

In 2016, Costa Rica made a significant advancement in efforts to eliminate the worst forms of child labor. The National Institute of Statistics and Census conducted the National Household Survey, which contained a child labor module. The Ministry of Labor and Social Security launched a scholarship program with the Joint Institute for Social Aid to cover educational expenses for children engaged in child labor and signed agreements with El Salvador and Guatemala to work together to eradicate child labor in their countries. However, children in Costa Rica perform dangerous tasks in agriculture. Children also engage in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Existing social programs are insufficient to reach all child laborers, and resources for the Government's child labor law enforcement agencies are inadequate.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Costa Rica perform dangerous tasks in agriculture. Children also engage in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking.(1-12) Table 1 provides key indicators on children's work and education in Costa Rica.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	4.4 (34,494)
Attending School (%)	5 to 14	92.2
Combining Work and School (%)	7 to 14	4.2
Primary Completion Rate (%)		99.5

Source for primary completion rate: Data from 2015, published by UNESCO Institute for Statistics, 2016.(13)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 4 (MICS 4), 2011.(14)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Harvesting bananas and pineapple (15)
	Picking coffee (2-4, 15-18)
	Weeding, clearing land, and watering seeds (5)
	Cattle raising (2, 4)
	Fishing,† including shellfish extraction (1, 4, 6, 19)
Industry	Construction, activities unknown (1, 2, 19)
	Manufacturing, activities unknown (1, 2)
Services	Commerce, including in stores, hotels, restaurants, and supermarkets (1, 2, 19, 20)
	Street vending,† car washing, and repairing motor vehicles (2, 4, 6, 19, 21)
	Domestic work (1, 2, 6, 19)

Costa Rica

SIGNIFICANT ADVANCEMENT

Table 2. Overview of Children’s Work by Sector and Activity (cont)

Sector/Industry	Activity
Categorical Worst Forms of Child Labor [†]	Commercial sexual exploitation, sometimes as a result of human trafficking (4, 7-12, 19)
	Use in the production of pornography (7, 10, 12, 22)
	Forced labor in the agriculture, construction, fishing, street vending, and commercial sectors (8, 9, 12)
	Domestic servitude (8, 9, 12)
	Use in transporting or selling drugs (8, 11)

[†] Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.




[‡] Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

Research indicates that *Ngäbe Buglé* indigenous children in Costa Rica travel with their families to coffee farms. Coffee pickers are paid by the number of baskets they fill, and children reportedly participate in the coffee harvest with their families by collecting beans from the ground and from shorter plants.(3, 16-18) Access to education remains a challenge for children from indigenous and afro-descendant communities.(23, 24) *Ngäbe Buglé* children migrating with their families to coffee farms may face additional challenges accessing social services due to long distances to service providers, language barriers, and difficulties obtaining required documents from government institutions.(3, 16-18)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Costa Rica has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	✓
ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in Costa Rica’s legal framework to adequately protect children from child labor.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	15	Articles 78 and 92 of the Childhood and Adolescence Code (25)
Minimum Age for Hazardous Work	Yes	18	Articles 1 and 5 of Law 8922; Article 87 of the Labor Code (26, 27)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Article 94 of the Childhood and Adolescence Code; Article 5 of Law 8922; Article 88 of the Labor Code; Articles 5 and 6 of Regulation No. 36640 (25-28)
Prohibition of Forced Labor	Yes		Articles 20 and 56 of the Constitution; Article 8 of the Labor Code; Articles 7, 170–172, 189, 192, 376, 381, 383, and 384 of the Penal Code; Article 84 of Regulation No. 36659 (26, 29-32)
Prohibition of Child Trafficking	Yes		Articles 7, 170–172, 189, 192, 376, 381, 383, and 384 of the Penal Code; Article 84 of Regulation No. 36659 (30-32)

Table 4. Laws and Regulations on Child Labor (cont)

Standard	Meets International Standards: Yes/No	Age	Legislation
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 160, 168, and 170–174 of the Penal Code (30)
Prohibition of Using Children in Illicit Activities	Yes		Articles 7, 188, 381, and 390 of the Penal Code; Article 77 of the Narcotics Law (30, 33)
Minimum Age for Military Recruitment			
State Compulsory	N/A†		
State Voluntary	N/A†		
Non-state Compulsory	No		
Compulsory Education Age	Yes	17‡	Articles 57 and 59 of the Childhood and Adolescence Code; Article 78 of the Constitution (6, 25, 29)
Free Public Education	Yes		Article 59 of the Childhood and Adolescence Code; Article 8 of the Education Law; Article 78 of the Constitution (25, 29, 34)

† No standing military (29, 35)

‡ Age calculated based on available information (6, 25, 29)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor and Social Security (MTSS)	Investigate reports of child labor, including hazardous and forced child labor, and enforce child labor laws.(11, 19) Protect adolescent labor rights by conducting school and workplace visits, providing referrals to government services, and writing socio-labor studies and technical reports.(20, 25)
Prosecutor's Office	Enforce criminal laws protecting children, including laws prohibiting forced child labor, human trafficking, commercial sexual exploitation, and the use of children in illicit activities. Administer the following investigative and prosecutorial units: the Specialized Prosecutorial Unit against Trafficking in Persons, the Organized Crime Unit, the Specialized Prosecutorial Unit for Gender Issues, and the Juvenile Justice Unit.(19)
Judicial Investigative Police	Conduct investigations of child labor violations, including child trafficking, child commercial sexual exploitation, and the use of children in illicit activities.(11, 19)

