



U.S. DEPARTMENT of STATE

Costa Rica

Country Reports on Human Rights Practices - [2006](#)

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Costa Rica, a constitutional democracy with a population of approximately 4.3 million, is governed by a president and unicameral legislative assembly directly elected in free multiparty elections every four years. In February Oscar Arias Sanchez, of the National Liberation Party (PLN), won elections that generally were considered free and fair. While civilian authorities generally maintained effective control of the security forces, there were a few instances in which elements of the security forces acted independently of government authority.

While the government generally respected the human rights of its citizens, the following human rights problems were reported: prison overcrowding in certain facilities; inadequate prison medical services in general; substantial judicial process delays, particularly in pretrial detention and civil and labor cases; antiquated libel laws and excessive penalties for violations; domestic violence against women and children; child prostitution; and child labor.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings during the year.

On May 27, authorities arrested a current and a former police officer and accused them of assisting in the revenge killings of three citizens in May 2005. According to police reports, the men lured the victims, believed to be responsible for killing Colombian Javier Caceido, to a park to purchase stolen tools. The men presented police credentials, arrested the three persons, and drove them to a nearby park where they were delivered to four associates of Caceido and killed. At year's end one of the suspects remained in preventive detention and the other awaited trial.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution prohibits such practices, and the government generally respected this prohibition, some members of the security forces committed abuses. Any statement obtained through violence is invalid, and the government investigated, prosecuted, and punished agents responsible for confirmed cases of abuse.

All four police officers found guilty in August 2005 of abuse of authority for beating a suspect who resisted arrest appealed their three-year suspended sentences, and the appeals were still pending as of year's end.

In September a court found the former police officer charged with the 2003 beating of a robbery suspect guilty and sentenced him to two years in prison, but the sentence was commuted to parole.

The ombudsman's office lodged and recorded complaints of police misconduct (see section 4). During the year the ombudsman's office received 20 complaints, 19 of which remained under investigation, and one was determined to be legitimate.

On July 18, Nicaragua denounced Costa Rica at the Inter-American Commission on Human Rights (IACHR), citing a November 2005 incident in which seven public security officers witnessed but did not intervene when two guard dogs attacked a Nicaraguan. Nicaragua claimed this showed that its citizens face discrimination and xenophobia in Costa Rica. On October 18, the IACHR held a public hearing on the case but had not released any findings by year's end.

Prison and Detention Center Conditions

Although the government worked to improve prison conditions during the year, isolated cases of overcrowding, as well as poor sanitation, lack of health services, and violence among prisoners remained problems in some prison facilities. The ombudsman's office investigated all complaints and referred serious cases of abuse to the public prosecutor. Illegal narcotics were readily available in the prisons, and drug abuse was common.

Recent expansions at several prison facilities reduced the countrywide prison population at midyear approximately to the system's capacity level, although overcrowding persisted at the San Sebastian prison and the women's prison at Buen Pastor. San Carlos prison reduced its population 7 percent, which put it at capacity in June. As of June 30, the social adaptation division of the Ministry of Justice reported 12,987 persons under its supervision, including 7,737 jailed prisoners, 660 persons required to spend nights and weekends in jail, 4,039 persons in supervised work programs requiring no jail time, and 551 juveniles.

San Sebastian, where most prisoners in pretrial detention were held, continued to be overcrowded and unsanitary. Because of increases in the number of persons held in preventive detention arising out of court backlogs, the San Sebastian prison was not able to handle adequately the growing inmate population. Medical care at most facilities generally was adequate for routine illnesses and injuries but was inadequate for complex medical issues, such as HIV/AIDS.

While prisoners generally were separated by sex and by level of security (minimum, medium, and maximum), overcrowding sometimes prevented proper separation of prisoners of different security levels. As of June the San Jose women's prison held 5 percent more inmates than its intended capacity.

Due to overcrowding at the San Sebastian complex, some pretrial detainees were held with convicted prisoners in long-term detention facilities throughout the country.

