

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 1996.⁶⁴⁹ In 1998, Costa Rica began participating in a two-year USDOL-funded ILO-IPEC project to combat child prostitution in San Jose.⁶⁵⁰ Currently, Costa Rica is participating in ILO-IPEC projects to collect child labor statistics and combat child labor in the coffee sector (in Turrialba and Guanacaste), in the fishing sector (in the Gulf of Nicoya) and in agricultural markets (in Cartago).⁶⁵¹

In 1990, 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 (formerly the National Directive Committee Against Child Labor).⁶⁵² The Committee has 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 National Commission Against the Commercial Exploitation of Minors and Adolescents.⁶⁵³

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 retain 100 percent of children in basic education by the year 2010.⁶⁵⁴ Since implementation of the agenda began in 2000, 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.⁶⁵⁵

⁶⁴⁹ The ILO-IPEC Regional Office is located in San Jose, Costa Rica. See ILO-IPEC, *All About IPEC: Programme Countries*, at http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁶⁵⁰ ILO, *Combating Child Prostitution in Costa Rica*, project document, 1998 [on file].

⁶⁵¹ U.S. Embassy—San Jose, unclassified telegram no. 1586, June 2000 [hereinafter unclassified telegram 1586]. See also the following ILO project documents: *Statistical Information and Monitoring Programme on Child Labor*, September 1999 [on file], and *Prevention and Progressive Elimination of Child Labor in the Coffee Sector in Costa Rica*, 1999 [on file].

⁶⁵² Unclassified telegram 1586.

⁶⁵³ Ibid.

⁶⁵⁴ “Agenda Nacional para la Niñez y la Adolescencia: Metas y Compromisos, 2000-2001,” Septiembre 2000, pg. 21.

⁶⁵⁵ *Informe de Avance de la Acciones Realizadas en Materia de Niñez y Adolescencia*, submitted as an attachment to Ambassador Jaime Daremblum, Embassy of Costa Rica, letter to USDOL official, October 23, 2001 [hereinafter Ambassador Daremblum letter].

In the area of education, the government is promoting children's access to primary school through ongoing publicity campaigns sponsored by the Ministries of Labor and Public Education and has increased its education budget 22 percent in the last five years in an effort to help more children complete secondary school.⁶⁵⁶ 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.⁶⁵⁷

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 4.4 percent of children between the ages of 10 and 14 in Costa Rica were working.⁶⁵⁸ In rural areas, children work in agriculture and cattle raising, primarily on family-owned farms. Children traditionally help harvest coffee beans and sugarcane.⁶⁵⁹ In urban areas, 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.⁶⁶⁰ The prostitution of children is a growing problem in Costa Rica,⁶⁶¹ and is often associated with the country's sex tourism industry.⁶⁶²

Education is compulsory and free for 6 years at the primary level and 3 years at the secondary level.⁶⁶³ In 1998, the gross primary enrollment rate was 108.5 percent and the net primary enrollment rate was 93.1 percent.⁶⁶⁴ Primary school attendance rates are unavailable for Costa Rica. While enrollment rates indicate a level of commitment to education, they do not

⁶⁵⁶ Unclassified telegram 1586.

⁶⁵⁷ 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 "Countries: Costa Rica," The World Bank Group, at <http://www.worldbank.org/html.extdr/offrep/lac/cr2.htm>.

⁶⁵⁸ ILO, *Yearbook of Labor Statistics 2000* (Geneva, 2000).

⁶⁵⁹ U.S. Embassy—San Jose, unclassified telegram no. 515, February 1998 [hereinafter unclassified telegram 515].

⁶⁶⁰ Ibid. See also "El Trabajo Infantil Juvenil en Costa Rica y Su Relación Con La Educación: Analysis de los Resultados de la Encuesta de Hogares de Propósitos Múltiples 1994 Sobre Actividades de los Menores de Edad" (PANI, Costa Rica), 23, 24 [on file].

⁶⁶¹ According to the National Board for Children (PANI), street children in San Jose, Limon, and Puntarenas are at the greatest risk of entering prostitution. See *Country Reports on Human Rights Practices for 2000—Costa Rica* (Washington, D.C.: U.S. State Department, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/746.htm>.

⁶⁶² UNICEF, *Sexual Exploitation in Costa Rica: Analysis of the critical path to prostitution for boys, girls, and adolescents*, 29.

