

# Costa Rica

## SIGNIFICANT ADVANCEMENT

In 2013, Costa Rica made a significant advancement in efforts to eliminate the worst forms of child labor. During the reporting period, Costa Rica passed a new anti-trafficking law and strengthened its laws against the commercial sexual exploitation of children. The Government also ratified the ILO Convention on Domestic Workers. The labor inspectorate identified 47 child labor cases, and the judicial system prosecuted 20 child labor cases and convicted several offenders. In addition, the Government's child labor coordinating body provided services to more than 600 former child laborers, and various agencies continued to invest in social protection programs designed to reduce child labor. Despite these efforts, children in Costa Rica continue to engage in child labor in agriculture and in the worst forms of child labor in commercial sexual exploitation. Social programs do not reach all child laborers, and the numbers of labor inspectors and criminal prosecutors remain inadequate.



### I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Costa Rica are engaged in child labor in agriculture and in the worst forms of child labor in commercial sexual exploitation.(1-5) Table 1 provides key indicators on children's work and education in Costa Rica.

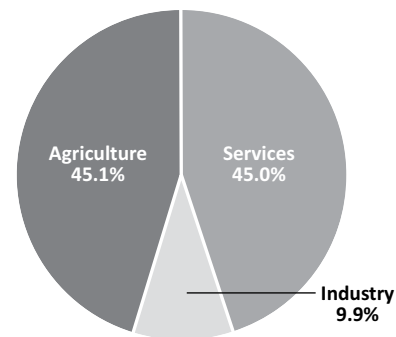
**Table 1. Statistics on Children's Work and Education**

Children	Age	Percent
Working (% and population)	5-14 yrs.	2.2 (16,160)
Attending School (%)	5-14 yrs.	95.4
Combining Work and School (%)	7-14 yrs.	2.0
Primary Completion Rate (%)		95.2

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2014.(6)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Encuesta Nacional de Hogares Survey, 2011.(7)

**Figure 1. Working Children by Sector, Ages 5-14**



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,*† coffee,*† melons,*† oranges,*† sugarcane,*† and tomatoes*† (1, 8, 9)
	Fishing,*† activities unknown (1, 2, 8, 10)
Industry	Construction, activities unknown (1, 8)
	Manufacturing, activities unknown (1)
Services	Commerce, activities unknown (1)
	Street vending,† car washing† (11-13)
	Domestic service (1, 2)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation sometimes as a result of human trafficking (2, 3, 5, 8, 10, 13)
	Used in the production of pornography* (5, 14)
	Work in agriculture, construction, fishing, and commerce as a result of human trafficking (3, 10, 13, 15, 16)
	Used in drug trafficking (2, 3)

\* Evidence of this activity is limited and/or the extent of the problem is unknown.

† 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.




While evidence is limited, there are reports of indigenous migrant children, primarily from Panama, working in coffee, banana, and sugarcane plantations on the border of Panama and Costa Rica.(8, 9, 17) Commercial sexual exploitation of children is known to be a problem in the provinces of Guanacaste, Limón, Puntarenas, San José, as well as in border towns and port areas.(3, 5)

In 2012, the National Statistics Office (INEC) released the results of its national survey, which measured the prevalence of child labor.(1) 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. Approximately 25.9 percent of children ages 10 to 14, and 65.9 percent of children ages 15 to 17, reported working. The survey also indicates that child labor predominately occurs in rural areas, and that more females work in urban areas than males.(1)

## II. LEGAL FRAMEWORK ON 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	✓

In January 2014, Costa Rica ratified ILO Convention 189, Concerning Decent Work for Domestic Workers.(18) Costa Rica also became the tenth country to ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.(19) This Protocol establishes an international system that allows children's complaints to be examined by the Committee on the Rights of the Child after exhausting national mechanisms.(20)

The Government has established relevant laws and regulations related to child labor, including its worst forms (Table 4).