The government permitted prison visits by international and local independent human rights observers, including representatives from the office of the ombudsman. Human rights observers were allowed to speak with prisoners and to prison employees in confidence and without the presence of prison staff or other third parties.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The Ministry of Public Security oversees the general preventive police force, as well as the drug control police, the border police, and coast guard. Traffic control and law enforcement are administered by the Ministry of Public Works and Transportation. Police forces generally were regarded as effective. However, due to limited resources, the police forces were routinely unable to conduct adequate patrols or take effective preventive measures. Nongovernmental organizations (NGOs) did not perceive corruption to be a serious problem. Each ministry had an internal disciplinary unit to investigate charges of abuse and corruption against its officers. If these units discover criminal evidence in any case (such as abuse of authority), they hand over the case to the Judicial Investigative Police (OIJ). Citizens can file a complaint against police directly with the OIJ, or anonymously through its hot line.

All new police recruits received human rights awareness training as part of their basic training course.

Arrest and Detention

The law requires issuance of judicial warrants before making arrests, except where probable cause is evident to the arresting officer. The law entitles a detainee to a judicial determination of the legality of detention during arraignment before a judge within 24 hours of arrest. The law provides for the right to bail, prompt access to an attorney, and prompt access to family members, and the authorities generally observed these rights in practice. Indigents are provided a public attorney at government expense and access to family members; in practice even those with sufficient personal funds were able to use the services of a public defender. With judicial authorization, the authorities are able to hold suspects incommunicado for 48 hours after arrest or, under special circumstances, for up to 10 days.

A criminal court may hold suspects in pretrial detention for periods of up to one year, and the court of appeals may extend this period to two years in especially complex cases. The law requires that suspects in pretrial detention have their cases reviewed every three months by the court to determine the appropriateness of continued detention. According to the Ministry of Justice, as of June 30, there were 1,686 persons in pretrial detention, representing 13 percent of the prison population.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice. The legal system faced many challenges, including significant delays in the adjudication of civil disputes and a still growing workload.

The judicial branch of government includes the upper and lower courts, the OIJ, the office of the prosecutor, the office of the public defender, forensic laboratories, and the morgue. The lower courts include courts of first instance and circuit courts. The Supreme Court is the highest court, with 22 justices known as magistrates. The legislative assembly elects those magistrates for eight-year terms, which are renewed automatically unless two-thirds of the assembly opposes such renewal.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

All trials, except those that include juvenile defendants, are public. A trial is presided over by a single judge or by a three-judge panel, depending on the potential penalties arising from the charges. Trials that involve victims or witnesses who are minors are closed during that portion of the trial where the minor is called to testify. There are no jury trials. Accused persons can select attorneys to represent them, and the law provides for access to counsel at state expense for the indigent. The law provides for detainee and attorney access to government-held evidence, and defendants can question witnesses against them and present witnesses on their behalf. Defendants enjoy a presumption of innocence and, if convicted, have the right of appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees, although former presidents Rafael Angel Calderon and Miguel Angel Rodriguez, who were released in October 2005 after nearly one year in custody, asserted that their arrests and preventive detention on corruption charges were politically motivated. In September 2005 Calderon asked the IACHR to review his case. In December 2005 he told reporters that the NGO International Society for Human Rights had filed an amicus curiae brief that asserted that his detention was politically motivated. The review by the IACHR was still pending at year's end.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters where lawsuits, including human rights violations, are brought. Administrative and judicial remedies for alleged wrongs are available.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such practices, and the government generally respected these prohibitions in practice. The law requires judicial warrants to search private homes. Judges may approve the use of wiretaps in investigations of certain crimes such as genocide, homicide, kidnapping, terrorism, narcotics trafficking, production of pornography, trafficking in persons, and the trafficking of persons for their organs. However, legal guidelines on the use of wiretaps are so restrictive that the use of wiretaps was rare.

The law grants considerable rights to squatters who invade uncultivated land, regardless of who may hold title to the property. Irregular enforcement of property rights and duplicate registrations of title harmed the real property interests of many who believed they held legitimate title to land. Landowners throughout the country suffered occasional squatter invasions; sometimes they received government assistance to evict squatters forcibly from private land.

In July 2005 the ombudsman's office requested governmental action to title the land where feasible or to resettle 2,000 of the 4,500 families living on lots too small to be plotted or in dangerous areas of the squatter development of La Carpio. The office reported that the project would take several years to complete and might require a declaration that the housing development was in the public interest through introduction of a bill to reform the law on the housing financial system. At year's end the government continued to survey and delineate land plots and to identify the most dangerous areas.

