

Costa Rica

Incidence and Nature of Child Labor

An estimated 5.9 percent of children ages 5 to 14 years were counted as working in Costa Rica in 2002. Approximately 8.3 percent of all boys ages 5 to 14 years were working compared to 3.2 percent of girls in the same age group. The majority of working children were found in the agricultural sector (57.0 percent), followed by services (30.9 percent), manufacturing (7.8 percent), and other sectors (4.8 percent).¹²⁶² The rate of work is higher in rural than in urban areas, with 9.6 percent of children ages 5 to 14 years working in rural areas, compared to 2.7 percent in urban areas.¹²⁶³ Children ages 5 to 14 also work in trade and repair of vehicle and appliances (19.5 percent), manufacturing (7.3 percent), hotels and restaurants (4.9 percent), construction (4.8 percent), and domestic service (2.8 percent).¹²⁶⁴ Among working males ages 5 to 17 years, agricultural (46.9 percent) and trade and repair work (21.4 percent) are followed by manufacturing (9.7 percent) and construction (9.6 percent). Among working females ages 5 to 17, agricultural (34.4 percent) and trade and repair work (22.6 percent) are followed by domestic work in third-party households (19.6 percent) and employment in hotels and restaurants (10.7 percent).¹²⁶⁵ Child labor is one of many problems associated with poverty. In 2000, less than 2.0 percent of the population in Costa Rica were living on less than USD 1 a day.¹²⁶⁶

Commercial sexual exploitation of children is a continuing problem in Costa Rica,¹²⁶⁷ and is often associated with the country's sex tourism industry.¹²⁶⁸ Costa Rica is a source, transit and destination country for children trafficked for the purpose of commercial sexual exploitation.¹²⁶⁹ Most trafficking victims originate from Colombia, the Dominican Republic, Nicaragua, Panama, while others come from China, Cuba, Eastern Europe, Ecuador, Peru, the Philippines, and Russia. Cost Rica is also a transit point for individuals trafficked to the United States, Mexico, Canada, Japan, and Europe for commercial sexual exploitation.¹²⁷⁰

¹²⁶² UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. 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, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

¹²⁶³ For adolescents ages 15 to 17 years, work rates are 34.5 percent in rural areas, and 15.3 percent in urban areas. INEC, MTSS, and ILO-IPEC, *National Report on the Results of the Child and Adolescent Labour Survey in Costa Rica*, San José, 2003., 26

¹²⁶⁴ *Ibid.*, 31.

¹²⁶⁵ *Ibid.*, 31.

¹²⁶⁶ World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

¹²⁶⁷ According to the National Institute of Children (PANI), street children in San José, Limón and Puntarenas are at particular risk of entering prostitution. See U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Costa Rica*, Washington, DC, February 28, 2005, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41755.htm>. See also ILO-IPEC, *Explotación Sexual Comercial de Personas Menores de Edad en Costa Rica*, San José, May 2002, 11, 15.

¹²⁶⁸ 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, 9. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46612.htm>.

¹²⁶⁹ U.S. Department of State, *Trafficking in Persons Report*.

¹²⁷⁰ *Ibid.*

Education is compulsory and free for 6 years at the primary level and 3 years at the secondary level, until age 15.¹²⁷¹ In 2002, the gross primary enrollment rate was 108 percent and the net primary enrollment rate was 90.6 percent.¹²⁷² Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2002, 90.1 percent of children ages 5 to 14 years were attending school.¹²⁷³ As of 2001, 92 percent of children enrolled in primary school were likely to reach grade 5.¹²⁷⁴ Schools in areas of high concentrations of immigrants are often over-crowded and have students over the age for their grade level.¹²⁷⁵ In some rural and urban schools, classroom instruction has been split into three 3-hour shifts because of space and personnel limitations.¹²⁷⁶ There are reports that the quality of education suffers because of a lack of pre-school and secondary coverage, a high percentage of unlicensed teachers, infrastructure problems, and outdated curriculum materials.¹²⁷⁷