**Table 4. Laws and Regulations Related to Child Labor**

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	15	Childhood and Adolescence Code; Law 8842, Reform to the Childhood and Adolescence Code (21, 22)
Minimum Age for Hazardous Work	Yes	18	Labor Code (23)
List of Hazardous Occupations Prohibited for Children	Yes		Childhood and Adolescence Code; Labor Code; Law 8922, Prohibition of Dangerous and Unhealthy Work for Adolescent Workers; Regulation No. 36640 (21, 23-25)
Prohibition of Forced Labor	Yes		Constitution; Penal Code (26, 27)
Prohibition of Child Trafficking	Yes		Penal Code; Trafficking in Persons Law; Regulation No. 36659 (27-29)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Law Prohibiting the Commercial Sexual Exploitation of Children; Penal Code; Law 9177, Reform to the Penal Code (27, 30, 31)
Prohibition of Using Children in Illicit Activities	Yes		Penal Code; Narcotics Law (27, 32)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	N/A*		

# Costa Rica

## SIGNIFICANT ADVANCEMENT

**Table 4. Laws and Regulations Related to Child Labor (cont)**

Standard	Yes/No	Age	Related Legislation
Compulsory Education Age	Yes	17	Childhood and Adolescence Code; Education Law; Constitution (21, 26, 33)
Free Public Education	Yes		Childhood and Adolescence Code; Education Law; Constitution (21, 26, 33)

\* No conscription or no standing military.

In February 2013, the Government enacted a Trafficking in Persons law, which prohibits and penalizes trafficking and creates a National Coalition against the Smuggling of Migrants and Trafficking in Persons (CONATT).(28) In November 2013, the Government updated the Penal Code and the Immigration Law to increase protections on the use of minors for the production of pornography. In addition to prohibiting the possession of child pornography, the new legislation increases penalties and expands the definition of pornography.(13)

While Sections 78 and 92 of the Childhood and Adolescence Code set the minimum age for employment at 15, Section 89 of the Labor Code establishes the minimum age at 12.(2, 21, 23) The Government of Costa Rica has indicated that the Childhood and Adolescence Code takes precedence over the Labor Code as it relates to children’s issues and that 15 is the minimum age enforced by labor authorities.(34) The ILO Committee of Experts has observed that it is desirable for the Government to increase the minimum age provisions in the Labor Code from 12 to 15 to ensure consistency with the provisions in the Childhood and Adolescence Code.(35)

As Costa Rica does not have armed forces, there is no military conscription.(13, 36)

### 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).

**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.(2, 13) Protect adolescents’ labor rights.(21)
Prosecutor’s Office	Enforce criminal laws protecting children, including laws prohibiting forced child labor, trafficking, commercial sexual exploitation, and the use of children in illicit activities.(2, 37) Employs the following investigative and prosecutorial units: the Specialized Prosecutorial Unit against Trafficking in Persons (FACTRA); the Organized Crime Unit (FADCO); the Specialized Prosecutorial Unit for Gender Issues; and the Juvenile Justice Unit.(2, 13, 38)
Judicial Investigative Police (OIJ)	Conduct investigations of child labor violations, child trafficking, child commercial sexual exploitation, and the use of children in illicit activities.(2, 37)

Law enforcement agencies in Costa Rica took actions to combat child labor, including its worst forms.

#### *Labor Law Enforcement*

In 2013, the Ministry of Labor and Social Security’s (MTSS) Inspection Office (DNI) operated on a budget of \$8 million, and employed 103 inspectors who conducted 5,000 regular labor inspections. All inspections included child labor protocols.(13) The DNI detected 133 labor infractions, of which 47 were child labor infractions, with 5 cases involving working children below the age of 15. In total, 108 children were assisted as a result of inspections, and 20 cases were ultimately referred to the Judiciary for prosecution.(13) The DNI and the MTSS’s Office for the Eradication of Child Labor and Protection of the Adolescent Worker (OATIA) reported that these inspections were not adequate, and that they reached only 15 percent of businesses and institutions. They also reported that their personnel dedicated to the enforcement of child labor laws were fewer than in the previous year.(13, 34)

OATIA reported that during the year, a total of 90 inspectors received training in workshops dedicated to hazardous labor, adolescent domestic service, and trafficking in persons. DNI reported that ten inspectors from the central region also received training on hazardous labor among adolescent workers.(13)

### ***Criminal Law Enforcement***

In 2013, the Prosecutor's Office was active. Its Organized Crime Unit (FADCO) employed 16 investigators; its Specialized Prosecutorial Unit against Trafficking in Persons (FACTRA) employed eight prosecutors; and its Specialized Prosecutorial Unit for Gender Issues employed two investigators.(13) The Judicial Investigative Police (OIJ) was also active; its trafficking and smuggling unit employed nine investigators. These agencies reported that their numbers of investigators, budgets, and resources were insufficient.(13) However, officials in these units, as well as in the OIJ, did receive training on investigation and prosecution techniques.(13)