In February 2005 a court decision overturned the usurpation conviction of 17 squatters in the Bambuzal case, and the landowner and the prosecutor's office subsequently appealed the acquittal to the Supreme Court, which ordered a new trial. As of November 1, the case remained undecided by an agrarian tribunal.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press. Journalists and media company owners continued to criticize outdated legislation that imposed criminal penalties, including lengthy jail sentences instead of civil fines, for common press infractions and argued that such legislation promoted self-censorship.

Under the law, reporters are not required to reveal the identity of a source in any civil or criminal trial if the source has requested confidentiality. Reporters are allowed to defend themselves against libel charges by claiming that they were merely repeating a story published by foreign media. Libel convictions are punishable with fines or jail time.

The government had not yet modified the law to comply with a 2004 Inter-American Court of Human Rights ruling that the government should reform within a reasonable amount of time the press freedom laws on media prosecution. The ruling arose out of a 1999 conviction of a journalist for defamation. In May the Supreme Court rejected a claim by a journalist that prison sentences for common press infractions are unconstitutional. In June the World Press Freedom Committee sent a letter to President Arias asking him to change the press laws that jail journalists found guilty of libel or slander.

The law provides persons criticized in the media with an opportunity to reply with equal attention and at equal length. Media managers reported that it was difficult to comply with provisions of this law. The provisions outline a series of "insult laws" that establish criminal

penalties of up to three years in prison for those convicted of insulting the honor or decorum of a public official. The law also identifies defamation, libel, slander, and calumny as offenses against a person's honor that can carry criminal penalties. The Inter-American Press Association cited as problems former president Pacheco's informal ban on government advertising in La Nacion newspaper (which remained in effect) and stalling of attempts to adopt legislative reforms to press laws.

In July a trial court found journalist Ana Maria Navarro not guilty of libel and defamation for two reports she wrote critical of a mayor's alleged nepotism.

The trial of the six defendants accused of killing or illicit association in relation to the 2003 killing of journalist Ivannia Mora began in May. In November all six were acquitted because judges in the case found that key evidence had been improperly obtained. The trial of 10 defendants arrested in 2004 for the 2001 killing of radio host Parmenio Medina continued at year's end.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom.

The commission on control and rating of public performances rates films and has the authority to restrict or prohibit their showing if it is determined that the films are pornographic or violent in nature, or incite crime or vice. The commission has similar powers over television programs, radio programs, and stage plays. In addition the commission regulates the sale and distribution of written material deemed pornographic, enforcing specific packaging and display regulations. A tribunal reviews appeals of the commission's actions.

In October 2005 the IACHR agreed to review allegations of censorship brought against the rating commission by the owner of a local tabloid magazine that the government closed in 2004 after the owner printed semi-nude photographs in a 2003 issue without first submitting that issue for the rating commission's review. The case remained undecided at year's end.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice.

Although Roman Catholic religious instruction is provided in the public schools, it is not mandatory, and students may obtain exemptions from the instruction with the permission of their parents. The school director, the student's parents, and the student's teacher must agree on an alternative course of instruction for the exempted student during the instruction time. Religious education teachers in public schools must be certified by the Roman Catholic Church Conference, which does not certify teachers from other denominations or faiths. In April 2005 the public National University alleged that the church conference certification requirement was discriminatory and requested that the Ministry of Public Education reform the law governing public education to allow teachers certified in religious instruction by an entity other than the Roman Catholic Church to teach religion in the public school system. The Ministry of Public Education had not acted on this request as of September 15.

Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination, including anti-Semitic acts, during the year. There was a small Jewish population.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The constitution provides for these rights, and the government generally respected them in practice. The law requires that adults carry national identification cards at all times. Persons who fail to produce such documents at security checkpoints may be detained until their identity and immigration status are verified.

The constitution prohibits forced internal or external exile, and it was not used in practice.

Protection of Refugees

The law and a series of executive decrees provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees.

