



## Costa Rica

### Country Reports on Human Rights Practices - [2000](#)

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Costa Rica is a longstanding, stable, constitutional democracy with a unicameral Legislative Assembly directly elected in free multiparty elections every 4 years. Miguel Angel Rodriguez of the Social Christian Unity Party (PUSC) won the presidency in the February 1998 elections, in which approximately 70 percent of eligible voters cast ballots. The judiciary is independent.

The 1949 Constitution abolished the military forces. The Ministry of Public Security--which includes specialized units such as the antidrug police--and the Ministry of the Presidency share responsibility for law enforcement and national security. In 1996 the Government combined several police units within the Ministry of Public Security, including the Border Guard, the Rural Guard, and the Civil Guard, into a single "public force." Public security forces generally observe procedural safeguards established by law and the Constitution; however, members of these forces occasionally committed human rights abuses.

The market economy is based primarily on light industry, tourism, and agriculture. Real gross domestic product (GDP) growth was estimated at 1.4 percent, compared with 8 percent in 1999. The government deficit is estimated to have narrowed to 2.1 percent of GDP, compared with 2.3 percent in 1999; however, the public sector deficit remained at 3.3 percent of GDP, the same as in 1999. The Constitution protects the right to private property; however, domestic and foreign property owners encounter considerable difficulty gaining adequate, timely compensation for lands expropriated for national parks and other purposes. The law grants considerable rights to squatters who invade uncultivated land, regardless of who may hold title to the property.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse; however, there were problems in a few areas. There were some instances of physical abuse by police and prison guards, and reports of police abuse of authority or misconduct increased during the year. The judicial system processes criminal cases very slowly, resulting in lengthy pretrial detention for some persons charged with crimes. Domestic violence is a serious problem, and abuse of children also remains a problem. Traditional patterns of unequal opportunity for women remain, in spite of continuing government and media efforts to advocate change. Child labor persists, and child prostitution is a growing problem.

#### RESPECT FOR HUMAN RIGHTS

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

###### a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

The third judicial police officer accused of the 1994 murder of farmer *Ciro Monge* did not appear for his trial in April, and his whereabouts were unknown at year's end. The two officers convicted in 1997 appealed the rulings and lost; one fled the country in 1998 but was captured and returned to serve his sentence in February.

###### b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits cruel or degrading treatment and holds invalid any statement obtained through violence, and the authorities generally abide by these prohibitions; however, members of the public forces were responsible for some physical abuse, and reports of police abuse of authority or misconduct increased during the year. An effective mechanism for lodging and recording complaints of police misconduct exists. The Ombudsman's office serves as a recourse to citizens that have complaints about violations of their civil and human rights and about deficiencies in public and private infrastructure. It investigates complaints and, where appropriate, initiates suits against officials.

The Ombudsman's office received 52 reports of police abuse of authority or misconduct during the year, compared with 14 in 1999 and 4 in 1998. The majority of the reports involved complaints about negligence or corruption, but part of the large increase was due to complaints of alleged police brutality during the Costa Rican Electricity Institute strike (see Sections 2.b. and 6.a.). Police intervention during strike-related protests in downtown San Jose included the use of tear gas and riot gear.

A large percentage of police personnel owe their appointments to political patronage. The Rodriguez administration continued implementation of the 1994 Police Code designed to depoliticize and professionalize the police force. The Government's long-term plan is to establish permanent, professional cadres, eventually resulting in a nonpolitically appointed career force. The basic course for new police recruits includes training using a human rights manual developed by the Ministry of Public Security.

Prisoners generally receive humane treatment. Prisoners are separated by sex and by level of security (minimum, medium, and maximum). There are separate juvenile detention centers. Illegal narcotics are readily available in the prisons, and drug use is common. As of August, the Ombudsman's office had received two complaints of physical abuse of prisoners by guards, and four complaints of psychological abuse; compared with six complaints of physical abuse and six complaints of psychological abuse in all of 1999. The Ombudsman's office investigates complaints and refers serious cases of abuse to the public prosecutor.

