

In 2014, Costa Rica made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government ratified the ILO Convention on Domestic Workers and the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure. The Government also increased funding for the Inspection Office and developed an inter-agency coordination manual on the protection of child and adolescent victims of human trafficking, child labor, and commercial sexual exploitation. However, children in Costa Rica are engaged in the worst forms of child labor, including in agriculture and commercial sexual exploitation. Social programs do not reach all child laborers and resources for the Government's child labor law enforcement agencies remain inadequate.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Costa Rica are engaged in the worst forms of child labor, including in agriculture and 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.	4.4 (34,494)
Attending School (%)	5-14 yrs.	92.2
Combining Work and School (%)	7-14 yrs.	4.2
Primary Completion Rate (%)		95.2

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2015.(6)

Source for all other data: Understanding Children's Work Project's analysis of statistics from MICS 4, 2011.(7)

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* (8, 9)
	Fishing,*† activities unknown (1, 5, 8, 10)
Industry	Construction, activities unknown (1, 8, 10)
	Manufacturing, activities unknown (1)
Services	Commerce, including in stores, hotels, restaurants, and supermarkets (1, 10, 11)
	Street vending,† car washing (5, 10, 12, 13)
	Domestic service (1, 5, 10)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation sometimes as a result of human trafficking (2-4, 8, 10, 14, 15)
	Used in the production of pornography* (3, 16)
	Work in agriculture, construction, fishing, and commerce as a result of human trafficking (4, 15)
	Used in trafficking of drugs (2, 4)

* 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.

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Results from the 2011 National Household Survey indicate that 61.4 percent of child labor in Costa Rica occurs in rural areas, where 9.1 percent of households are in situations of extreme poverty.(1) While evidence is limited, there are reports of indigenous migrant children, primarily from Panama, working in agriculture on the border of Panama and Costa Rica.(8) Commercial sexual exploitation of children is known to be a problem in the provinces of Guanacaste, Limón, Puntarenas, and San José, as well as in border towns and port areas.(3, 17)

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	✓

In 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 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	Articles 78 and 92 of the Childhood and Adolescence Code; Article 46 of the Labor Code (21, 22)
Minimum Age for Hazardous Work	Yes	18	Article 87 of the Labor Code (21)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Article 94 of the Childhood and Adolescence Code; Article 88 of the Labor Code; Articles 5-6 of Regulation No. 36640 (21-23)
Prohibition of Forced Labor	Yes		Articles 20 and 56 of the Constitution; Article 8 of the Labor Code; Articles 7, 172, 189, and 381 of the Penal Code (21, 24, 25)
Prohibition of Child Trafficking	Yes		Articles 7, 172, 381, and 383-384 of the Penal Code; Article 74 of the Trafficking in Persons Law; Article 84 of Regulation No. 36659 (25-27)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 160, 168, and 170-174 of the Penal Code (25)
Prohibition of Using Children in Illicit Activities	Yes		Articles 7, 160, 168, 170-174, 188-189, 381, 383-384, and 390 of the Penal Code; Article 77 of the Narcotics Law (25, 28)
Minimum Age for Compulsory Military Recruitment	N/A†		
Minimum Age for Voluntary Military Service	N/A†		
Compulsory Education Age	Yes	17	Articles 57 and 59 of the Childhood and Adolescence Code; Article 78 of the Constitution (5, 22, 24)
Free Public Education	Yes		Article 59 of the Childhood and Adolescence Code; Article 8 of the Education Law; Article 78 of the Constitution (22, 24, 29)

† No standing military (24, 30)

While Articles 78 and 92 of the Childhood and Adolescence Code set the minimum age for employment at 15, Article 89 of the Labor Code establishes the minimum age at 12.(21, 22) 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.(5, 11)

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, 10) Protect adolescents' labor rights by conducting school and workplace visits, providing referrals to government services, and writing socio-labor studies and technical reports for the National Scholarship Fund (FONABE).(11, 22)
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. Employs 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.(10)
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, 10)

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

Labor Law Enforcement

In 2014, the Ministry of Labor and Social Security's (MTSS) Inspection Office (DNI) employed 100 inspectors. Inspectors did not receive training on laws and enforcement of laws relating to child labor during the year.(11, 13)

