 2010*.
- <sup>1297</sup> U.S. Embassy- San Jose, *reporting, February 1, 2010*. See also U.S. Department of State, “Country Reports- 2009: Costa Rica,” section 6.
- <sup>1298</sup> Government of Costa Rica, *Plan Nacional de Desarrollo 2006-2010*, 2006; available from <http://documentos.mideplan.go.cr:8080/alfresco/d/d/workspace/SpacesStore/fb320421-a091-46b6-a41a-785992bd932d/PND-2006-2010-sector-educativo-31052010.pdf>.
- <sup>1299</sup> U.S. Embassy- San Jose, *reporting, February 1, 2010*. See also Government of Costa Rica, *Segundo Plan Nacional de Acción para la Prevención, Erradicación del Trabajo Infantil y Para la Protección Especial de las Personas Adolescentes Trabajadoras, reformulado 2008-2010*, San José; available from [http://white.oit.org.pe/ipecc/documentos/ii\\_plan\\_nacional\\_costa\\_rica\\_reformulado\\_2008\\_2010.pdf](http://white.oit.org.pe/ipecc/documentos/ii_plan_nacional_costa_rica_reformulado_2008_2010.pdf).
- <sup>1300</sup> U.S. Embassy- San Jose, *reporting, February 1, 2010*.
- <sup>1301</sup> U.S. Embassy- San Jose official, E-mail communication to USDOL official, August 10, 2010.
- <sup>1302</sup> U.S. Embassy - San Jose official, E-mail communication, July 19, 2010. See also U.S. Embassy- San Jose official, E-mail communication, August 10, 2010.
- <sup>1303</sup> U.S. Embassy- San Jose, *reporting, February 1, 2010*. See also United Nations Development Group, *Marco de Asistencia para el Desarrollo 2007*, 22; available from <http://www.undg.org/docs/7995/Costa%20Rica%20UNDAF.pdf>.
- <sup>1304</sup> ILO-IPEC, *Hoja de Ruta para hacer de Costa Rica un país libre de trabajo infantil y sus peores formas*, 2009, 9; available from <http://white.oit.org.pe/ipecc/pagina.php?pagina=337>.
- <sup>1305</sup> Government of Costa Rica, *Plan Nacional para la Erradicación de la Explotación Sexual Comercial de Niños, Niñas, y Adolescentes 2008-2010*.
- <sup>1306</sup> La Nación, *Canatur e ICT firman convenio para combatir explotación sexual de menores*, [online] 2009 [cited March 22, 2010]; available from [http://www.nacion.com/lm\\_ee/2009/diciembre/02/pais2180532.html](http://www.nacion.com/lm_ee/2009/diciembre/02/pais2180532.html).

<sup>1307</sup> ILO-IPEC, *Supporting the Timebound Programme for the Elimination of the Worst Forms of Child Labour in the Dominican Republic- Phase II (2006-2009)*, Project Document, Geneva, August 2006, vi and vii. See also ILO-IPEC, *Supporting the Timebound Programme for the Elimination of the Worst Forms of Child Labour in the Dominican Republic- Phase II (2006-2009)*, Final Technical Progress Report, Geneva, March 2010, 1 and 34.

<sup>1308</sup> CARE, *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, 5. See also CARE, *Primero Aprendo Project: Combating Exploitive Child Labor through Education in Central America and the Dominican Republic*, Final Technical Progress Report, Managua, March 31, 2009, 2. See also ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Project Addendum, Geneva, September 2005, 22-23.

<sup>1309</sup> U.S. Embassy- San Jose, *reporting, January 29, 2009*. See also 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, 12.

<sup>1310</sup> U.S. Embassy- San Jose, *reporting, January 29, 2009*.

<sup>1311</sup> U.S. Embassy- San Jose, *reporting, February 1, 2010*. See also ILO, *Verification Report on the Implementation of the White Paper Recommendations, Period: February 2009-July 2009*, San José, 2009, 19.

<sup>1312</sup> U.S. Embassy- San Jose, *reporting, February 1, 2010*.

<sup>1313</sup> U.S. Department of State, “Country Reports- 2009: Costa Rica.”

<sup>1314</sup> ILO-IPEC official, E-mail communication to USDOL official, February 4, 2008.

<sup>1315</sup> U.S. Department of State, “Country Reports- 2009: Costa Rica.” See also U.S. Embassy- San Jose, *reporting, February 1, 2010*. See also U.S. Department of State, “Trafficking in Persons Report- 2009: Costa Rica.”