⁶⁶³ A tradition of free schooling dates back to 1869. See "Education in Costa Rica" at <http://www.infocostarica.com/education/education.html> [on file]. See also *Country Reports 2000* at Section 5.

⁶⁶⁴ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

always reflect children's participation in school.⁶⁶⁵ The proportion of dropouts is higher in rural areas than in urban areas.⁶⁶⁶

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.⁶⁶⁷ Article 94 of 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.⁶⁶⁸ Under Article 95 of 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.⁶⁶⁹ Article 71 of the Constitution provides working women and children with special protection.⁶⁷⁰

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.⁶⁷¹ Article 170 of the Penal Code provides a prison sentence of between 4 and 10 years if the victim of prostitution is under the age of 18.⁶⁷² Costa Rican law also prohibits the trafficking of women and minors in and out of the country for prostitution.⁶⁷³

The Ministry of Labor and Social Security is responsible for detecting and investigating labor violations, while the National Board for Children and the judiciary are responsible for

⁶⁶⁵ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

⁶⁶⁶ "UNICEF Señala Debilidades en Lucha Contra Deserción: Niños Esperan Mejor Educación," September 20, 2001, at http://www.nacion.com/In_ee/2000/septiembre/20/pais8html. See also "Informe Sobre el Trabajo Infantil y Adolescente en Costa Rica: Actividad Doméstica Infantil y Adolescente," PANI (no publication date) [document on file].

⁶⁶⁷ In 1998, Costa Rica passed the Children and Adolescent's Code, which amended Articles 88 and 89 of the Labor Code to increase the minimum age for work to 15. See Ambassador Daremblum letter. See also *Código de la Niñez y la Adolescencia*, 1997 (Geneva: UNICEF, 1998) [hereinafter *Código de la Niñez*], and *Código de Trabajo* (Investigaciones Jurídicas S.A., San Jose, 1999) [hereinafter *Código de Trabajo*] [document on file].

⁶⁶⁸ *Código de Trabajo*. See also Ambassador Daremblum letter.

⁶⁶⁹ *Código de la Niñez*.

⁶⁷⁰ *Constitución Política de la República de Costa Rica*, 1949, at .
<http://www.georgetown.edu/pub/Constitutions/Costa/costa2.html>.

⁶⁷¹ U.S. Embassy--San Jose, unclassified telegram no. 1977, August 2000.

⁶⁷² *Ibid.*

⁶⁷³ Interpol, "Sexual Offenses Laws: Costa Rica," at <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/scaCostaRica.asp> on 11/19/01.

addressing cases of child sexual exploitation.⁶⁷⁴ There are approximately 130 labor inspectors in Costa Rica.⁶⁷⁵ Child labor investigations can be initiated after an inspection, or in response to complaints filed by governmental or non-governmental organizations, or members of civil society, including children and adolescents who are subject to exploitation.⁶⁷⁶ Due to limited resources, child labor regulations are not always enforced outside the formal economy.⁶⁷⁷ The government effectively enforces its law against forced labor⁶⁷⁸ and has been enforcing its prohibitions against the sexual exploitation of minors by raiding brothels and arresting pedophiles.⁶⁷⁹

Costa Rica ratified ILO Convention 138 on June 11, 1976, and ILO Convention 182 on September 10, 2001.⁶⁸⁰

⁶⁷⁴ The Ministry of Labor carries out these responsibilities through its Bureau for the Attention and Eradication of Child Work and Protection of Adolescents, and through the Office of Labor Inspection. Ambassador Daremblum letter, 3.

⁶⁷⁵ Minister of Labor of Costa Rica, interview by USDOL official, August 11, 2000.

⁶⁷⁶ Ambassador Daremblum letter.

⁶⁷⁷ *Country Reports 2000* at Section 6d.

⁶⁷⁸ *Ibid.*

⁶⁷⁹ U.S. Embassy—San Jose, unclassified telegram no. 968, August 2001. *See also* “Police Raid Reveals More Child Prostitution in Costa Rica” at <http://www.casa-alianza.org/EN/lmn/docs/20000317.00389.htm> [on file].

⁶⁸⁰ ILO, Ratifications of ILO Fundamental Conventions, at <http://www.iloles.ilo.ch:1567/English/>.

NOTE: Hard copies of all Web citations are on file.