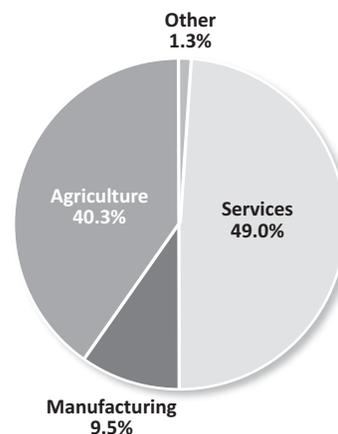
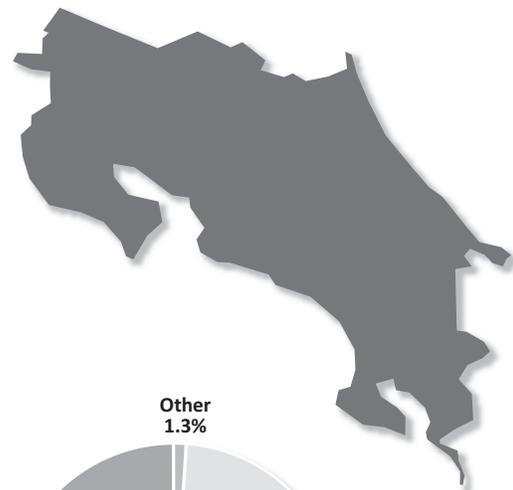


Costa Rica

During 2010, the Government of Costa Rica amended its Childhood and Adolescence Code to better protect adolescents from abuse in domestic service. The Government also continued to implement a cash transfer program conditioned on school attendance as well as education programs for children involved in or at risk of entering the worst forms of child labor. However, the worst forms of child labor in agriculture and the commercial sexual exploitation of children continue to exist. 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	12-14 yrs.	3.1



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Costa Rica,¹⁵⁴² including in agriculture and commercial sexual exploitation.¹⁵⁴³ Some reports indicate that the worst forms of child labor are used in the production of bananas, melons, oranges, palm oil, sugarcane and tomatoes.¹⁵⁴⁴ Children, particularly indigenous children who migrate with their families from Panama, work in coffee plantations during harvest seasons.¹⁵⁴⁵ Such work frequently involves using potentially dangerous machinery and tools, applying harmful pesticides and carrying heavy loads. Children also work in potentially dangerous construction activities and in street vending. Children working on the streets may be exposed to many dangers, including severe weather, vehicle accidents and criminal elements.¹⁵⁴⁶ Children are also found in domestic service. These children are vulnerable to physical and sexual abuse.¹⁵⁴⁷

According to the Government's National Commission against Commercial Sexual Exploitation of Children, children in Costa Rica are victims of commercial sexual exploitation, including child sex tourism and child pornography. Child sex tourism is particularly a problem in the provinces of Guanacaste, Limon, Puntarenas and San Jose, as well as in border towns and port areas.¹⁵⁴⁸ 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 in agriculture, fishing and domestic service.¹⁵⁴⁹ Attendance rates at secondary schools have been reported to be low, which may contribute to child labor.¹⁵⁵⁰

Laws and Regulations on the Worst Forms of Child Labor

The Childhood and Adolescence Code and Labor Code both contain provisions on child labor.

While the Childhood and Adolescence Code sets the minimum age for employment at 15, the Labor Code establishes 12 as the minimum age.¹⁵⁵¹ The Government has indicated that the Childhood and Adolescence Code has precedence over the Labor Code regarding children's issues and that the minimum age of 15 is the age enforced by labor authorities. Nonetheless, ILO has recommended that the minimum age provisions in the Labor Code should be consistent with those of the Childhood and Adolescence Code.¹⁵⁵² Education is free and compulsory through age 15.¹⁵⁵³