Labor Law Enforcement

In 2016, labor law enforcement agencies in Costa Rica took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2015	2016
Labor Inspectorate Funding	\$11,000,000 (36)	\$11,500,000 (4, 37)
Number of Labor Inspectors	89 (10)	93 (4)
Inspectorate Authorized to Assess Penalties	No (21)	No (4)
Training for Labor Inspectors		
Initial Training for New Employees	No (10)	Yes (4)
Training on New Laws Related to Child Labor	N/A	N/A
Refresher Courses Provided	No (10)	No (4)
Number of Labor Inspections	13,152 (38)	17,728 (4)
Number Conducted at Worksite	Unknown	17,728 (4)
Number Conducted by Desk Reviews	Unknown	0 (4)

Costa Rica

SIGNIFICANT ADVANCEMENT

Table 6. Labor Law Enforcement Efforts Related to Child Labor (cont)

Overview of Labor Law Enforcement	2015	2016
Number of Child Labor Violations Found	207 (39)	437 (40)
Number of Child Labor Violations for Which Penalties Were Imposed	1 (10)	2 (4)
Number of Penalties Imposed That Were Collected	0 (10)	3 (41)
Routine Inspections Conducted	Yes (10)	Yes (37)
Routine Inspections Targeted	Yes (10)	Yes (37)
Unannounced Inspections Permitted	Yes (21)	Yes (4)
Unannounced Inspections Conducted	Unknown	Yes (4)
Complaint Mechanism Exists	Yes (21)	Yes (4)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (10)	Yes (4)

In 2016, enforcement of child labor laws remained a challenge due to the lack of resources for inspections, including for transportation.⁽⁴⁾ The number of labor inspectors is insufficient for the size of Costa Rica's workforce, which includes over 2 million workers. According to the ILO's recommendation of 1 inspector for every 15,000 workers in developing economies, Costa Rica should employ roughly 153 inspectors.⁽⁴²⁻⁴⁴⁾ The Ministry of Labor and Social Security reported it had insufficient personnel and transportation resources to enforce labor laws. Government monitoring and enforcement of child labor laws was particularly limited in the informal sector, where much of child labor, especially hazardous adolescent work, occurs.^(2, 4, 10, 39, 45) Informal work is more common in agriculture than in other sectors in Costa Rica.⁽²⁾

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in Costa Rica took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Unknown	Yes (46)
Training on New Laws Related to the Worst Forms of Child Labor	N/A	N/A
Refresher Courses Provided	Yes (10)	Yes (4)
Number of Investigations	50 (47)	128 (4)
Number of Violations Found	Unknown	128 (4)
Number of Prosecutions Initiated	10 (47)	0 (46)
Number of Convictions	17 (10)	2 (4)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (10)	Yes (4)

The Judicial Investigative Police reported an inadequate number of investigators, resulting in the slow processing of trafficking cases.⁽⁴⁾

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
MTSS Office for the Eradication of Child Labor and Protection of the Adolescent Worker (OATIA)	Coordinate government policies and programs to combat child labor. ^(2, 5, 6) Monitor implementation of the Roadmap Towards the Elimination of Child Labor in Costa Rica. Provide technical assistance to government ministries and design social programs to combat child labor. ⁽⁴⁸⁾ Oversee the Inter-Institutional Coordinating Protocol for the Protection of Working Minors. ^(6, 49) In 2016, OATIA provided child labor training and consultation services to 2,464 individuals, including through partnerships with the Ministries of Agriculture and Culture, and signed a cooperative agreement with the Social Welfare Institute (IMAS) on the eradication of child labor. ^(37, 40)

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor (cont)

Coordinating Body	Role & Description
National Committee for the Elimination of Child Labor and the Protection of Adolescent Work	Develop and promote policy and program initiatives focused on eliminating child labor and regulating adolescent work. Overseen by OATIA and includes a technical secretariat that comprises representatives from various sectors.(5, 6)
National Child Welfare Agency (PANI)	Ensure child labor victims receive interagency social services, including temporary shelter, legal advice, and victim counseling. Responsible for reintegrating child labor victims into the educational system.(11, 25)
National Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents (CONACOES)	Address child trafficking and the commercial sexual exploitation of minors.(11, 19) Report to the National Council of Childhood and Adolescence with legal standing under PANI, the body's lead agency.(19, 37)

The Office for the Eradication of Child Labor and Protection of the Adolescent Worker (OATIA) indicated that staff turnover and weak implementation of relevant protocols limit the Government's ability to address child labor, noting staff need a national child labor database to strengthen coordination and additional training on applying manuals and protocols.(5)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 9).