During the reporting period, FACTRA reported two convictions, one for a trafficking case for child commercial sexual exploitation, and the other for a trafficking case involving child labor exploitation. The Specialized Prosecutorial Unit for Gender Issues also reported seven convictions involving child commercial sexual exploitation.(13) Each unit reported new violations of criminal laws involving the worst forms of child labor during the reporting period.(13)

## **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 6).

**Table 6. Mechanisms to Coordinate Government Efforts on Child Labor**

<b>Coordinating Body</b>	<b>Role &amp; Description</b>
Office for the Eradication of Child Labor and Protection of the Adolescent Worker (OATIA)	Coordinate Government policies and programs to combat child labor from within the MTSS.(2, 34, 39) Monitor implementation of the National Action Plan for the Prevention and Eradication of Child Labor and Special Protection of Adolescent Workers. Employ child labor specialists, provide technical assistance to government ministries, and design social programs to combat child labor.(2, 38-40) Oversee the Inter-Institutional Coordinating Protocol for the Protection of Working Minors to ensure children's and adolescents' rights and welfare are protected.(34, 41)
National Committee for the Elimination of Child Labor and the Protection of Adolescent Work	Develop and promote policy initiatives trained on eliminating child labor and regulating adolescent work. Overseen by the OATIA; includes a technical secretariat that is composed of representatives from various economic sectors.(34)
National Coalition against the Smuggling of Migrants and Trafficking in Persons (CONATT)	Promote the formulation, implementation, and assessment of national policies that address trafficking, including labor trafficking.(13, 28, 42) Review the country's adherence to international standards and evaluate and award funds for programming through the National Trafficking in Persons and Smuggling of Migrants Trust Fund (FONATT).(13) Help coordinate prosecutions of trafficking and assistance to trafficking victims.(13)
National Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents (CONACOES)	Address child trafficking and the commercial sexual exploitation of minors.(2, 13, 37). Report to the National Council of Childhood and Adolescence. Has legal standing under the National Child Welfare Agency (PANI).(13)
National Child Welfare Agency (PANI)	Protect child and adolescent rights and receive reports of child labor.(2, 21, 43) Activate inter-agency social services to provide child labor victims with protection and welfare assistance, including temporary shelter, legal advice, and victim counseling. Responsible for reintegrating child labor victims into the educational system.(2, 43)

In 2013, the OATIA, CONATT, and the National Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents (CONACOES) continued to work together to address the eradication of child labor, including its worst forms.(13) These bodies helped coordinate and promote prevention campaigns, training for officials, and the creation of protocols, manuals, and Web-based instruments for detecting and combatting trafficking. The Government also participated in international meetings for the prevention of sexual exploitation linked to tourism and developed a letter of understanding for the Central America and Panama sub-region to combat these practices.(13)

# Costa Rica

## SIGNIFICANT ADVANCEMENT

During the reporting period, OATIA removed from work and assisted 623 children. Over 200 of these were referred to the National Scholarship Fund (FONABE), and 384 were assisted by other government agencies.(13)

Also during the reporting period, and as part of the Roadmap Towards the Elimination of Child Labor, the National Child Welfare Agency (PANI), the Immigration Office, and the MTSS developed a manual for interagency collaboration to manage cases of child labor, including its worst forms.(13)

### V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Costa Rica has established policies related to child labor, including its worst forms (Table 7).

**Table 7. Policies Related to Child Labor**

Policy	Description
Roadmap Towards the Elimination of Child Labor in Costa Rica (2011-2014)	Aims to eradicate worst forms of child labor by 2015 and all forms of child labor by 2020 by eliminating poverty, improving the education system, strengthening health and legal frameworks, and conducting campaigns to raise awareness on the child labor situation. Developed by OATIA in coordination with ILO-IPEC.(44-46) Roadmap forms part of the National Plan for Development (2011-2014).(2, 47) Reports indicate MTSS plans to develop an updated Roadmap for 2015-2020.(13)
National Coalition against the Smuggling of Migrants and Trafficking in Persons (CONATT) Strategic Plan (2012-2015)	Seeks to combat trafficking in persons, including for commercial sexual exploitation and labor exploitation.(13)
National Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents (CONACOES) Strategic Plan (2011-2014)	Aims to combat the commercial sexual exploitation of children and adolescents.(13)
National Plan for Development (2011-2014)*	Incorporates child labor issues into national education and poverty reduction strategies.(48)
Inter-institutional Coordinating Protocol for the Protection of Working Minors	Requires the Ministry of Labor, Ministry of Education, Social Welfare Institute, 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.(49) As part of this partnership, civil society organizations collaborate with the tourist industry to train companies on how to identify and report the commercial sexual exploitation of children.(15)

\*The impact of this policy on child labor does not appear to have been studied.

