

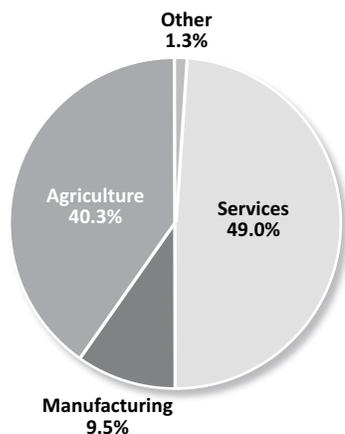
Costa Rica

In 2011, Costa Rica made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government passed legislation strengthening prohibitions against dangerous work and unhealthy work for adolescents. A new executive order established procedures for immigration officials to follow when a minor is found to be traveling alone or is identified as being in a vulnerable situation, which could indicate trafficking. The Government also conducted a survey to measure the prevalence of child labor. Gaps remain in the coverage of social programs assisting child laborers, especially in dangerous activities in agriculture and urban informal work. Children also continue to be involved in agriculture and commercial sexual exploitation.

Statistics on Working Children and Education

Children	Age	Percent
Working	12-14 yrs.	5.7 (15,043)
Attending School	5-14 yrs.	91.2
Combining Work and School	12-14 yrs.	3.1
Primary Completion Rate		96.3

Working Children by Sector, Ages 5-14



Sources:

Primary completion rate: Data from 2010, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis of statistics from HHS Survey, 2004.(2)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Costa Rica, including in agriculture and commercial sexual exploitation.(3-6) There are reports of child labor used in



the production of bananas, melons, oranges, sugarcane and tomatoes; there are also reports of children, particularly indigenous children who migrate with their families from Panama, working in dangerous activities harvesting coffee.(3, 7-11) The specific activities children engage in and the extent of their involvement in the production of these goods is unknown. Work in agriculture frequently involves using potentially dangerous machinery and tools, applying harmful pesticides and carrying heavy loads.(6) Some children labor in potentially dangerous construction activities and in street vending.(5) Children working on the streets may be exposed to many dangers, including severe weather, vehicle accidents and criminal elements.(5, 12, 13) Children are also found in domestic service.(4, 5) These children are vulnerable to physical and sexual abuse.(12, 14, 15) Limited evidence suggests that children also work in fishing, which may expose them to risks such as drowning.(5, 16)

According to the Government's National Commission against Commercial Sexual Exploitation of Children and the ILO, 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.(4, 17-19) Children are trafficked within the country for sexual exploitation and forced labor as domestic servants.(4, 20) In 2011, UNICEF published a report stating that 21 percent of child laborers in Costa Rica did not attend school.(14, 21)

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 age 15, the Labor Code establishes age 12 as the minimum age.(22, 23) 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 enforced by labor authorities. Nonetheless, the ILO has recommended that the minimum age provisions in the Labor Code be consistent with those of the Childhood and Adolescence Code.(21-24) Education is free and compulsory until the age of 15.(5)

	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

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, in 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 to children younger than age 18, including work with machines, toxic substances and loud noises.(22, 23) In March 2011, the Legislative Assembly passed Law No. 8922, Prohibiting Dangerous Work and Unhealthy Work for Adolescent Workers. It bars them from occupations such as working with chemicals or at sea.(5, 24-27) The Childhood and Adolescence Code prohibits adolescents from sleeping in a place of domestic employment and authorizes the inspection of the locations where adolescent domestic workers are employed, including private homes.(12, 28)

The Constitution prohibits slave labor.(29) The Penal Code sets the minimum age for prostitution at age 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.(5, 30) Costa Rica's Penal Code also prohibits all forms of trafficking and provides for increased penalties for the trafficking of children.(30) Additionally, in May 2011 the Government of Costa Rica issued Executive Order No. 36659 regulating treatment of minors in accordance with the General Immigration Law No. 8764 of 2009.(5, 31) This new regulatory framework has also become an instrument to combat trafficking in persons because it provides authorities with tools to protect and assist foreign minors. The Executive Order establishes procedures to be followed by immigration officials when a minor is found traveling alone or is identified as being in a vulnerable situation. It stipulates that such children must be referred to the National Child Welfare Agency (PANI), in accordance with the Protocol of Action for Care of Children in Vulnerable Situations.(5, 31) Law 8204 on narcotics, psychotropic substances, drugs of non-authorized use, money laundering and related activities establishes a penalty of 8 to 20 years when a minor is recruited to conduct illicit activities.(32, 33) Costa Rica does not have armed forces; therefore, there is no military conscription.

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 (MTSS), has the primary responsibility for coordinating the Government's policies and programs to combat child labor.(12, 34) 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 10 child labor specialists, provides technical assistance to Government ministries and designs social programs to combat child labor.(32, 34) The Immigration Office leads the National Anti-trafficking Coalition.(5) The National Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents (CONACOES) focuses on child trafficking and the commercial sexual exploitation of minors.(5) PANI has the authority to oversee child labor cases or other cases involving minors.(5)

The MTSS is responsible for investigating child labor violations, including hazardous and forced child labor, and enforcing child labor law. The Ministry's Inspection office (DNI) currently employs 103 labor inspectors who investigate all types of labor violations, including those involving child labor.(3, 5) During the reporting period, the MTSS conducted 8,406 labor inspections and investigated 57 child labor cases.(5) Child labor complaints can be filed

through the MTSS's Web site, and OATIA must investigate and resolve hazardous child labor cases within 10 days of the complaint.(3, 12) In 2011, DNI identified and assisted 83 minors for unfair dismissal or violations of labor rights. The DNI issued 78 warnings to employers. Ten of the employers did not comply, and the cases were forwarded to a labor court.(5, 35) However, research found partial information on the outcome of these cases.