In practice the government provided protection against refoulement, the return of persons to a country where they feared persecution. The government granted refugee status or asylum and cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

The Refugee Department, in the General Directorate of Migration, is in charge of refugee status determination. The law requires refugee applications to be adjudicated within a month of receipt.

In September the security ministry announced its intention to cooperate with the Colombian government to determine if any of the approximately 10,000 Colombian refugees living in the country had obtained refugee status under false pretenses. In public statements, the UNHCR characterized this action as a collective investigation based on nationality and therefore a violation of the confidentiality principle refugees should enjoy. As of November 1, there were no reports of abuse originating from this information sharing.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage and by secret ballot every four years. The independent Supreme Electoral Tribunal ensured the integrity of elections, and the authorities and citizens respected election results. Presidents may seek reelection after sitting out two subsequent four-year terms, and assembly members may seek reelection after at least one term out of office.

Elections and Political Participation

In the February national elections, Oscar Arias of the PLN won the presidency in elections that generally were considered free and fair.

The Supreme Electoral Tribunal requires that a minimum of 40 percent of candidates for elective office be female and that women's names be placed accordingly on the ballots by party slate. The first vice president (who was also the minister of justice), and the ministers of science and technology, health, culture, and public works were women. There were 22 women in the 57-seat legislative assembly, including seven legislative committee chairwomen and the heads of three of the four major party caucuses.

Indigenous people did not play significant roles in politics or government except on issues directly affecting their welfare, largely because of their relatively small numbers and physical isolation. There were no indigenous members in the legislative assembly.

There was one black member in the assembly. There were no minority members in the cabinet.

Government Corruption and Transparency

The NGO Transparency International reported a serious level of perceived domestic corruption, a slight increase from 2005. There continued to be allegations of corruption against the executive branch. Two former presidents, Rafael Angel Calderon and Miguel Angel Rodriguez, remained under investigation for separate and unrelated cases of suspected corruption (see section 1.e.). In December the Constitutional Chamber ruled that authorities violated Rodriguez's rights when he was shown on local television leaving the plane handcuffed after his arrest. Former president Jose Maria Figueres Olsen remained in Switzerland despite a standing request by the legislative assembly for his return to answer questions regarding kickbacks received from his former company.

There were no new developments reported in the 2004 corruption investigation of the former president and board of directors of the social security fund.

The law provides for public access to government information, and the government generally respected this right. Government institutions published reports that detailed the year's activities. The ombudsman's office operated a Web page dedicated to enhancing transparency by improving citizen's access to public information.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

There is an ombudsman's office of approximately 150 employees dedicated to the oversight of actions or inactions by the government that impact the rights and interests of citizens, which includes human rights advocacy. The ombudsman is accountable to the legislative assembly, which appoints him or her to a four-year term and funds the office's operations. The ombudsman plays an active role in the drafting and approval process of legislation, promotes good administration and transparency, and presents an annual report to the assembly with nonbinding recommendations. While the ombudsman's recommendations and decisions are not legally enforceable, the position carried a strong moral and symbolic weight in the country.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions effectively.

Women

The government continued to identify domestic violence against women and children as a serious and growing societal problem. The law prohibits domestic violence and provides measures for the protection of domestic violence victims. Criminal penalties range from 10 to 100 days in prison for aggravated threats and up to 35 years in prison for aggravated homicide.

During the year the autonomous National Institute for Women (INAMU) provided legal and psychological counseling to 5,325 women and lodging for 245 battered women and 465 children in INAMU shelters. As of August 15, INAMU reported that 19 women and girls were killed in incidents of domestic violence, compared with 40 victims during all of 2005. INAMU also maintained a domestic abuse hot line.

As of December 21, the office of the special prosecutor for domestic violence and sexual crimes for the San Jose area investigated a total of 1,084 cases, compared with 1,243 cases in all of 2005.

The law against domestic violence established a number of victim-assistance mechanisms including basic training for new police personnel on handling domestic violence cases, requiring public hospitals to report cases of domestic violence against women, and denying perpetrators possession of the family home in favor of the victim. The public prosecutor, police, and ombudsman had offices dedicated to this problem.

