

Costa Rica

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 1996.⁹⁶² Currently, Costa Rica is participating in several ILO-IPEC projects funded by USDOL, including a project to collect child labor statistics and a project to combat child labor in the coffee sector (in Turrialba and Guanacaste).⁹⁶³ With other donor funding, in July 2002, the Government of Costa Rica and ILO-IPEC began preliminary activities with the participation of stakeholders to map and define the worst forms of child labor, in preparation for a Time-Bound Program.⁹⁶⁴ Also, ILO-IPEC is 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.⁹⁶⁵ 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 Jose.⁹⁶⁶ Costa Rica is also participating in a USDOL-funded ILO-IPEC regional project aimed at combating commercial sexual exploitation.⁹⁶⁷

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.⁹⁶⁸ The Committee 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 Office of Eradication of Child Labor and Protection of Adolescent Laborers, and the

⁹⁶² Costa Rica signed an MOU with ILO-IPEC in 1996. The ILO-IPEC Regional Office is located in San José, Costa Rica. See ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 23, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁹⁶³ 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.

⁹⁶⁴ ILO-IPEC, *Actividades Preparatorias para la Eliminación de las Peores Formas de Trabajo Infantil en Costa Rica*, Informe, August 2002.

⁹⁶⁵ ILO official, electronic communication to USDOL official, September 16, 2002.

⁹⁶⁶ ILO official, electronic communication to USDOL official, September 10, 2002.

⁹⁶⁷ Though the project focuses primarily on awareness raising, institutional capacity building, and international and national coordination, this project will target 150 girls in Limon, 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.

⁹⁶⁸ 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. See U.S. Embassy- San José, *unclassified telegram no. 1586*, June 2000. See also U.S. Embassy- San José, *unclassified telegram no. 0515*, February 1998.

National Commission Against the Commercial Exploitation of Minors and Adolescents.⁹⁶⁹ The commercial sexual exploitation of children is 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.⁹⁷⁰

In September 2000, the government established the “National Agenda for Children and Adolescents, 2000-2010,” in which 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 2010.⁹⁷¹ Since implementation of the agenda began, the government has created promotional materials on the problem of child labor; provided awareness training to over 1,450 government officials, college students, and private sector employees in the banana industry; and educated 4,000 youths on worker rights. All labor inspectors are reportedly trained in child labor enforcement and the prevention of child exploitation.⁹⁷²

In the area of education, the government is promoting children’s access to primary school through on-going publicity campaigns sponsored by the Ministries of Labor and Public Education and has increased its education budget by 22 percent in the last five years in an effort to help more children complete secondary school.⁹⁷³ The government is also working with the World Bank on a USD 23 million project designed to improve basic education in grades one through nine, particularly in disadvantaged rural and marginal urban areas, through revised curriculum; production and distribution of textbooks; creation of teaching manuals and educational materials; teacher and school administrator training; and pilot computer use in classrooms.⁹⁷⁴ Costa Rica is also involved in an IDB program aimed at improving pre-school and lower-secondary education.⁹⁷⁵

⁹⁶⁹ U.S. Embassy- San José, *unclassified telegram no. 1586*. 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*, Embassy of Costa Rica, Washington, D.C., 2002.

⁹⁷⁰ ILO-IPEC, *Explotación Sexual Comercial de Personas Menores de Edad en Costa Rica*, San José, May 2002, 35.

⁹⁷¹ Government of Costa Rica, *Agenda Nacional para la Niñez y la Adolescencia: Metas y Compromisos, 2000-2010*, U.S. Embassy, San José, September 2000, 11, 21.

⁹⁷² Government of Costa Rica, *Informe de Avance de las Acciones Realizadas en Materia de Niñez y Adolescencia*, Embassy of Costa Rica, Washington, D.C., 2001.

⁹⁷³ U.S. Embassy- San José, *unclassified telegram no. 1586*.

⁹⁷⁴ The project is helping to revise the curriculum, produce and distribute textbooks, create teaching manuals and educational materials, deliver training for teachers and school administrators, and pilot computer use in classrooms. See World Bank, *Projects, Policies and Strategies: Basic Education Rehabilitation Project*, [online] December 2, 2002 [cited August 23, 2002]; available from <http://www4.worldbank.org/projects/Project.asp?pid=P006938>. See also World Bank, *Countries: Costa Rica*, [online] [cited July 27, 2000]; available from <http://www.worldbank.org/html/extdr/offrep/lac/cr2.htm>.

⁹⁷⁵ Inter-American Development Bank, *Approved Projects - Education*, [online] November 8, 2002 [cited August 23, 2002]; available from <http://www.iadb.org/exr/doc98/apr/apeduc.htm>.

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 4.1 percent of children ages 10 to 14 years in Costa Rica were working.⁹⁷⁶ In rural areas, children work in agriculture and cattle-raising, primarily on family-owned farms. Costa Rican children traditionally help harvest coffee beans and sugarcane, although this work is increasingly done by Nicaraguan immigrants.⁹⁷⁷ 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. Children also bag groceries at supermarkets, sell goods on streets or highways, and watch over parked vehicles.⁹⁷⁸ The prostitution of children is a problem in Costa Rica,⁹⁷⁹ and is often associated with the country's sex tourism industry.⁹⁸⁰ Costa Rica is a transit and destination point for children trafficked for sexual exploitation purposes.⁹⁸¹ Most trafficking victims originate from Bulgaria, Colombia, the Dominican Republic, Nicaragua, Russia, Panama, and the Philippines; however, other trafficked persons have come from Africa and Asia.⁹⁸²

Education is compulsory and free for six years at the primary level and three years at the secondary level.⁹⁸³ In 1998, the gross primary enrollment rate was 108.5 percent and the net primary enrollment rate was 93.1 percent.⁹⁸⁴ Primary school attendance rates are unavailable for Costa Rica. While enrollment rates indicate a level of commitment to education, they do not always

⁹⁷⁶According to the ILO, 18,000 children ages 10 to 14 were working. ILO, *Yearbook of Labor Statistics 2001* (Geneva: 2001). See also World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

⁹⁷⁷ U.S. Embassy- San José, *unclassified telegram no. 0515*.