The Labor Code prohibits children younger than age 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 and places where alcohol is sold. The Childhood and Adolescence Code identifies additional hazardous types of work prohibited for children younger than age 18, including work with machines, toxic substances and loud noises.¹⁵⁵⁴ A comprehensive list of hazardous occupations was approved in December 2010 and went into effect in May 2011, prohibiting children from hazardous or unhealthy occupations, such as working with chemicals or at sea.¹⁵⁵⁵ In June 2010, an amendment to the Childhood and Adolescence Code was enacted to better protect adolescents from abuse in domestic service. In particular, the amendment prohibits adolescents from sleeping in a place of employment and authorizes the inspection of the locations where adolescent domestic workers are employed, including private homes.¹⁵⁵⁶

The Constitution prohibits slave labor.¹⁵⁵⁷ The Penal Code sets the minimum age for prostitution at 18 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.¹⁵⁵⁸ Costa Rica's Penal Code prohibits all forms of trafficking and provides for increased penalties for the trafficking of children.¹⁵⁵⁹

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.¹⁵⁶⁰ 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 employs nine child labor specialists, provides technical assistance to Government ministries and designs social programs to combat child labor.¹⁵⁶¹ The National Commission against Human Trafficking is headed by the Ministry of Public Security and is composed of Government agencies and civil society organizations. It coordinates national training and policy efforts to combat trafficking in persons.¹⁵⁶²

The Ministry of Labor is responsible for investigating child labor violations, including hazardous and forced child labor, and enforcing child labor law. The Ministry currently employs 100 labor inspectors who have been trained in child labor issues and who investigate all types of labor violations, including those involving child labor.¹⁵⁶³ The number of labor inspectors decreased from 120 in 2009, which is likely to reduce the number of labor inspections conducted. However, research found no information on the total number of inspections conducted in the reporting period.¹⁵⁶⁴ Members of the public can register child labor complaints through the Ministry of Labor's website, and OATIA must investigate within 10 days of the complaint.¹⁵⁶⁵ From January to mid-November 2010, OATIA investigated and assisted 237 minors who were working primarily in agriculture, construction, domestic service and street vending.¹⁵⁶⁶ However, research found no information on the enforcement actions taken in cases in which hazardous child labor was found.¹⁵⁶⁷

The Sexual Crimes and Domestic Violence Unit of the prosecutor's office and the Judicial

Police (*Organismo de Investigación Judicial*, OIJ) investigate and prosecute crimes involving the commercial sexual exploitation of children. The Sex Crimes and Domestic Violence Unit pursued 11 cases of the worst forms of child labor (the types of crimes were not available) that resulted in four convictions.¹⁵⁶⁸ Three of those convictions resulted in the imprisonment of the offender.¹⁵⁶⁹ During the reporting period, OIJ investigators and prosecutors received anti-trafficking training on investigation and prosecution techniques.¹⁵⁷⁰

The public can report both commercial sexual exploitation and trafficking of children through the national emergency hotline.¹⁵⁷¹ The National Child Welfare Agency (*Patronato Nacional de la Infancia*, PANI) is responsible for preventing the commercial sexual exploitation of children and providing assistance to victims.¹⁵⁷² During the first six months of 2010, PANI assisted with 66 cases of commercial sexual exploitation of children.¹⁵⁷³

Government Policies on the Worst Forms of Child Labor

The Government continued to implement the National Action Plan for the Prevention and Eradication of Child Labor and Special Protection of Adolescent Workers.¹⁵⁷⁴

The Government also has 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 government priorities, including the elimination of poverty and the improvement of education, health and legal frameworks, as well as awareness raising, knowledge generation and monitoring campaigns.¹⁵⁷⁵ An Inter-institutional Protocol requires the Ministry of Labor, Ministry of Education, Social Welfare Institute, National Training Institute and their regional and local agencies to coordinate together and with the private sector to provide services to child laborers and children at risk.¹⁵⁷⁶