The law defines various types of rape and provides penalties dependent upon a victim's age and other factors such as an assailant's use of violence or position of influence over the victim. The law provides for penalties from 10 to 18 years in prison for rape and two to 10 years in prison for statutory rape. The judiciary effectively enforced the rape law and provided due process for both victim and defendant. According to INAMU, the rape law applies in the same manner to spousal rape, although spousal rape cases in practice were much more difficult to prove.

Authorities acknowledged that many known rape cases were not investigated due to reluctance by the victim or family of the victim to press charges against perpetrators. During the first six months of the year, 316 rape cases, 36 intent cases, and 403 cases of sexual abuse of minors were reported to the prosecutor's office.

Prostitution is legal for persons over the age of 18 and was practiced openly throughout the country, particularly in areas with heavy concentrations of foreign tourists. The penal code prohibits individuals from promoting or facilitating the prostitution of persons of either sex, regardless of the person's age, and the penalty is increased if the victim is under the age of 18. There are no specific laws against sex tourism, which was growing; however, law enforcement agencies initiated investigations under existing legislation. The government and several advocacy groups also initiated awareness campaigns publicizing the dangers of sex tourism and its association with child sexual exploitation (see section 5, Trafficking).

The law prohibits sexual harassment in the workplace and educational institutions, and the Ministry of Labor generally enforced this prohibition. The law imposes penalties ranging from a letter of reprimand to dismissal, with more serious incidents subject to criminal prosecution. During the year the ombudsman's office received 52 complaints of sexual harassment in the workplace, compared with 56 complaints during 2005.

The law for the promotion of social equality of women prohibits discrimination against women and obligates the government to promote political, economic, social, and cultural equality. The government maintained offices for gender issues in most ministries and parastatal organizations. The Ministry of Labor was responsible for investigating allegations of gender discrimination. INAMU implemented programs that promoted gender equality and publicized the rights of women.

In July the census institute reported that women represented 35 percent of the labor force. Approximately 4.8 percent worked in agriculture, 12.5 percent in manufacturing, and 82.4 percent in the service sector. According to a 2005 UN Development Program report, women occupied 45 percent of professional and technical positions and 29 percent of high-level legislative, senior official, and managerial positions. The law requires that women and men receive equal pay for equal work. The estimated earned income for women was approximately 78 percent of the earned income for men.

Children

The government was committed to children's rights and welfare through systems of public education and medical care. Primary education is compulsory, free, and universal. The law requires six years of primary and three years of secondary education for all children, and attendance is required until age 15.

The Ministry of Education reported that the estimated primary school dropout rate was 3.3 percent and the secondary school dropout rate was 11.6 percent; these figures were based on actual registration and did not reflect students who failed to register at the beginning of the school year. The UN Children's Fund reported that approximately 30 percent of primary school students never entered secondary school and that 47 percent of secondary school students dropped out before graduation.

The law provides equal access to education and health care services to all minors, regardless of gender or legal residency status.

In recent years the autonomous National Institute for Children (PANI) increased public awareness of abuse of children, which remained a problem. From January 1 to June 30, PANI assisted 34,006 children and adolescents (17,117 girls and 16,889 boys), including 3,403 cases of physical abuse, 2,647 cases of sexual abuse, and 1,164 cases of psychological abuse. Traditional attitudes and the inclination to treat

sexual and psychological abuse as misdemeanors occasionally hampered legal proceedings against those who committed crimes against children.

The government, security officials, and child advocacy organizations acknowledged that commercial sexual exploitation of children remained a serious problem (see section 5, Trafficking). PANI estimated that an unknown but significant number of children suffered from commercial sexual exploitation. Street children in the urban areas of San Jose, Limon, and Puntarenas were particularly at risk. During the first six months of the year, PANI reported that it provided assistance to minors in 163 separate cases of commercial sexual exploitation.

Child labor was a problem mainly in the informal sector of the economy (see section 6.d.).

Trafficking in Persons

Although the law prohibits the trafficking of women and minors for the purpose of prostitution or forced labor, there is no legislation to address all forms of trafficking. The lack of a comprehensive antitrafficking law inhibited the government's ability to prosecute and convict traffickers, and prosecutors relied on several criminal statutes to bring traffickers to justice. Immigration reform legislation, passed in October 2005, went into effect on August 12. The law explicitly criminalizes the "illicit smuggling of people" with a two- to six-year prison sentence but is designed to combat the movement of illegal aliens, not the trafficking of persons for prostitution or forced labor. There were reports that persons were trafficked to, from, and within the country, most often for commercial sexual exploitation.