Penitentiary overcrowding remains a problem, with the prison population estimated at 67 percent above planned capacity in 1999. A study by a U.N. agency found that the prison population grew by 155 percent from 1992-99. The Government is expanding six prisons to address this problem. In March 1996, the Supreme Court's Constitutional Chamber issued an order to the San Sebastian prison in San Jose, giving the institution 1 year to achieve minimally acceptable conditions for the prisoners. As of September, occupancy in that prison was 139 percent above intended capacity, an increase from 108 percent in 1999. In August the Supreme Court's Constitutional Chamber declared that no additional prisoners would be admitted to the San Sebastian prison until it met the U.N. minimum standards for the treatment of the imprisoned. The Ministry of Justice responded by calling on the Rodriguez administration to allocate more funds for prison enhancement. Five additional facilities have been opened and three have been undergoing renovation since 1999 as part of this plan. The Government also approved the budget for a series of detention facilities in outlying provinces, which are expected both to reduce overcrowding and to locate prisoners closer to their families.

The Government permits prison visits by independent human rights monitors.

### d. Arbitrary Arrest, Detention, or Exile

The Constitution and law prohibit arbitrary arrest and detention, and the Government generally respects these prohibitions.

The law requires issuance of judicial warrants before making arrests. The Constitution entitles a detainee to a judicial determination of the legality of the detention during arraignment before a court officer within 24 hours of arrest. The authorities generally respect these rights.

The law provides for the right to bail, and the authorities observe it in practice. Generally, the authorities do not hold detainees incommunicado. With judicial authorization, the authorities may hold suspects for 48 hours after arrest or, under special circumstances, for up to 10 days.

The Constitution bars exile as punishment, and it is not used.

### e. Denial of Fair Public Trial

The Constitution and law provide for an independent judiciary, and the Government respects this provision in

practice. The Constitution provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

The Supreme Court supervises the work of the lower courts, known as tribunals. The Legislative Assembly elects the 22 Supreme Court magistrates to 8-year terms, subject to automatic renewal unless the Assembly decides otherwise by a two-thirds majority. Accused persons may select attorneys to represent them, and the law provides for access to counsel at state expense for the indigent.

Persons accused of serious offenses and held without bail sometimes remain in pretrial custody for long periods. Lengthy legal procedures, numerous appeals, and large numbers of detainees cause delays and case backlogs. As of February, there were 1,967 accused persons jailed while awaiting trial, representing 21 percent of the prison population.

There were no reports of political prisoners. However, one individual was jailed for committing crimes against the State (politically motivated acts of violence) in the 1980's. The human rights group Families for the Defense of Political Prisoners and Human Rights considers this person to be a political prisoner.

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

The Constitution prohibits such practices; government authorities generally respect these prohibitions; and violations are subject to effective legal sanction. The law requires judicial warrants to search private homes. Judges may approve the use of wiretaps in limited circumstances, primarily to combat narcotics trafficking.

The law grants considerable rights to squatters who invade uncultivated land, regardless of who may hold title to the property. Landowners throughout the country have suffered frequent squatter invasions for years. President Rodriguez said he would give priority to reducing these conflicts, increasing public security, and regularizing land tenure. The Legislative Assembly is reexamining laws that allow occupants of land to gain title through adverse possession. The incidence of squatter invasions had increased in 1999 in anticipation of the land tenure regularization. However, during the year there was only one instance when squatter families were removed. In that case, the Government removed 230 families without reports of protests or violence.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, a generally effective judiciary, and a functioning democratic political system together ensure freedom of speech and of the press.

There are 6 major privately owned newspapers, several periodicals, 20 privately owned television stations, and over 80 privately owned radio stations, all of which pursue independent editorial policies. While the media generally criticized the Government freely, there were unconfirmed allegations that the Government withheld advertising from some publications in order to influence or limit reporting.

A 1996 "right of response" law provides persons criticized in the media with an opportunity to reply with equal attention and at equal length. Print and electronic media continued to criticize public figures; however, media managers have found it difficult to comply with provisions of this law.

The Penal Code outlines a series of "insult laws" that establish criminal penalties of up to 3 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 and the World Press Freedom Committee assert that such laws have the effect of restricting reporting by the media, and that they wrongly provide public officials with a shield from public scrutiny by citizens and the press.

The Office of Control of Public Spectacles rates films and has the authority to restrict or prohibit their showing; it has similar powers over television programs and stage plays. Nonetheless, a wide range of foreign films are available to the public. A tribunal reviews appeals of the office's actions.

The Government respects academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government respects them in practice.