The Government has also adopted policies specifically aimed at combating child trafficking and the 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 aimed 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.¹⁵⁷⁷ An ILO-IPEC review of the plan indicated that victim assistance still needed improvement.¹⁵⁷⁸ The Government has 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 committed to a Code of Conduct against child sex tourism.¹⁵⁷⁹

The Government of Costa Rica has signed the UN Development Assistance Framework to reach its development objectives, which include strengthening public policies to combat child labor and its worst forms.¹⁵⁸⁰ The National Plan for Development incorporated child labor issues into its education strategy and within its poverty reduction strategies.¹⁵⁸¹

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

During the reporting period, the Government continued to implement the national conditional cash transfer program, "Let's Get Ahead" (*Avancemos*), which encourages low-income families to keep their children in school and out of exploitative work.¹⁵⁸² The *Avancemos* program is implemented by the Social Welfare Institute (*Instituto Mixto de Ayuda Social*) on the regional level.¹⁵⁸³ As of October 2010, the program had enrolled more than 185,000 beneficiaries, which was an increase from the previous year's 165,000 beneficiaries.¹⁵⁸⁴ Funding for the program in 2010 was approximately \$81 million.¹⁵⁸⁵

The Ministry of Education continued to implement programs that assist in the education of working adolescents. The “Open Classroom” (*Aula Abierta*) program has assisted over 5,000 adolescent students with primary school studies and the “New Opportunities for Youth” (*Nuevas Oportunidades para Jovenes*) program has provided over 23,000 secondary school students with tutoring twice a week.¹⁵⁸⁶

OATIA implements projects throughout the country aimed at eliminating child labor by improving living and working conditions among indigenous and migrant groups involved in agriculture, as well as providing educational services to working and at-risk children and adolescents.¹⁵⁸⁷ OATIA supported projects to prevent child labor and protect adolescent workers in some urban markets.¹⁵⁸⁸ However, the number

of OATIA personnel dedicated to overseeing these initiatives declined from 12 to 9 between 2005 and 2010.¹⁵⁸⁹

The Government also operates some programs specifically targeted against trafficking and the commercial sexual exploitation of children. For example, the Government supports public awareness campaigns aimed at fighting trafficking in persons.¹⁵⁹⁰ In addition, CONACOES, in conjunction with NGOs, has implemented pilot projects in 6 communities to prevent and assist child victims of commercial sexual exploitation.¹⁵⁹¹

Although the Government of Costa Rica has implemented programs to address child labor and trafficking, efforts do not appear to be sufficient to address the extent of the worst forms of child labor in urban informal work and child sex tourism.¹⁵⁹²

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:

- Increase the minimum age provisions in the Labor Code from 12 to 15, ensuring consistency with provisions in the Child and Adolescence Code.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of labor inspectors at least to the level prior to 2010.
- 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 POLICIES:

- Pursue policies to improve assistance to child victims of commercial sexual exploitation.

IN THE AREA OF PROGRAMS:

- Expand programs to reach more child laborers and children at risk of urban informal work and commercial sexual exploitation.
- Make improvements in secondary education to increase attendance and deter child labor.
- 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.

¹⁵⁴² 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, 2005-2011*. 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.

¹⁵⁴³ 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/ipecc/documentos/panama.pdf>. See also 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>.

¹⁵⁴⁴ U.S. Embassy- San Jose, reporting, February 1, 2010. See also ILO-IPEC, *Trabajo Infantil y Pueblos Indigenas*, 68. See also Fabiola Bernal Acevedo and Adriana Figueroa Gómez, *Serie Investigaciones Aplicados: El Trabajo infantil: Sus causas y efectos en comunidades de Nicaragua y Costa Rica*, 2006, 28-29.