Cases of trafficking involved persons from Cuba, Guatemala, Peru, Ecuador, Colombia, the Dominican Republic, Panama, Nicaragua, the Philippines, China, Russia, and several countries of Eastern Europe. While evidence suggested that most trafficked persons remained in the country, some transited to Canada, Mexico, and the United States. Some female citizens, generally from impoverished backgrounds, also were trafficked to Canada, Mexico, and the United States. Women and children were trafficked within the country for sexual exploitation, while men, women, and children were also trafficked with the country for forced labor as domestic servants, agricultural workers, and workers in the fishing industry. Traffickers often recruited victims with a promise of secure employment and good pay.

The law provides for sentences of between two and 10 years' imprisonment for anyone who engages in sex with a minor and between four and 10 years' imprisonment for managing or promoting child prostitution. The office of the special prosecutor for domestic violence and sexual crimes for the San Jose area raided seven sites, resulting in the detention of four suspects, who remained in custody at year's end.

Hundreds of investigations into the commercial sexual exploitation of children were initiated, but few resulted in successful prosecution as a result of governmental inefficiency and an inability to protect witnesses. Minimal coordination among government offices responsible for trafficking-related offenses also frustrated enforcement efforts.

Government agencies responsible for combating trafficking and child sexual exploitation included the special prosecutor on domestic violence and sex crimes, PANI, the foreign ministry, the labor ministry, the public security ministry, the tourism ministry, and the OIJ, which has an investigative unit dedicated solely to trafficking in persons.

There were reports of corruption among immigration officials involving trafficking in persons along the country's borders, but the Immigration Directorate reported that no disciplinary actions were taken.

A governmental inter-ministerial group on trafficking made efforts to raise awareness of trafficking issues and sexual exploitation of children and to encourage law enforcement and prevention measures, particularly at the local level. A campaign initiated in 2005 that used television, radio, and billboard notices to warn young women of the dangers of commercial sexual exploitation continued. However, a lack of resources hampered the government's efforts.

While there were limited formal mechanisms specifically designed to aid trafficked victims, the government offered indirect assistance, such as stay-in-school programs, to child victims of trafficking. Foreign victims were not granted temporary or permanent residence status and often were deported immediately to their country of origin.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical and mental disabilities in employment, education, health care access, or provision of other state services, and there were no reports of individual, intentional discrimination against persons with disabilities in education or in the provision of other state services. There were no reports of employment discrimination, but the ombudsman's office reported to the legislative assembly that, due to poor facility access and entrenched business practices, unreported discrimination occurred.

Although a 1996 law mandates access to buildings for persons with disabilities and established a 10-year deadline for the government to make necessary installations and upgrades, the government did not enforce this provision in practice, and many buildings remained inaccessible to persons with disabilities. Public transportation services improved access slightly for wheelchair-bound passengers. However, only 6 percent of buses had complied with the accessibility regulations as of September 15.

The Ministry of Education operated a program for persons with disabilities, including a national resource center that provided parents, students, and teachers with advanced counseling, training, and information services. The ministry reported that 14,710 special education students were registered in the school system during the year, and there were 540 special education centers to assist special education students and students with disabilities. In addition 1,173 primary and secondary schools had programs to provide some support to students with disabilities.

National/Racial/Ethnic Minorities

The country's 100,000 blacks, who mostly resided in the province of Limon, enjoyed full rights of citizenship, including the protection of laws against racial discrimination. There were no reports with the ombudsman's office of racial discrimination against blacks. Approximately 15 percent of the resident black population was foreign born. There were sporadic reports of discrimination, usually directed against Nicaraguans, but there were no government-endorsed patterns of discrimination. Undocumented illegal immigrants were sometimes denied discretionary or long-term medical care because they were not participants in the national health care insurance program.