In March police intervention to disband strike-related protests in San Jose resulted in complaints to the Ombudsman's office that such actions were abusive and constituted evidence of police brutality (see Sections 1.c. and 6.a.).

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. While the Constitution establishes Roman Catholicism as the state religion, members of all denominations freely practice their religion without government interference. Religious education teachers, including those in public schools, must be certified by the Roman Catholic Episcopal Conference. Foreign missionaries and clergy of all denominations work and proselytize freely.

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

The Constitution provides for these rights, and the Government respects them in practice. There are no restrictions on travel within the country, on emigration, or on the right of return.

There is a long tradition of providing refuge to persons from other Latin American countries.

The law provides for granting asylum or refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government has admitted approximately 5,000 persons as refugees under terms of the convention. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government makes a distinction between political asylum and refugee status. The issue of the provision of first asylum did not arise. The Constitution specifically prohibits repatriation of anyone subject to potential persecution, and there were no reports of the forced expulsion of persons to a country where they feared persecution.

The authorities regularly repatriated undocumented Nicaraguans, most of whom entered the country primarily for economic reasons. However, following Hurricane Mitch in 1998, the Government announced a program of general amnesty for all Nicaraguans, Hondurans, and Salvadorans in the country prior to November 9, 1998. By June 156,000 Central Americans, 95 percent of whom are Nicaraguans, qualified for and received legal resident status under this government amnesty program.

Immigration officials reported that 4,000 Colombians were expected to emigrate to Costa Rica during the year; 2,831 emigrated in 1999. The majority immigrate legally. However, others seek temporary refugee status, and under the law, are expected to return to their country of origin once the period of conflict ends in their country.

The Government has been reluctant in many cases to state publicly under what status it would grant legal residence. However, according to press reports, the authorities granted 16 Cuban athletes asylum in the period between January 1999 and June, under the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

Allegations of abuse by the Border Guard periodically arise. Although instances of physical abuse appear to have declined, there were credible reports of extortion of migrants by border officials.

#### 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 exercise this right in practice through free and fair elections held on the basis of universal suffrage and by secret ballot every 4 years. The independent Supreme Electoral Tribunal ensures the integrity of elections, and the authorities and citizens respect election results. The Constitution bars the President from seeking reelection, and Assembly members may seek reelection only after at least one term out of office. In September the Constitutional Chamber of the Supreme Court upheld the constitutionality of this provision in response to a petition filed by private citizens. The case is expected to be appealed to the Inter-American Court of Human Rights for a determination of whether the ban on presidential reelection constitutes an infringement of citizens' rights to vote and run for office.

In the 1998 elections, President Rodriguez's Social Christian Unity Party won a plurality in the Legislative Assembly, winning 27 of 57 seats. The National Liberation Party (PLN) won 23 seats, the Democratic Force won 3 seats, and 4 minor parties--the Labor Action, National Integration, Costa Rican Renovation, and Libertarian Movement parties--each won 1 seat.

Women encounter no legal impediments to their participation in politics; however, while they are underrepresented overall, women are represented increasingly in leadership positions in the Government and political parties. Both vice presidents (who are also cabinet members), the Minister of Justice, the Minister of Women's Affairs, and 11 legislative assembly deputies are women. Sonia Picado, leader of the PLN, the principal opposition party, is also a woman. Former Assembly Deputy Sandra Pizsk continues as Ombudsman, a key autonomous post created in 1993 to protect the rights and interests of citizens in their dealings with the Government, and Linette Saborio remained the Director General of the judicial investigative organization. The PUSC mandated that a minimum of 40 percent of posts in party councils be occupied by women and created the Ministry of Women's Affairs, headed by Dr. Gloria Valerin. In 1998 female legislators formed the Foundation of Women Parliamentarians of Costa Rica to commemorate the 45th anniversary of the first female members of the Assembly. The group's principal focus is to promote women's involvement in politics through informational meetings and public awareness campaigns, but it also works for a number of social objectives, including the decentralization of government.

Indigenous people may participate freely in politics and government; however, in practice, they have not played significant roles in these areas, except on issues directly affecting their welfare, largely because of their relatively small numbers and physical isolation. They account for about 1 percent of the population, and their approximately 20,000 votes constitute an important swing vote in national elections. None of the 57 members of the National Assembly identifies himself as indigenous. There are two black members in the Assembly. The country's 100,000 blacks, who mostly reside on the Caribbean coast, enjoy full rights of citizenship, including the protection of laws against racial discrimination.