In June 2013, the Government and the ILO signed a public commitment to define plans of action to meet the goal of eliminating the worst forms of child labor by 2020.(4) In November, the Government participated in the XVIII Inter-American Conference of Ministers of Labor to foster continued dialogue and cooperation on labor issues throughout the Americas. The joint declaration of the Conference promotes social dialogue to address child labor and reaffirms country participants' commitment to work with civil society organizations to advance efforts toward the eradication of child labor.(50)

### VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of Costa Rica funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

**Table 8. Social Programs to Address Child Labor**

Program	Description
Let's Get Ahead Program ( <i>Avancemos</i> )‡	Social Welfare Institute program that provides conditional cash transfers to low-income families to keep their children in school and out of exploitative work. Implemented in the local provinces and aims to have a minimum of 165,000 beneficiaries per year.(2, 13, 47, 51)
Scholarship Program*‡	OATIA and Ministry of Education National Scholarship Fund (FONABE) program to encourage working adolescents to complete their schooling.(2, 47, 52, 53)

**Table 8. Social Programs to Address Child Labor (cont)**

Program	Description
Open Classroom ( <i>Aula Abierta</i> )*‡	Ministry of Education program that helps at-risk children and adolescents complete their primary education by providing flexible school hours and curricula appropriate for their needs. Targets those who have never been to school, those who have left school, adolescent mothers, adolescent workers, and foreign migrant youth.(54, 55)
New Opportunities ( <i>Nuevas Oportunidades</i> )*‡	Ministry of Education program that helps adolescents between the ages of 15 and 18 who, for economic, social, familial, or work-related situations, face challenges in completing their schooling.(56)
Child Labor Awareness Campaign	MTSS and Ministry of Education public-private partnership with Fundación Telefónica to raise awareness of child labor, using social media supported by Telefónica.(40)
Elimination of Child Labor and its Worst Forms and the Protection of Adolescent Workers‡	MTSS public-private partnership with the Costa Rican Electrical Institute (ICE) to combat child labor (2012-2014); ICE contributes materials for public awareness campaigns.(40)
EMPLEATE‡	MTSS public-private initiative that promotes access to employment for young persons between the ages of 17 and 24 who are at-risk or living in conditions of poverty.(57, 58)
Elimination of Child Labor in Latin America (Phase 4)	\$4.5 million Government of Spain-funded, 4-year project implemented by ILO-IPEC to combat child labor in 19 countries, including Costa Rica.(59)
Education and Monitoring Program for the Eradication of Child Labor	\$1.3 million Government of Spain-funded, 2-year project implemented by ILO-IPEC that aims to strengthen public policies and government capacity to combat child labor in 19 countries in Latin America, including Costa Rica. Includes the objective of developing information systems on the worst forms of child labor.(59)

\* The impact of this program on child labor does not appear to have been studied.

‡ 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 child labor in agriculture and in the worst forms of child labor in commercial sexual exploitation. According to OATIA, staff and funding were insufficient to conduct studies of the impact of social programs on child labor, including its worst forms(13).

## 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 9).

**Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms**

Area	Suggested Action	Year(s) Suggested
Laws	Increase the minimum age provisions in the Labor Code from 12 to 15, ensuring consistency with provisions in the Childhood and Adolescence Code.	2009 – 2013
Enforcement	Devote additional resources to labor law and criminal law enforcement, including increasing the numbers of personnel dedicated to inspections and investigations.	2013
Government Policies	Assess the impact of the National Plan for Development on reducing the worst forms of child labor and publicize the results to inform future efforts.	2013
Social Programs	Assess the impact of the Open Classroom and New Opportunities educational programs on child labor, including its worst forms.	2013
	Expand programs to reach more child laborers in agriculture and children engaged in commercial sexual exploitation.	2009 – 2013
	Increase the number of personnel in governmental agencies dedicated to implementing and studying the impact of programs that address the worst forms of child labor.	2009 – 2013

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