

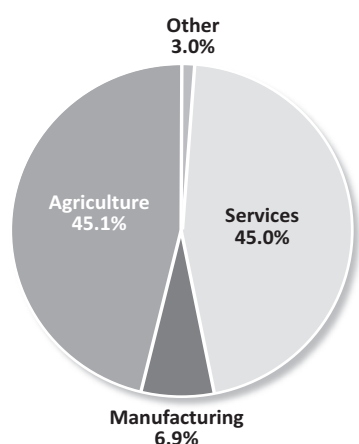
In 2012, Costa Rica made a moderate advancement in efforts to eliminate the worst forms of child labor. During the reporting period, the Government enacted Law 9095, which is legislation against trafficking and creates a National Coalition against the Smuggling of Migrants and Trafficking in Persons (CONATT). The Government also released the results of the child labor module of the National Household Survey, which provides important information on child labor. In addition, the Social Welfare Institute maintained the Let's Get Ahead program, surpassing its target for number of beneficiaries receiving cash transfers conditioned upon families keeping their children in school and out of exploitative work. Although previous government efforts and social programs to address child labor continue to be carried out, gaps remain in the ability of such programs to reach and provide assistance to all child laborers. Children in Costa Rica engage in the worst forms of child labor, including in dangerous activities in agriculture and commercial sexual exploitation.



## Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	2.2 (16,160)
Attending School	5-14 yrs.	95.4
Combining Work and School	7-14 yrs.	2.0
Primary Completion Rate		99.1

## Working Children by Sector, Ages 5-14



### Sources:

**Primary completion rate:** Data from 2011, published by UNESCO Institute for Statistics, 2013.(1)

**All other data:** Understanding Children's Work Project's analysis of statistics from ENAHO Survey, 2011.(2)

## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Costa Rica are engaged in the worst forms of child labor, including in dangerous activities in agriculture and commercial sexual exploitation.(3-5) In 2012, the National Statistics Office (INEC) released the results of its national survey, which measured the prevalence of child labor.(3) Results from the study indicate that 8.2 percent of children between the ages of 5 to 9 are engaged in some form of economic activity.(3) Approximately 25.9 percent of the children in the 10 to 14 age group and 65.9 percent for the 15 to 17 age group reported working. The survey also indicates that child labor predominately occurs in rural areas, but that more females work in urban areas in relation to males.(3) Limited evidence suggests that child labor is used in the production of bananas, melons, oranges, sugarcane, and tomatoes.(6) There are also reports of indigenous migrant children, primarily from Panama, working in coffee harvesting in Costa Rica.(6-10) Children working in agriculture may use dangerous tools, apply harmful pesticides, and carry heavy loads.(11, 12)

Research shows that 25.3 percent of working children, ages 5 to 17, are engaged in some form of commercial employment, and 5.1 percent are found working in construction.(3)

Approximately 10 percent of working children, ages 5 to 17, are employed as domestic workers, and girls are more likely to be engaged in this sector than boys.(3, 13, 14) Some children are trafficked within the country for sexual exploitation and forced labor as domestic servants.(5, 15, 16) These children may be required to work long hours, performing strenuous tasks without sufficient food or shelter. They may be isolated

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in private homes and are susceptible to physical and sexual abuse.(17, 18) Although information is limited, there are reports that some children are also found working in the fishing sector.(4, 14) These children may work long hours, perform physically demanding tasks, and face dangers such as drowning.(5, 6)

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. Although several legislative frameworks have been put in place to protect them, children are exploited in sex tourism. Although information is limited, there are reports that children are also exploited in child pornography.(5, 14, 19, 20) Child sex tourism is particularly a problem in the provinces of Guanacaste, Limón, Puntarenas, San José, as well as in border towns and port areas.(5)

In the same national survey described above, it is noted that about 88.8 percent of all Costa Rican children, ages 5 to 17, attend educational institutions and do not work. Approximately 2.7 percent of all children attend school and are involved in some form of work, while only 1.9 percent exclusively work and do not attend school.(3) The remaining 6.5 percent of children do not attend school or engage in any form of economic activity.(3)

There are reports of children working on the streets, but specific information on hazards is unknown.(3, 4, 21)

## Laws and Regulations on the Worst Forms of Child Labor

The Childhood and Adolescence Code, as well as the Labor Code, contain provisions on child labor. While the Childhood and Adolescence Code sets the minimum age for employment at 15, the Labor Code establishes the minimum age at 12.(4, 22, 23) The Government of Costa Rica has indicated that the Childhood and Adolescence Code takes precedence over the Labor Code as they relate to children's issues and that 15 is the minimum age enforced by labor authorities.(16, 24) Nonetheless, the ILO has recommended that the minimum age provisions in the Labor Code be made consistent with those of the Childhood and Adolescence Code.(24)