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

Various human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views. The Costa Rican Commission for Human Rights, the Commission for the Defense of Human Rights in Central America, and the Family and Friends of Political Prisoners of Costa Rica monitor and report on human rights, as does the Ombudsman's office.

The Legislative Assembly elects the Ombudsman for a 4-year, renewable term. The Ombudsman's office is part of the legislative branch, ensuring a high degree of independence from the executive branch. The law provides for the functional, administrative, and judgmental independence of the Ombudsman's office.

Several international organizations concerned with human rights, including the Inter-American Institute for Human Rights and the Inter-American Court of Human Rights, are located in San Jose.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that all persons are equal before the law, and the Government generally respects these provisions.

#### Women

The Government has identified domestic violence against women and children as a serious societal problem. The Costa Rican Women's Defense Office handled 5,188 cases of domestic violence in 1999. The Law Against Domestic Violence classifies certain acts of domestic violence as crimes and mandates their prosecution. An old law permitted a judge to pardon a man accused of statutory rape if the perpetrator intends to marry the victim, she and her family acquiesce, and the National Institute for Children does not object; however, an August 1999 reform to the Penal Code rendered this article void. The authorities have incorporated training on handling domestic violence cases into the basic training course for new police personnel. The domestic violence law requires public hospitals to report cases of female victims of domestic violence. It also denies the perpetrator possession of the family home in favor of the victim. Television coverage of this issue has increased in news reporting, public service announcements, and feature programs. Reports of violence against women have increased, possibly reflecting a greater willingness of victims to report abuses rather than an actual increase in instances of violence against women. The public prosecutor, police, and the Ombudsman all have offices dedicated to this problem. The law against sexual harassment in the work

place and educational institutions seeks to prevent and punish sexual harassment in those environments.

Prostitution and sex tourism are both legal for persons over the age of 18. The prohibition against trafficking in women for the purpose of prostitution was strengthened by a statute that went into effect in August 1999, although there have been only infrequent and isolated cases reported in the past (see Section 6.f.).

Women constitute 50.1 percent of the population. In 1998 President Rodriguez created the Ministry of Women's Affairs. The 1990 Law for the Promotion of the Social Equality of Women prohibits discrimination against women and obligates the Government to promote political, economic, social, and cultural equality. In March 1996, the Government's National Center for the Development of Women and the Family presented its 3-year National Plan for Equality of Opportunity between Women and Men. The plan is based on the Platform for Action adopted at the Fourth World Conference on Women in Beijing in 1995. As part of the plan, the Government established an office for gender issues in the Ministry of Labor; similar offices are planned in two other ministries.

According to the United Nations Development Program (UNDP) 1999 Human Development Report, women represent 31 percent of the labor force. Most women work in the services sector, with others working in industry and agriculture. While laws require that women and men receive equal pay for equal work, average salaries for women remain somewhat below those of their male counterparts. According to 1997 UNDP data, women occupy 45 percent of executive, management, and technical positions.

#### Children

The Government is committed to children's rights and welfare through well-funded systems of public education and medical care. The Government spends over 5 percent of GDP on medical care. In June 1998, the Legislative Assembly passed a constitutional amendment increasing spending on education from 4 percent to 6 percent of GDP. The country has a high rate of literacy (95 percent) and a low rate of infant mortality (14 persons per 1,000). The law requires 6 years of primary and 3 years of secondary education for all children. There is no difference in the treatment of girls and boys in education or in health care services. The autonomous National Institute for Children (PANI) oversees implementation of the Government's programs for children. In December 1996, the Assembly passed a law strengthening the PANI's role in protecting and promoting the rights of children, in accordance with the provisions of the U.N. Convention on the Rights of the Child.

In recent years, the PANI has increased public awareness of abuse of children, which remains a problem. From January to June, the Institute intervened in 3,704 cases of abandonment, 1,013 cases of physical abuse, 536 cases of sexual abuse, and 885 cases of psychological abuse of children. The PANI attributed the increase in cases reported to better reporting capabilities and an increase in patterns of child abuse. There was also a continued increase in reported psychological abuse cases because the 1997 Code of Childhood and Adolescence redefined such abuse and increased awareness of it. Abuses appear to be more prevalent among poor, less-educated families. Traditional attitudes and the inclination to treat such crimes as misdemeanors sometimes hamper legal proceedings against those who commit crimes against children.