The DNI operated on a budget of \$12 million for the year, an increase from \$8 million in 2013.(10, 13) The DNI considered funding levels sufficient but commented that additional vehicles would allow them to conduct more inspections.(13)

The law protects all minors working in any activity or sector of the economy and labor inspectors have the authority to conduct unannounced inspections in any sector, including private farms and homes.(13) In 2014, the DNI conducted 2,985 general labor inspections. The DNI mainly inspected worksites in the commercial, service, and industry sectors but also inspected agricultural, construction, and transportation worksites.(13)

The labor inspectorate is not authorized to impose fines for labor violations; labor cases are resolved in court and the power to impose sanctions is exclusively controlled by the judiciary.(13)

The DNI detected 85 child labor infractions, with 4 cases involving working children below the age of 15. All 85 children were assisted as a result of inspections, and 2 cases were ultimately referred to the judiciary for prosecution; both cases were still pending at the end of the reporting period.(13)

In 2014, the MTSS Office for the Eradication of Child Labor and Protection of the Adolescent Worker (OATIA) provided assistance to 300 children removed from work; this was less than half the number assisted in 2013. Of these, OATIA referred 216 to the National Scholarship Fund (FONABE) and 84 to other government agencies for assistance.(10, 13) OATIA reported that their financial and human resources were limited during the reporting period due to national budget restrictions.(13)

Criminal Law Enforcement

In 2014, the Specialized Prosecutorial Unit against sexual crimes and domestic violence, also known as the Specialized Unit for Gender Issues, assigned 36 prosecutors to investigate and prosecute sexual and domestic violence related crimes, including for minor victims. This unit received a course on investigation of online crimes related to the use of child pornography from the Royal

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Canadian Mounted Police but did not receive additional training related to the worst forms of child labor.(11, 13) The Judicial Investigative Police's (OIJ) section against physical integrity, human trafficking, and smuggling crimes employed 43 investigators to collaborate with the Organized Crime Unit, the Specialized Prosecutorial Unit against Trafficking in Persons, and Gender Issues prosecutorial units. These investigators did not receive any training related to child labor during the year, and the OIJ indicated that the number of investigators and overall funding levels were inadequate.(11, 13) Not including salaries, the 2014 budget for the Specialized Unit for Gender Issues of the Prosecutor's Office was approximately \$10,000 and \$14,000 for the Victims' Attention Office.(13)

During the reporting period, the Specialized Prosecutorial Unit against sexual crimes and domestic violence reported 71 investigations related to the commercial sexual exploitation of minors and 6 prosecutions. Additionally, the OIJ reported 74 cases involving the worst forms of child labor.(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

Coordinating Body	Role & Description
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.(5, 31) 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. (31, 32) Oversee the Inter-Institutional Coordinating Protocol for the Protection of Working Minors to ensure children's and adolescents' rights and welfare are protected.(5, 33)
National Committee for the Elimination of Child Labor and the Protection of Adolescent Work	Develop and promote policy initiatives focused on eliminating child labor and regulating adolescent work. Overseen by the OATIA; includes a technical secretariat that is composed of representatives from various sectors.(5)
National Coalition against the Smuggling of Migrants and Trafficking in Persons (CONATT)	Promote the formulation, implementation, and assessment of national policies that address human trafficking, including labor trafficking.(26) 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. Help coordinate prosecutions of human trafficking and assistance to trafficking victims.(26)
National Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents (CONACOES)	Address child trafficking and the commercial sexual exploitation of minors.(2, 10). Report to the National Council of Childhood and Adolescence with legal standing under the National Child Welfare Agency (PANI).(10)
National Child Welfare Agency (PANI)	Protect child and adolescent rights and receive reports of child labor.(22, 34) 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, 22)

In 2014, the MTSS and the National Coalition against the Smuggling of Migrants and Trafficking in Persons (CONATT) published an inter-agency coordination manual on the protection of child and adolescent victims of human trafficking, child labor, and commercial sexual exploitation. The Immigration Office (DGME), National Learning Institute (INA), and National Child Welfare Agency (PANI) published a protocol on legalizing the migration status of foreign born students under the age of 18.(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 (2010-2014)	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.(35, 36) Formed part of the National Plan for Development (2010-2014).(2, 37) The Government formalized the Roadmap's Joint Programming Action Plan for 2015-2020, which is incorporated into the National Plan for Development (2015-2018).(13)