The Labor Code prohibits children younger than age 18 from working in certain occupations that are hazardous to their physical, mental, or moral health. Generally, these are occupations that entail working at night, in a mine, in a quarry, as well as places deemed dangerous for children to

dwelt in, such as a bar.(22) The Childhood and Adolescence Code identifies additional hazardous occupations prohibited to children, including working with machines, toxic substances, and excessively loud noises.(23) Law No. 8922, Prohibiting Dangerous Work and Unhealthy Work for Adolescent Workers, provides a comprehensive list of hazardous occupations, employment sectors, and activities that children should not be engaged in.(25) Law No. 8922, as well as 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.(23, 25, 26)

## International Conventions and Selected Laws on Child Labor and Education

	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

In December 2012, the Government of Costa Rica enacted Law No. 9095, which is legislation against trafficking and creates a National Coalition against the Smuggling of Migrants and Trafficking in Persons (CONATT). It provides a comprehensive framework for combating trafficking, including labor trafficking and forced begging.(27, 28) Law No. 9095 also increases the penalties under the Penal Code for trafficking of minors and created a new clause under the Penal Code to penalize labor exploitation. In addition, the law increases penalties under the Criminal Code for the propagation of sex tourism.(27, 28) Although adult prostitution is legal, 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, as well as all forms of trafficking, stipulating an increase in penalties for those who are found trafficking children versus adults.(29)

Executive Order No. 36659 regulates the treatment of minors in accordance with the General Immigration Law No. 8764 of 2009.(30) This regulatory framework is also utilized to combat trafficking in persons, as it provides authorities with tools to protect and assist foreign minors. Executive Order No. 36659 establishes procedures to be followed by immigration officials when a minor is found traveling alone or is identified as being in a vulnerable situation.(30) 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.(30) Law No. 8204 on narcotics, psychotropic substances, drugs of non-authorized use, money laundering, and related activities establishes a penalty of 8 to 20 years in prison when a minor is recruited to conduct illicit activities.(31)

Costa Rican law prohibits all forms of forced or compulsory labor.(15, 29, 30, 32) The Constitution prohibits slave labor.(32)

Costa Rica does not have armed forces; therefore, there is no military conscription.(33)

Education is free and compulsory for all children between the ages of 6 to 15.(4, 23) However, there is a lower rate of attendance for children between the ages of 5 to 17 who reside in rural areas.(3) For those who work and attend school in rural areas, the attendance rate is 55.1 percent, 9.6 percent less when compared to the 64.7 percent attendance rate of children residing in urban areas. Similarly, for children who only attend school and are not involved in any form of economic activity, the rate is 91.1 percent in rural areas, whereas it is slightly higher (3.7 percent more) for children residing in urban areas.(3)

### **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.(4, 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 employs 10 child labor specialists, provides technical assistance to government ministries, and designs social programs to

combat child labor.(4, 34, 35) OATIA receives training every year on child labor, trafficking, and child commercial sexual exploitation. There are not enough specialists to effectively carry out all of OATIA's responsibilities.(4) The Immigration Office leads the National Anti-trafficking Coalition. 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.(4, 36) PANI has the authority to oversee child labor cases or other cases involving minors.(4)

The MTSS is responsible for investigating child labor violations, including hazardous and forced child labor, as well as enforcing general child labor laws. The Ministry's Inspection Office (DNI) budget was approximately \$6,853,091 in 2012.(4) It employed 98 inspectors who investigated all labor violations, including those involving child labor, and conducted 9,732 inspections. In 2012, DNI identified and assisted 125 minors for unfair dismissal or violations of labor rights—an increase from the 83 assisted in the previous year.(4, 36) The DNI issued five warnings to employers and forwarded the remaining cases to the Judicial Branch, which then dismissed six cases. The outcome of the remaining cases is unknown, and comprehensive statistics on child labor cases are currently not available.(4)

Child labor complaints can be filed through the MTSS's web site. OATIA must then investigate and resolve hazardous child labor cases within 10 days of the complaint.(6, 21) In 2012, OATIA reported 114 cases of hazardous child labor—55 involved children who were younger than 15, and 59 involved children older than 15. OATIA reported that all 114 children were removed from their hazardous line of work.(4)

The Prosecutor's Office is responsible for enforcing criminal laws protecting children, including laws prohibiting forced child labor, trafficking, commercial sexual exploitation, and use of children in illicit activities. The Judicial Investigative Police (OIJ) conducts the actual investigations.(4, 36) There are two units within the Prosecutor's Office that focus on commercial sexual exploitation and trafficking in persons: the Sex Crimes and Domestic Violence Unit and the Organized Crime Unit (FACDO).(4) The Sex Crimes and Domestic Violence Unit of the Prosecutor's Office investigates and prosecutes crimes involving the commercial sexual exploitation of children in the San José area, while local prosecutors handle cases in other parts of the country.(21) The Organized Crime Unit investigates and prosecutes trafficking in minors for labor exploitation nationwide.(35) In 2012, prosecutors and OIJ investigators received training on techniques of investigation