The Prosecutor's Office has two units that deal with commercial sexual exploitation and trafficking in persons, the Sex Crimes and Domestic Violence Unit and the Organized Crime Unit.(5) The Sex Crimes and Domestic Violence Unit of the Prosecutor's Office investigates and prosecutes crimes involving the commercial sexual exploitation of children.(12) The Organized Crime Unit investigates and prosecutes trafficking in minors for labor exploitation.(32) The Judicial Investigative Police (OIJ) gathers evidence. During the reporting period, the Organized Crime and Sex Crimes and Domestic Violence Units received specialized training on commercial sexual exploitation and trafficking in persons. The OIJ's Crimes against Persons, Smuggling and Trafficking Unit received general training on commercial sexual exploitation and trafficking, but only limited training on the worst forms of child labor.(5)

During the reporting period, four cases of trafficking of minors for labor exploitation were investigated.(5) The Organized Crime Unit reported only one case of child trafficked for labor exploitation and there were no convictions for trafficking in minors for purposes of labor exploitation.(5) Also during the reporting period, the Prosecutor's Office investigated one case of trafficking in persons for purposes of commercial sexual exploitation that involved 17 minors. That case was still awaiting trial at the end of the reporting period.(5)

Government Policies on the Worst Forms of Child Labor

The Government has adopted the Roadmap Towards the Elimination of Child Labor in Costa Rica, which was developed by OATIA in coordination with the ILO-IPEC. The Roadmap sets specific objectives for government and civil society organizations.(5) 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, and monitoring campaigns.(36) An Inter-institutional Protocol requires the Ministry of Labor, the Ministry of Education, Social Welfare Institute, the 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.(37)

CONACOEES previously implemented the third National Plan to Eradicate Commercial Sexual Exploitation of Children (2008-2010).(17) Currently efforts relating to the Commercial Sexual Exploitation of Children are part of the Roadmap.(35)

The Government of Costa Rica has signed the UN Development Assistance Framework to reach its development objectives, which include strengthening public policies to combat exploitative child labor.(38) The National Plan for Development incorporated child labor issues into its education strategy and within its poverty reduction strategies.(39, 40)

In June 2011, the National Statistics Office (INEC) conducted a survey to measure the prevalence of child labor. The ILO-IPEC provided technical and financial support for this specific module to be included in the 2011 National Household Survey. The final results were not available during the reporting period.(5)

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

PANI is responsible for preventing the commercial sexual exploitation of children and providing assistance to victims.(5, 14, 20) From January to December 2011, PANI reported providing assistance to 75 minor victims of commercial sexual exploitation and 60 minor victims of labor exploitation.(32) During 2011, OATIA reported having provided assistance to a total of 224 minors (adolescents and children), including those referred to OATIA by PANI.(41)

During the reporting period, the Government continued to implement the national conditional cash transfer program, "Let's Get Ahead," which encourages low-income families to keep their children in school and out of exploitative work.(12, 42, 43) The "Let's Get Ahead" Program is implemented by the Social Welfare Institute on the regional level.(12, 43) As of 2011, the Program had enrolled more than 185,000 beneficiaries.(3, 5, 12, 35, 43) For 2011-2014, the Program aims to have a minimum of 165,000 beneficiaries per year.(43)

The Ministry of Education continued to implement programs that assist in the education of working adolescents. In 2011 the Open Classroom Program has assisted 4,781 adolescent students with primary school studies and the New Opportunities for Youth Program has provided 19,727 secondary school students with tutoring twice a week.(12, 35, 44, 45)

The Ministry of Labor's OATIA and the Ministry of Education's National Scholarship Fund (FONABE) continued implementing a scholarship program for working minors. During 2011, the total number of beneficiaries was 430 students, of which 51% were from urban areas.(5, 46)

In 2011, the Ministry of Labor launched EMPLEATE, a public-private initiative for youth employment targeting at-risk and vulnerable youth ages 17 to 24, including 17-year-olds at risk of involvement in the worst forms of child labor, and promoting access to decent employment.(47, 48)

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.(3, 12, 20, 49) However, the number of OATIA personnel dedicated to overseeing these initiatives declined from 12 to 10 between 2005 and 2011.(3, 12, 32, 49)

Although the Government of Costa Rica has implemented programs to address child labor and trafficking, these efforts do not appear to be sufficient to address the extent of the worst forms of child labor in agriculture, urban informal work and child sex tourism.(3, 20)

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

Area	Suggested Actions	Year(s) Action Recommended
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.	2009, 2010, 2011
Coordination and Enforcement	Make information on the sanctions/penalties imposed in cases involving child labor publicly available.	2009, 2010, 2011
	Expand training on the worst forms of child labor for OIJ's Crimes against Persons, Smuggling and Trafficking Unit.	2011
Social Programs	Expand programs to reach more child laborers in agriculture and children at risk of urban informal work and commercial sexual exploitation.	2009, 2010,2011
	Increase the number of personnel in the OATIA dedicated to implementing and monitoring programs to address the worst forms of child labor.	2009, 2010,2011

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