Table 9. Key Policies Related to Child Labor

Policy	Description
2010–2020 Roadmap Towards the Elimination of Child Labor in Costa Rica	Aims to eradicate all forms of child labor in Costa Rica by 2020 by strengthening anti-poverty, health, and educational programs and policies, and by raising awareness on child labor.(50-52)
Inter-Institutional Coordinating Protocol for the Protection of Working Minors	Outlines service provision for child laborers through collaboration between the MTSS, PANI, the Ministry of Education, and IMAS, as well as their regional and local agencies and the private sector.(2, 5, 53)
National Plan for Development (2015–2018)	Incorporates efforts to decrease child labor into national education and poverty reduction strategies.(21, 54)
Bridge to Development (2015–2018)	Aims to reduce poverty and eliminate vulnerability, including child labor, by providing social services to families in poor communities.(5, 10, 52, 55)

In 2016, the Ministry of Labor of Costa Rica signed agreements with Guatemala and El Salvador to work together to eradicate child labor in their countries, including through a knowledge exchange on Costa Rica's implementation of a business network against child labor and El Salvador's child labor monitoring and evaluation system.(37, 40, 56) The Coordination Agreement on Labor Migration between the Ministries of Labor of Costa Rica and Panama aims to strengthen dialog on labor migration between the two countries, with an emphasis on indigenous Panamanian migrant workers and their families; however, child labor elimination and prevention strategies do not appear to have been fully integrated into this policy.(57)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Key Social Programs to Address Child Labor

Program	Description
2016 National Household Survey**†	National Institute of Statistics and Census survey, with child labor module, conducted in July 2016.(3, 4, 58)
Child Labor Awareness Campaign	MTSS and Ministry of Education public-private partnership supported by <i>Fundación Telefónica</i> to raise awareness of child labor through social media.(48)
Face of Justice Shelter**†	NGO-run shelter for child victims of human trafficking that provides PANI-funded monthly subsidies to victims and care from full-time staff, including a trauma psychologist and health practitioner.(12)

Costa Rica

SIGNIFICANT ADVANCEMENT

Table 10. Key Social Programs to Address Child Labor (cont)

Program	Description
Houses of Joy (<i>Casas de la Alegría</i>) [†]	Public-private alliance that provides culturally sensitive daycare and meals to indigenous children whose parents work on coffee farms in Coto Brus and Los Santos. Aims to promote social inclusion and developmental opportunities for indigenous children and provide an alternative to child labor in the coffee harvest.(3, 10, 16, 59-61) IMAS funds meals, caregiver salaries, and training; farm owners provide the land and classroom, with financial contributions from UNICEF for building and teaching materials. Began as a pilot in 2014 with 6 centers serving 175 children; by 2016, expanded to 17 centers serving 600 children.(10, 16, 37, 46, 59-61)
Let's Get Ahead Program (<i>Avancemos</i>) [†]	IMAS program that provides monthly conditional cash transfers to low-income families to keep children in school and out of exploitative work.(2, 11, 19, 62, 63) In 2016, launched a new scholarship program by the MTSS and IMAS that provides monthly education subsidies to families with children engaged in child labor.(64, 65)
Age Classroom (<i>Aula Edad</i>) [†]	Ministry of Education program that targets children and adolescents who have never been to school or who dropped out, adolescent mothers and workers, and foreign migrant adolescents to help them complete primary school.(10, 66, 67)

* Program was launched during the reporting period.

† Program is funded by the Government of Costa Rica.

While the Government continues to support initiatives to eradicate child labor, current programming does not reach all children who are engaged in the worst forms of child labor in commercial sexual exploitation or in dangerous labor in agriculture. According to OATIA, existing social programs were insufficient to fully address the problem of child labor, including its worst forms, and additional staff and funding are required to assist children engaged in child labor and their families.(5, 10)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Costa Rica (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016
Enforcement	Increase the number of labor inspectors trained and responsible for providing enforcement of child labor laws to meet international standards.	2015 – 2016
	Increase child labor inspections in the informal sector, particularly in agriculture.	2015 – 2016
	Strengthen the labor inspectorate by permitting inspectors to determine and assess penalties for child labor violations.	2014 – 2016
	Ensure adequate funding for human resources, transportation, and training for labor and criminal law enforcement agencies.	2013 – 2016
Coordination	Strengthen coordination mechanisms by providing additional training on protocols.	2015 – 2016
	Increase coordination and information sharing between government agencies responsible for monitoring and evaluating child labor cases.	2015 – 2016
Government Policies	Integrate child labor elimination and prevention strategies into the Coordination Agreement on Labor Migration between the Ministries of Labor of Costa Rica and Panama.	2015 – 2016
Social Programs	Enhance efforts to eliminate barriers and make education accessible for all children, including children from indigenous and afro-descendant communities, by expanding existing social programs to strengthen school retention and completion for children and adolescents, particularly at the secondary level.	2015 – 2016
	Increase access to education and other services for indigenous children in coffee growing areas to ensure they have alternatives to participating in the coffee harvest.	2015 – 2016
	Expand programs to reach more children working in agriculture and being subjected to commercial sexual exploitation.	2009 – 2016
	Increase the financial and human resources dedicated to key social programs to address child labor.	2009 – 2016

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