Child Labor Laws and Enforcement

The Childhood and Adolescence Code sets the minimum age for employment at 15 years.¹²⁷⁸ The 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 or the safety of other minors; and where they are required to work with dangerous equipment, contaminated substances, or excessive noise.¹²⁷⁹ Also, under the Childhood and Adolescence Code, adolescents are not allowed to work at night or more than 6 hours a day or 36 hours a week.¹²⁸⁰ Forced and bonded labor is prohibited under the law.¹²⁸¹ Costa Rica does not have armed forces, and the minimum age for recruitment to the police is 18 years.¹²⁸²

The Government of Costa Rica has several laws that regulate the worst forms of child labor. The Children's Bill of Rights affirms the right of children and adolescents to protection from all forms of exploitation, including prostitution and pornography.¹²⁸³ The Law Against the Sexual Exploitation of

¹²⁷¹ U.S. Department of State, *Country Reports- 2004: Costa Rica*, Section 5.

¹²⁷² UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrollment Ratios, Primary: accessed December 2005). For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

¹²⁷³ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

¹²⁷⁴ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

¹²⁷⁵ Almost 90 percent of immigrants to Costa Rica are from Nicaragua. It is estimated that 250,000 Nicaraguans are permanent residents in Costa Rica and between 60,000 to 100,000 are temporary migrants. See IDB, *Costa Rica: IDB Strategy with Costa Rica 2003-2006*, [online] 2003 [cited June 20, 2005], 3; available from <http://www.iadb.org/EXR/doc98/apr/CRstra03E.pdf>.

¹²⁷⁶ Students with commutes longer than instruction time often opt to drop out. See U.S. Embassy- San José, *reporting*, September 5, 2005.

¹²⁷⁷ UNICEF, *IV Estado de los Derechos de la Niñez y la Adolescencia en Costa Rica*, San Jose, 2004, 33.

¹²⁷⁸ Government of Costa Rica, *Código de la Niñez y la Adolescencia*, 1998, Article 78. See also Government of Costa Rica, *Código de Trabajo*, Articles 88 and 89. Jamie Daremblum, Costa Rican Ambassador to the United States, *Submission to the US Department of Labor in Response to a Request for Information on Efforts to Eliminate the Worst Forms of Child Labor*, Embassy of Costa Rica in the United States, September 6, 2002.

¹²⁷⁹ *Código de la Niñez y la Adolescencia*, 1998, Article 94. See also Ambassador of Costa Rica to the United States Jamie Daremblum, letter to USDOL official, October 23, 2001.

¹²⁸⁰ *Código de la Niñez y la Adolescencia*, 1998, Article 95. See also U.S. Department of State, *Country Reports- 2004: Costa Rica*, Section 6d.

¹²⁸¹ U.S. Department of State, *Country Reports- 2004: Costa Rica*, Section 6c.

¹²⁸² Coalition to Stop the Use of Child Soldiers, "Costa Rica," in *Global Report 2004*; available from http://www.child-soldiers.org/document_get.php?id=821.

¹²⁸³ U.S. Embassy- San José, *reporting*, August 2000.

Underage Persons, establishes penalties for those engaged in the commercial sexual exploitation of children.¹²⁸⁴ The Penal Code provides for a prison sentence of 4 to 10 years if the victim of sexual exploitation is under the age of 18. The Penal Code also provides punishments for trafficking minors into and out of the country for prostitution, ranging from 8 to 10 years of imprisonment.¹²⁸⁵ Costa Rican law prohibits Internet services from exposing children to pornography.¹²⁸⁶ Since 1999, the Government of Costa Rica has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.¹²⁸⁷

The Ministry of Labor and Social Security (MTSS), through the Inspections Directorate, is responsible for investigating and enforcing labor violations.¹²⁸⁸ To address child labor on a local level, a head labor inspector is appointed in each Regional Office of the National Directorate of Labor Inspection.¹²⁸⁹ The Ministry of Labor reports that all labor inspectors are trained to identify and investigate child labor abuses.¹²⁹⁰ However, the U.S. Department of State reports that inspections are restricted by a lack of human and capital resources.¹²⁹¹ Child labor investigations can be initiated after an inspection, or in response to complaints filed by government, NGOs, or civil society (including exploited children and adolescents).¹²⁹² From January to August 2004, the Office of Eradication of Child Labor, an office within the Ministry of Labor principally responsible for drafting and implementing action strategies and education programs, reported that it registered 740 child labor cases in its child labor database, of which 350 were children below the legal employment age of 15 years.¹²⁹³