¹⁵⁴⁵ ILO-IPEC, *Trabajo Infantil y Pueblos Indigenas*, 68. See also Rocío Loría Bolaños, *Los entrecruces del origen y el destino en la subordinación de la mujer ngobe migrante*, Universidad de Costa Rica, San José, October 15, 2010. See also Timo Partanen Rocío Loría Bolaños, Milena Berrocal, Benjamín Álvarez, and Leonel Córdoba, "Determinants of Health in Seasonal Migrants: Coffee Harvesters in Los Santos, Costa Rica," *International Journal of Occupational and Environmental Health* 14, no. 2 (2008); available from <http://www.ijoh.com/index.php/ijoh/article/view/659>. See also Fabiola Bernal Acevedo and Adriana Figueroa Gómez, *Serie Investigaciones Aplicados: El Trabajo infantil: Sus causas y efectos en comunidades de Nicaragua y Costa Rica*, 29.

¹⁵⁴⁶ ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Costa Rica (ratification: 1976) Published: 2008*, February 28, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also U.S. Embassy- San Jose, reporting, December 10, 2010.

¹⁵⁴⁷ U.S. Embassy- San Jose, reporting, December 10, 2010.

¹⁵⁴⁸ Government of Costa Rica, *Plan Nacional para la Erradicación de la Explotación Sexual Comercial de Niños, Niñas, y Adolescentes 2008-2010*, 2007, 6-8, 18; available from http://white.oit.org.pe/ipecc/documentos/plan_nac_

[esc_costa_rica.pdf](#). See also USAID, *Child Sex Tourism Assessment*, 2006, 12. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Costa Rica (ratification: 2001) Submitted: 2009*, February 28, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

¹⁵⁴⁹ U.S. Department of State, "Trafficking in Persons Report- 2010: Costa Rica." 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>.

¹⁵⁵⁰ ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Costa Rica (ratification: 1976) Published: 2009*, February 28, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

¹⁵⁵¹ 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>

¹⁵⁵² Government of Costa Rica, *Código de la Niñez y la Adolescencia*, article 92 and transitorio VI. See also Government of Costa Rica, *Código de Trabajo*, article 89. See also ILO Committee of Experts, *Individual Observation No. 138: Costa Rica (Published: 2009)*. See also U.S. Embassy- San José official, E-mail communication to USDOL official, July 5, 2011.

¹⁵⁵³ UNESCO Institute for Statistics, *Net Enrolment Rate. Primary. Total*, accessed February 28, 2011; available from <http://stats.uis.unesco.org/>.

¹⁵⁵⁴ Government of Costa Rica, *Código de la Niñez y la Adolescencia*, article 94. See also Government of Costa Rica, *Código de Trabajo*, article 88.

¹⁵⁵⁵ PROHIBICIÓN DEL TRABAJO PELIGROSO E INSALUBRE PARA PERSONAS ADOLESCENTES TRABAJADORAS (May 26,); available from <http://sise.co.cr/normativa/17-931.htm>. See also La Nación, «Breves País: Protección laboral a los menores,» (2010); available from <http://www.nacion.com/2010-12-21/ElPais/NotasSecundarias/ElPais2628551.aspx>. See also «Over 100,000 Children Work in Costa Rica,» *Insidecostarica* (2011); available from <http://www.insidecostarica.com/dailynews/2011/june/26/costarica11062607.htm>. See also U.S. Embassy- San José official.

¹⁵⁵⁶ *Reforma Código de la Niñez y la Adolescencia, Ley N° 7739, de 6 de enero de 1998*, (June 28, 2010); available from http://www.pgr.go.cr/scij/Busqueda/Normativa/Normas/nrm_repartidor.asp?param1=NRTC&nValor1=1&nValor2=68461&nValor3=81710&strTipM=TC. See also U.S. Embassy- San Jose, reporting, December 10, 2010.