Table 7. Policies Related to Child Labor (cont)

Policy	Description
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.(10, 26)
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.(10)
National Plan for Development (2011-2014)	Incorporates child labor issues into national education and poverty reduction strategies.(38) The 2015-2018 plan aims to decrease child labor and the worst forms of child labor.(13)
Inter-institutional Coordinating Protocol for the Protection of Working Minors	Provides services to child laborers and at-risk children through collaboration between the MTSS, PANI, Ministry of Education, and Social Welfare Institute, as well as their regional and local agencies and the private sector.(39) 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.(40)
Declaration of the Regional Initiative: Latin America and the Caribbean Free of Child Labor† (2014-2020)	Aims to increase regional cooperation on eradicating child labor by 2020 through signatories' efforts to strengthen monitoring and coordination mechanisms, government programs, and South-South exchanges. Reaffirms commitments made in the Brasilia Declaration from the Third Global Conference on Child Labor (October 2013) and signed by Costa Rica at the ILO's 18th Regional Meeting of the Americas in Lima, Peru (October 2014).(41, 42)

† Policy was approved during the reporting period.

In August 2014, CONATT coordinated the meeting of the Regional Coalition against Human Trafficking in San Jose to develop guidelines for joint action to combat human trafficking in Central America.(43) In September 2014, Costa Rica participated in the First Meeting of the Working Groups of the XVIII Inter-American Conference of Ministers of Labor to foster continued dialogue and cooperation on labor issues throughout the Americas. Held in Bridgetown, Barbados, these discussions promoted the exchange of information on policies and programs that seek to formalize the informal sector, uphold workers' rights, and prevent and eliminate child labor.(44, 45)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, the Government of Costa Rica funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms. The Government has other programs that may have an impact on child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description
Let's Get Ahead Program (Avancemos)‡ (2006-2014)	Social Welfare Institute program implemented in the local provinces that provides conditional cash transfers to low-income families to keep their children in school and out of exploitative work.(2, 10, 37, 46)
FONABE*‡	OATIA and Ministry of Education national scholarship program to encourage working adolescents to complete their schooling.(2, 37, 47, 48)
Open Classroom (Aula Abierta)*‡	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.(49, 50)
New Opportunities (Nuevas Oportunidades)*‡	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.(51)
Child Labor Awareness Campaign	MTSS and Ministry of Education public-private partnership with Telephonic Foundation (Fundación Telefónica) to raise awareness of child labor, using social media supported by Fundación Telefónica.(32)
Elimination of Child Labor and its Worst Forms and the Protection of Adolescent Workers‡ (2012-2014)	MTSS public-private partnership with the Costa Rican Electrical Institute (ICE) to combat child labor (2012-2014); ICE contributes materials for public awareness campaigns.(32)

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

Program	Description
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.(52, 53)
Elimination of Child Labor in Latin America (Phase 4) (2011-2015)	\$4.5 million Government of Spain-funded, 4-year project implemented by ILO-IPEC to combat child labor in 19 countries, including Costa Rica.(54)
Education and Monitoring Program for the Eradication of Child Labor (2012-2014)	\$1.3 million Government of Spain-funded, 2-year project implemented by ILO-IPEC that aimed to strengthen public policies and government capacity to combat child labor in 19 countries in Latin America, including Costa Rica. Included the objective of developing information systems on the worst forms of child labor.(54) Concluded in November of 2014.(54)

*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 the worst forms of child labor in agriculture and in commercial sexual exploitation. According to OATIA, staff and funding were insufficient to expand existing social programs or conduct studies on their impact on child labor, including its worst forms.(10, 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
Legal Framework	Increase the minimum age provisions in the Labor Code from 12 to 15, ensuring consistency with provisions in the Childhood and Adolescence Code.	2009 – 2014
Enforcement	Ensure adequate funding, human resources, and training for law enforcement agencies.	2013 - 2014
	Strengthen the labor inspectorate by permitting inspectors to determine and assess penalties for child labor violations.	2014
Social Programs	Assess the impact of the Open Classroom and New Opportunities educational programs on child labor, including its worst forms.	2013 - 2014
	Expand programs to reach more child laborers in agriculture and in commercial sexual exploitation.	2009 – 2014
	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 – 2014

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