The government has been enforcing its prohibitions against the sexual exploitation of minors by raiding brothels and arresting clients.¹²⁹⁴ The National Institute of Children (PANI, *Patronato Nacional de la Infancia*), in coordination with the Ministry of Labor and Social Security, carries out investigations aimed at capturing abusers and providing protection to child victims.¹²⁹⁵ PANI and the Judiciary are responsible for addressing non-work-related cases of exploitation of children. The Public Prosecutor for Sexual Offenses is responsible for investigating and indicting cases of sexual exploitation of children.¹²⁹⁶ Although the government has been making efforts to raise awareness on commercial sexual exploitation and trafficking and to improve enforcement, the U.S. Department of State reports that lack of resources has hampered these efforts.¹²⁹⁷

¹²⁸⁴ Ministry of Foreign Trade, Submission to the U.S. Department of Labor of a Report and Comments on Child Labor Issues, official submission to USDOL Official, June 5, 2003, 5.

¹²⁸⁵ These provisions are found in Articles 170 and 172 of the Penal Code. See Interpol, *Legislation of Interpol member states on sexual offences against children: Costa Rica*, [online] [cited June 22, 2005]; available from <http://www.interpol.int/public/Children/SexualAbuse/NationalLaws/csaCostaRica.asp>.

¹²⁸⁶ ILO-IPEC, *Technical Progress Report, "Stop the Exploitation. Contribution to the prevention and elimination of commercial sexual exploitation of children in Central America, Panama and the Dominican Republic"*, Geneva, September 9, 2004, 13.

¹²⁸⁷ ILO-IPEC Geneva official, email communication to USDOL official, November 14, 2005.

¹²⁸⁸ U.S. Embassy- San José, *reporting*, September 5, 2005.

¹²⁸⁹ Ministry of Foreign Trade, Submission to the US Department of Labor of a Report and Comments on Child Labor Issues, 6.

¹²⁹⁰ U.S. Embassy- San José, *reporting*, August 25, 2004.

¹²⁹¹ U.S. Embassy- San José, *reporting*, September 5, 2005.

¹²⁹² Jamie Daremblum, letter to USDOL official, October 23, 2001, 3.

¹²⁹³ U.S. Department of State, *Country Reports- 2004: Costa Rica*, Section 6d.

¹²⁹⁴ *Ibid.*, Section 5.

¹²⁹⁵ Government of Costa Rica, *Submission to the US Department of Labor of a Report and Comments on Sexual Exploitation of Children in Costa Rica*, submitted in response to U.S. Department of Labor Federal Register Notice (July 14, 2004) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Embassy of Costa Rica in the United States, August 23, 2004.

¹²⁹⁶ Jamie Daremblum, letter to USDOL official, October 23, 2001.

¹²⁹⁷ U.S. Department of State, *Country Reports- 2004: Costa Rica*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report*.

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

The Government of Costa Rica's policy framework for children, the "National Agenda for Children and Adolescents, 2000-2010," includes strategies to prevent and eliminate the worst forms of child labor and achieve 100 percent retention of children in basic education by the year 2010.¹²⁹⁸ In addition, the Government of Costa Rica launched its Second National Action Plan for the Prevention and Eradication of Child Labor and Special Protection of Adolescent Workers 2005-2010.¹²⁹⁹ The government supports programs to raise awareness on the plight of street children.¹³⁰⁰ In April 2004, the government and Save the Children-Sweden launched an awareness-raising campaign against trafficking and exploitation at Costa Rica's Juan Santamaria International Airport.¹³⁰¹ The government also has a Master Plan on Children and Adolescents, which includes a chapter on the commercial sexual exploitation of children.¹³⁰² The Commission against the Commercial Sexual Exploitation of Children established a sub-commission to specifically work on legislation and enforcement issues.¹³⁰³