⁹⁷⁸ Ibid. See also National Institute of Children (PANI), *El Trabajo Infante Juvenil en Costa Rica y Su Relación Con La Educación: Analysis de los Resultados de la Encuesta de Hogares de Propositus Múltiples 1994 Sobre Actividades de los Menores de Edad*, San José, June 1995, 23-24. These sources are the most current because no survey has been carried out in the past 4-5 years.

⁹⁷⁹ According to the National Institute of Children (PANI), street children in San José, Limon and Puntarenas are at the greatest risk of entering prostitution. See U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Costa Rica*, Washington, D.C., March 4, 2002, 2733-35, Section 5 [cited July 27, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8329.htm>.

⁹⁸⁰ Maria Cecilia Claramunt, *Sexual Exploitation in Costa Rica: Analysis of the critical path to prostitution for boys, girls, and adolescents*, UNICEF, 1999, 29.

⁹⁸¹ U.S. Department of State, *Trafficking in Persons Report- 2002: Costa Rica*, Washington, D.C., June 5, 2002, 41 [cited December 26, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>. See also U.S. Department of State, *Country Reports- 2001: Costa Rica*, 2735-38, Sections 6c and 6f.

⁹⁸² U.S. Department of State, *Trafficking in Persons Report: Costa Rica*, 41.

⁹⁸³ A tradition of free schooling dates back to 1869. See Infocostarica staff, *Education in Costa Rica*, infoCOSTA RICA.com, [online] August 13, 2002 [cited August 23, 2002]; available from <http://www.infocostarica.com/education/education.html>. See also U.S. Department of State, *Country Reports- 2001: Costa Rica*, 2733-35, Section 5.

⁹⁸⁴ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

reflect children's participation in school.⁹⁸⁵ The proportion of drop-outs is higher in rural areas (16 percent) than in urban areas (7.5 percent).⁹⁸⁶

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.⁹⁸⁷ 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 there they are required to work with dangerous equipment, contaminated substances or excessive noise.⁹⁸⁸ Under the Children and Adolescent's Code, children are also not allowed to work at night or more than 6 hours a day or 36 hours a week.⁹⁸⁹ The Constitution provides working women and children with special protection.⁹⁹⁰

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.⁹⁹¹ The Penal Code provides a prison sentence of between 4 and 10 years if the victim of prostitution is under the age of 18.⁹⁹² The Penal Code also prohibits the entry or exit/departure of women and minors in and out of the country for prostitution, which carries a 5 to 10 year prison sentence, if convicted.⁹⁹³

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 addressing cases of child sexual exploitation.⁹⁹⁴ The Ministry of Labor houses the Office of

⁹⁸⁵ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁹⁸⁶ 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. See also Rodolfo Pisoni, *Informe Sobre el Trabajo Infantil y Adolescente en Costa Rica*, PANI, April 1999, 59.

⁹⁸⁷ 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 Jamie Daremblum, Ambassador, Embassy of Costa Rica, letter to USDOL official, October 23, 2001. See also Government of Costa Rica, *Código de la Niñez y la Adolescencia*, 1997, Article 78. See also Government of Costa Rica, *Código de Trabajo*.

⁹⁸⁸ *Código de Trabajo*, Article 94. See also Daremblum, letter, October 23, 2001.

⁹⁸⁹ *Código de la Niñez y la Adolescencia*, 1997, Article 95.

⁹⁹⁰ *Constitución Política de la República de Costa Rica*, 1949, Article 71 [cited August 23, 2002]; available from <http://www.georgetown.edu/pdba/Constitutions/Costa/costa2.html>.

⁹⁹¹ U.S. Embassy- San José, *unclassified telegram no. 1977*, August 2000.

⁹⁹² This provision is found in Article 170 of the Penal Code. See *Ibid*.

⁹⁹³ 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 August 23, 2002]; available from <http://www.interpol.int/public/Children/SexualAbuse/NationalLaws/csaCostaRica.asp>.

⁹⁹⁴ 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, October 23, 2001, 3.

Eradication of Child Labor and Protection of Adolescent Laborers, 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.⁹⁹⁵ Child labor 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.⁹⁹⁶ Due to limited resources, child labor regulations are not always enforced outside the formal economy.⁹⁹⁷ The government effectively enforces its law against forced labor⁹⁹⁸ and has been enforcing its prohibitions against the sexual exploitation of minors by raiding brothels and arresting pedophiles.⁹⁹⁹

The Government of Costa Rica ratified ILO Convention 138 on June 11, 1976, and ILO Convention 182 on September 10, 2001.¹⁰⁰⁰

⁹⁹⁵ 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 May 6, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipepec/boletin/numero4/paraeldialogotres.html>.

⁹⁹⁶ Daremblum, letter, October 23, 2001.

⁹⁹⁷ U.S. Department of State, *Country Reports- 2001: Costa Rica*, 2735-38, Section 6d.

⁹⁹⁸ *Ibid.*

⁹⁹⁹ U.S. Embassy- San José, *unclassified telegram no. 2082*, August 2001. See also Casa Alianza, *Police Raid Reveals More Child Prostitution in Costa Rica*, [online] March 17, 2000 [cited August 9, 2001]; available from <http://www.casa-alianza.org/EN/Imn/docs/20000317.00389.htm>.

¹⁰⁰⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited December 3, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.