Indigenous People

Indigenous people, comprising nearly 70,000 persons among eight ethnic groups, accounted for nearly 2 percent of the population. While indigenous persons were not subject to official discrimination, social and health network gaps diminished their quality of life. Approximately 73 percent of the indigenous population lived in traditional communities on 24 reserves, which because of their remote locations, often lacked access to schools, health care, electricity, and potable water. The housing ministry estimated that only 27 percent of the indigenous population lived in homes considered to be in good condition. Few government health care facilities had been established in indigenous reserves. The law nominally protects reserve land as the collective, nontransferable property of the indigenous communities. Some indigenous landowners, however, sold their land to pay off debts, sometimes illegally to nonindigenous people. The ombudsman had a unit dedicated to investigating violations of the rights of indigenous people and sought to return reserve land to indigenous groups.

At year's end nonindigenous property owners continued to hold title to land on approximately 40 percent of the reserves legally set aside for indigenous occupation. The law requires that the government purchase all pre-existing land titles within the reserves in order to secure exclusive use and ownership rights for the indigenous populations.

Other Societal Abuses and Discrimination

Although there are no laws prohibiting discrimination against persons based on sexual orientation, discrimination based on HIV/AIDS in health care, employment, and education was prohibited by law and by presidential decree. The ombudsman's office received no reports of complaints of such discrimination during the year.

Section 6 Worker Rights

a. The Right of Association

The law specifies the right of workers to join unions of their choosing without prior authorization, and workers exercised this right in practice. The law also provides for the right not to join a union and to leave a union and accordingly prohibits any action that might infringe that right. The Ministry of Labor reported that approximately 9 percent of workers were unionized as of July.

Some trade union leaders contended that the existence of worker "solidarity associations" in some enterprises displaced unions and discouraged collective bargaining. The law prohibits these non-dues-collecting associations from representing workers in collective bargaining negotiations or in any other way that assumes the functions of or inhibits the formation of trade unions. Solidarity associations offered membership services, including credit union programs, matching-fund savings accounts, and low-interest loans. As of June 30, solidarity associations had approximately 225,000 members, 81 percent of whom worked in the private sector.

Although the law provides protection from dismissal for union organizers and members during union formation, including reinstating workers fired for union activities, cases of enforcement were almost nonexistent, and employers often failed to comply with this provision in practice. In its 2005 annual report, the International Labor Organization (ILO) Committee of Experts identified as a problem "slow and ineffectual procedures for penalties and redress in the event of antiunion acts." In addition, the International Trade Union Confederation's annual survey stated that there is no legal mechanism to oblige an employer to comply with a court order to reinstate a fired worker. Workers who are denied reinstatement under a court decision must file a new action with the labor court.

The center for alternative resolution of labor disputes handled 1,255 cases during the first six months of the year, 67.8 percent of which resulted in an agreement between the parties. Year-end statistics indicated a relatively high settlement rate when both employer and employee attended the hearing; with both parties present, two-thirds of the cases reached successful resolution.

To reduce backlogs caused by the lengthy labor dispute resolution process, the Ministry of Labor trained arbitrators and educated workers and unions on labor rights, and in 2005 the Supreme Court ordered the government to develop a large-scale labor reform project. The executive branch sent a reform bill to the legislature in 2005, which was considering it in committee at year's end.

b. The Right to Organize and Bargain Collectively

Workers exercised the constitutional right to organize and the right to voluntary collective bargaining. Foreign nationals are expressly prohibited from exercising direction or authority in unions. There are no special laws or exemptions from regular labor laws in export processing zones.

The law requires employers to initiate the bargaining process with a trade union if at least 34 percent of the workforce requests collective bargaining, and the government enforced this law in practice.

Although private sector unions had the legal right to engage in collective bargaining with employers, direct bargaining arrangements between employers and unorganized workers occurred more commonly. As of July the Ministry of Labor reported 67 collective agreements in the public sector and 13 agreements in the private sector.

The law provides for the right to strike, and workers exercised this right in practice; however, unions complained of burdensome administrative requirements for a strike to be legal. The law requires that at least 60 percent of the workers in an enterprise support strike action. Restrictions on the right to strike apply only to essential services that concern the national economy or public health.