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/11/1976	✓
Ratified Convention 182	9/10/2001	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan		

The Government of Costa Rica is participating in USDOL-funded projects implemented by the ILO-IPEC. These include a USD 3 million regional project to combat child labor in commercial agriculture,¹³⁰⁴ and a USD 8.8 million regional project aimed at combating commercial sexual exploitation of children.¹³⁰⁵ The Government of Costa Rica is also participating in a USD 5.5 million USDOL-funded regional Child Labor Education Initiative Program implemented by CARE, which seeks to strengthen government and civil society's capacity to address the educational needs of working children.¹³⁰⁶ With funding from the Government of Canada, ILO-IPEC has collaborated with the Government of Costa Rica to implement a USD 1 million Timebound Program from 2003 to 2005. The Timebound Program focused on creating an enabling environment at the national level to eliminate the worst forms of child labor, as well as activities to withdraw children from work in the Brunca Region.¹³⁰⁷ The United States is supporting the Costa Rican Supreme Court of Justice with funds to establish an investigative and prosecutorial team mandated to combat commercial sexual exploitation of children.¹³⁰⁸

¹²⁹⁸ Government of Costa Rica, *Agenda Nacional para la Niñez y la Adolescencia: Metas y Compromisos, 2000-2010*, San José, September 2000, 11, 21. The National Agenda includes many issues related to minors, is inter-institutional, and is promoted by the Council for Childhood and Adolescence.

¹²⁹⁹ 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*; available from http://www.oit.org.pe/ipec/documentos/plan_eti_costa_rica.pdf.

¹³⁰⁰ U.S. Department of State, *Country Reports- 2004: Costa Rica*, Section 5.

¹³⁰¹ Government of Costa Rica, *Submission and Comments on Sexual Exploitation of Children in Costa Rica*.

¹³⁰² ILO-IPEC, *Technical Progress Report: Stop the Exploitation. Contribution to the prevention and elimination of commercial sexual exploitation of children in Central America, Panama, and the Dominican Republic*, Geneva, March 6, 2004, 3.

¹³⁰³ *Ibid.*, 2.

¹³⁰⁴ This project is being carried out over a period of three years, spanning Sep 2003 to June 2006. ILO-IPEC, *Prevention and progressive elimination of child labor in agriculture in Central America, Panama and the Dominican Republic (Phase II)*, Project Document, September 30, 2003.

¹³⁰⁵ This project began in Sep 2002 and is scheduled to end in June 2009. See ILO-IPEC, *Stop the Exploitation, project document*, 26-40.

¹³⁰⁶ USDOL, *Combating Child Labor through Education in Central America (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) and the Dominican Republic*, 2004.

¹³⁰⁷ ILO-IPEC, *Combating the Worst Forms of Child Labor in Costa Rica: Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labour in Costa Rica*, Project Document, COS/03/P03/CAN, 2003.

¹³⁰⁸ This 2-year project began in 2004. See U.S. Department of State, *reporting*, March 18, 2004. See also U.S. Embassy- San José, *reporting*, August 25, 2004.

In the area of education, programs have focused on the reintegration of working children into the education system. The Government of Costa Rica has been providing small educational loans to families with children at risk of working.¹³⁰⁹ Costa Rica's Education Plan 2002-2006 includes strategies to provide universal access to pre-school; improve the quality of primary school, especially in disadvantaged communities; increase the coverage and quality of secondary school; and strengthen open and flexible education opportunities for adolescents and adults who combine school and work.¹³¹⁰

¹³⁰⁹ U.S. Department of State, *Country Reports- 2004: Costa Rica*, Section 6d. See also U.S. Embassy- San José, *reporting*, August 25, 2004.

¹³¹⁰ Ministry of Public Education, *Plan Educativo 2002-2006*, [online] 2003 [cited June 21, 2005]; available from <http://www.mep.go.cr/PlanEducativo.html>.