- ¹⁵⁵⁷ Government of Costa Rica, *Constitución Política*, (1949), articles 20 and 56; available from <http://www.cesdepu.com/nbdp/copol2.htm>.
- ¹⁵⁵⁸ 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>.
- ¹⁵⁵⁹ *Ibid.*, article 172.
- ¹⁵⁶⁰ Esmirna Sánchez Vargas, *La Oficina de Trabajo Infantil y Adolescente en Costa Rica*, [May 26, 2010]; available from <http://white.oit.org.pe/ipec/alcencuentros/interior.php?notCodigo=813>. See also U.S. Embassy- San Jose, reporting, December 10, 2010.
- ¹⁵⁶¹ Sánchez Vargas, *La Oficina de Trabajo Infantil y Adolescente en Costa Rica*.
- ¹⁵⁶² U.S. Department of State, “Country Reports- 2009: Costa Rica,” section 6.
- ¹⁵⁶³ U.S. Embassy- San Jose, reporting, December 10, 2010. See also 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.
- ¹⁵⁶⁴ U.S. Embassy- San Jose, reporting, December 10, 2010. See also U.S. Embassy- San Jose, reporting, February 1, 2010.
- ¹⁵⁶⁵ U.S. Embassy- San Jose, reporting, December 10, 2010. See also U.S. Embassy- San Jose, reporting, February 1, 2010.
- ¹⁵⁶⁶ U.S. Embassy- San Jose, reporting, December 10, 2010.
- ¹⁵⁶⁷ *Ibid.* See also U.S. Embassy- San Jose official, E-mail communication to USDOL official, September 23, 2010. See also U.S. Embassy- San Jose, reporting, December 10, 2010.
- ¹⁵⁶⁸ U.S. Embassy- San Jose, reporting, December 10, 2010.
- ¹⁵⁶⁹ *Ibid.*
- ¹⁵⁷⁰ *Ibid.*
- ¹⁵⁷¹ U.S. Embassy- San Jose, reporting, February 1, 2010.
- ¹⁵⁷² U.S. Department of State, “Country Reports- 2009: Costa Rica,” section 6.
- ¹⁵⁷³ U.S. Embassy- San Jose, reporting, December 10, 2010.
- ¹⁵⁷⁴ 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/ipec/documentos/ii_plan_nacional_costa_rica_reformulado_2008_2010.pdf.
- ¹⁵⁷⁵ 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/ipec/pagina.php?pagina=337>.
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- ¹⁵⁷⁷ Government of Costa Rica, *Plan Nacional para la Erradicación de la Explotación Sexual Comercial de Niños, Niñas, y Adolescentes 2008-2010*.
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- ¹⁵⁸² U.S. Embassy- San Jose, reporting, December 10, 2010. See also U.S. Embassy- San Jose, reporting, January 29, 2009. See also Government of Costa Rica, *Programa Avancemos*, [[cited June 24, 2011]; available from http://www.imas.go.cr/prog_soc/beneficios_ind/ps-avancemos.html.
- ¹⁵⁸³ U.S. Embassy- San Jose, reporting, December 10, 2010. See also Government of Costa Rica, *Programa Avancemos*.
- ¹⁵⁸⁴ U.S. Embassy- San Jose, reporting, December 10, 2010. See also U.S. Embassy- San Jose, reporting, February 1, 2010. See also Government of Costa Rica, *Programa Avancemos*.
- ¹⁵⁸⁵ U.S. Embassy- San Jose, reporting, December 10, 2010. See also Government of Costa Rica, *Programa Avancemos*.
- ¹⁵⁸⁶ U.S. Embassy- San Jose, reporting, December 10, 2010.
- ¹⁵⁸⁷ *Ibid.* See also 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.
- ¹⁵⁸⁸ U.S. Embassy- San Jose, reporting, December 10, 2010.
- ¹⁵⁸⁹ *Ibid.* See also U.S. Embassy- San Jose, reporting, February 1, 2010. See also ILO, *Verification Report on the Implementation of the White Paper Recommendations*, 19.
- ¹⁵⁹⁰ U.S. Embassy- San Jose, reporting, February 1, 2010.
- ¹⁵⁹¹ U.S. Department of State, “Country Reports- 2009: Costa Rica.”
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