In May the Supreme Court repealed specific sections of collective bargaining agreements between several public employee unions and various government agencies, stating that some fringe benefits received by certain public employees were disproportionate and unreasonable. An ILO commission visited in October to consider these rulings given the country's obligations as an ILO member but had not released its report by year's end.

After labor court judges declared a July 2005 strike by a group of municipal trash collectors illegal, the mayor fired 67 striking workers. The workers sought an injunction from the Constitutional Chamber of the Supreme Court, and the court ordered the workers temporarily reinstated pending a review of the case. Subsequently, the workers withdrew the case because the municipality annulled its decision to fire them.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law provides special occupational protection for minors and establishes a minimum working age of 15 years. Adolescents between the ages of 15 and 18 may work for a maximum of six hours daily and 36 hours weekly with special permission from PANI. The law prohibits night work and overtime for minors. Certain activities considered to be unhealthy or hazardous typically require a minimum age of 18. In addition, minors are entitled to facilities allowing them to attend educational establishments through school arrangements and timetables adapted to their interests and employment conditions, and to participate in apprenticeship training programs.

The Ministry of Labor, in cooperation with PANI, generally enforced these regulations effectively through inspections in the formal sector; the regulations were not effectively enforced in the informal labor sector as a result of inadequate resource allocations by the government.

Child labor continued to be a problem in formal and informal agricultural operations and in informal activities such as domestic work and family-run enterprises. Child prostitution and other types of child sexual exploitation remained serious problems (see section 5).

The Ministry of Labor maintained an Office for the Eradication of Child Labor (OATIA), which was responsible for coordinating government efforts and programs targeted at child labor. In June 2005 OATIA presented its second national plan of action for the eradication of child labor, designed to eliminate child labor within five years and requiring each participating government agency to include initiatives to combat child labor among their activities. Subsequently, OATIA implemented 101 training programs for 3,019 public and private sector officers on child labor awareness; developed two child labor research initiatives, one in a rural area and the other in a coastal area; standardized guidelines for the provision of services to child labor victims; and developed a training manual for labor inspectors financed by the ILO.

During the year the government continued to provide small loans and economic aid to families with at-risk children and 556 scholarships for poor families to cover the indirect costs of attending school. In 2005 the Ministry of Education initiated a new child labor education campaign to remove children from work and return them to school. OATIA reported that in 2005 it had registered 815 children working under the legal age. Working in coordination with the ministry and other government agencies, the Ministry of Labor removed these children from the work environment and placed them in schools, as well as provided counseling and orientation.

e. Acceptable Conditions of Work

The law provides for a minimum wage, which is set by the national wage council. Monthly minimum wages for the private sector ranged from approximately \$160 (81,789 colones) for domestic employees to approximately \$630 (635,850 colones) for university graduates. The Ministry of Labor effectively enforced minimum wages in the San Jose area but was not generally effective in enforcing the wage laws in rural areas, particularly those where large numbers of migrants were employed. The national minimum wage did not provide a decent standard of living for a worker and family.

The constitution sets workday hours, overtime remuneration, days of rest, and annual vacation rights. Workers generally may work a maximum of 48 hours weekly. While there is no statutory prohibition against compulsory overtime, the labor code stipulates that the workday may not exceed 12 hours under any circumstances. Nonagricultural workers receive an overtime premium of 50 percent of regular wages for work in excess of the daily work shift. However, agricultural workers did not receive overtime pay if they worked voluntarily beyond their normal hours. Hourly work regulations generally were enforced in the formal labor market in San Jose but were enforced poorly in rural areas and in the informal sector.

While the Ministries of Labor and Health shared responsibility for drafting and enforcing occupational health and safety standards, they did not enforce these standards effectively as a result of inadequate allocation of government resources. The law requires industrial, agricultural, and commercial firms with 10 or more workers to establish a joint management-labor committee on workplace conditions and allows the

government to inspect workplaces and to fine employers for violations. Most firms subject to the law established such committees, but they either did not use the committees or did not turn them into effective instruments for improving workplace conditions. Resource constraints continued to hinder the labor ministry inspection directorate's ability to carry out its inspection mandate. Workers who consider a work condition to be unhealthy or unsafe must make a written request for protection from the Ministry of Labor or the Ministry of Health in order to remove themselves from the condition without jeopardizing their continued employment.