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and prosecution in trafficking cases, but not on other worst forms of child labor.(4)

In 2012, the Prosecutor's Sex Crime Unit reported that there were 80 cases opened related to the commercial sexual exploitation of children. Of those, there were five convictions.(4, 28) The Organized Crime Unit identified 22 trafficking victims in 2012, of which five were minors. There were two cases awaiting prosecution, one acquittal, 14 dismissals, and two convictions.(4, 28) Authorities also reported helping 60 child victims of labor exploitation, although it is unclear if they were trafficked.(5) The status of the case discussed last year, involving 17 child victims of commercial sexual exploitation, is currently unknown.(4, 28, 36)

## Government Policies on the Worst Forms of Child Labor

The Government is currently implementing the Roadmap Towards the Elimination of Child Labor in Costa Rica (2011-2014), which was developed by OATIA in coordination with ILO-IPEC. The Roadmap sets out two specific targets for government and civil society organizations and provides comprehensive goals to meet those targets.(37, 38) The Roadmap's first target is the eradication of the worst forms of child labor by 2015, and the second is to eradicate child labor completely by 2020.(4) The Government of Costa Rica aims to accomplish these goals by eliminating poverty, improving the education system, strengthening health and legal frameworks, and conducting campaigns to raise awareness on the child labor situation.(37-39) Government efforts to eliminate the commercial sexual exploitation of children are currently part of the Roadmap and fall under the target of eliminating the worst forms of child labor by 2015.(37, 38)

An Inter-institutional Protocol requires the Ministry of Labor, the Ministry of Education, Social Welfare Institute, the National Training Institute, as well as their regional and local agencies, to coordinate with the private sector in order to provide services to child laborers and at risk-children.(40) As part of this partnership, civil society organizations collaborated with the tourist industry to train companies on how to identify and report the commercial sexual exploitation of children.(5)

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.(41) The National Plan for Development incorporated child labor issues into its education strategy and within its poverty reduction strategies.(42, 43)

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

PANI provides care and protection to minors in need of assistance. Depending on the specific situation, PANI coordinates interagency delivery of social services such as the provision of temporary shelter, legal advice, and victim counseling.(4) During the first 6 months of the reporting period, PANI provided such services to 69 victims of commercial sexual exploitation.(4) PANI also runs a permanent campaign via Facebook, providing children information on their rights, how to report issues, and how to get assistance.(4)

The Government of Costa Rica continued to implement the Let's Get Ahead (Avancemos) program, a conditional cash transfer program that encourages low-income families to keep their children in school and out of exploitative work.(4, 44) The Let's Get Ahead program is implemented by the Social Welfare Institute in the local provinces and aims to have a minimum of 165,000 beneficiaries per year. In 2012, there were 178,768 beneficiaries.(4, 44)

The Ministry of Labor's OATIA and the Ministry of Education's National Scholarship Fund (FONABE) continued implementing a scholarship program for working minors. The goal of the program is to encourage students to return to school.(4, 45) In 2012, 363 children were identified by OATIA as needing such services and recommended to the FONABE program.(4) OATIA also carries out several projects that are intended to eliminate child labor by improving the living and working conditions of indigenous and migrant groups employed in the agricultural sector, as well as providing educational services to working and at-risk children and adolescents.(6, 16, 21) In addition, the Government of Costa Rica collaborates with the Government of Panama to ensure that indigenous migrant children from Panama, who work harvesting coffee, receive comprehensive health services.(46)

The Ministry of Labor continues to fund and implement EMPLEATE, a public-private sector initiative matching youth with employment opportunities. The program targets at-risk youth and vulnerable young adults between the ages of 17 to 24.(47, 48) Initiatives by the Ministry of Education to assist working adolescents, the Open Classroom and the New Opportunities for Youth Program, continue to be operational.(49, 50)

Programs have been implemented to address child labor, trafficking, and the commercial sexual exploitation of children. However, current programs are insufficient to reach all those who are engaged in the worst forms of child labor, including in the agricultural sector and child sex tourism.



## 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, 2012
Coordination and Enforcement	Make information on the sanctions/penalties imposed in cases involving child labor publicly available.	2009, 2010, 2011, 2012
	Expand training on the worst forms of child labor for prosecutors from the Attorney General's office and OIJ's Crimes against Persons, Smuggling and Trafficking Unit.	2011, 2012
Social Programs	Expand programs to reach more child laborers in agriculture and children engaged in sex tourism.	2009, 2010, 2011, 2012
	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, 2012

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