In February 1996, the PANI announced a comprehensive plan to improve the conditions of the poorest children. According to Institute estimates, 19 percent of children between the ages of 5 and 17 are employed in domestic tasks, while 15 percent work outside the home. The Government, police sources, and UNICEF representatives acknowledge that child prostitution is a growing problem. Although no official statistics exist, the PANI has identified street children in the urban areas of San Jose, Limon, and Puntarenas as being at the greatest risk. Estimates of the number of children involved in prostitution vary widely. An International Labor Organization (ILO) study of four San Jose neighborhoods in 1998-99 identified at least 212 minor girls working as prostitutes, but other countrywide estimates are higher. A PANI study estimated that some 40 families in August supported themselves by "renting" their children to sex tourists. In July 1999, the Legislative Assembly passed the Law Against the Sexual Exploitation of Minors, which specifically penalizes persons who use children and adolescents for erotic purposes and made it a crime to engage in prostitution with minors. An adult who pays for sex with a minor can be sentenced to 2 to 10 years in prison. The Government took steps to enforce this law and has raided brothels and arrested clients. The law provides for prison sentences from 4 to 10 years for those managing or promoting child prostitution. The authorities brought charges against 30 persons for violating the law and had convicted 4 persons by year's end.

Casa Alianza operates a 24-hour telephone help line that received 240 accusations of exploitation of minors. In March the organization made a presentation to the Inter-American Commission on Human Rights (IACHR) about what it termed the growing commercial sexual exploitation of children in the country. Casa Alianza criticized the Government for not providing the PANI with 7 percent of national tax revenue, as stipulated by the law creating the Institute, and also criticized the Government for the relatively low number of persons

actually charged, found guilty, and sentenced for child exploitation.

#### People with Disabilities

The 1996 Equal Opportunity for Persons with Disabilities Law prohibits discrimination, provides for health care services, and mandates provision of access to buildings for persons with disabilities. This law is not enforced widely, and many buildings remain inaccessible to persons with disabilities. In July a government study concluded that only 35 percent of the law's stated goals had been implemented. Nonetheless, a number of public and private institutions have made individual efforts to improve access. In 1999 the PANI and the Ministry of Education published specific classroom guidelines for assisting children with hearing loss, motor difficulties, attention deficit disorder, and mental retardation. In October the Ministry reported that since 1998 there had been a 20 percent increase in special education services offered throughout the country, and that 116 special education centers had been created.

#### Indigenous People

The population of about 3.5 million includes nearly 40,000 indigenous people among 8 ethnic groups. Most live in traditional communities on 22 reserves which, because of their remote location, often lack access to schools, health care, electricity, and potable water. The Government, through the National Indigenous Commission, completed distribution of identification cards to facilitate access to public medical facilities in 1999. The Government also built a medical clinic and several community health centers in indigenous areas. The Ombudsman has established an office to investigate violations of the rights of indigenous people. In January 1999, a group of indigenous people from Puntarenas challenged the constitutionality of the 1978 Indigenous Law because of their inability to possess private property on the reservation. The Supreme Court's Constitutional Chamber rejected this challenge in January.

#### 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, although barriers exist in practice. About 15 percent of the work force is unionized, almost entirely in the public sector. Unions operate independently of government control.

Some trade union leaders contend that "solidarity" associations, in which employers provide access to credit unions and savings plans in return for agreement to avoid strikes and other types of confrontation, infringe upon the right of association. After the ILO Committee on Freedom of Association (CFA) ruled that solidarity associations and their involvement in trade union activities violated freedom of association, the Government amended the Labor Code in 1993. The following year, the ILO Committee of Experts (COE) ruled that these and other planned changes fostered greater freedom of association. In 1995 the COE encouraged the Government to approve legislation to allow unions to administer compensation funds for dismissed workers and to repeal labor code provisions restricting the right to strike in certain nonessential public, agricultural, and forestry sectors. The International Confederation of Free Trade Unions (ICFTU) reported that the Labor Ministry provided information about newly formed unions to employers who then encouraged formation of solidarity associations and blacklisted union members. The Labor Ministry denied the reports but acknowledged that solidarity association culture is deeply embedded. During 1999 and 2000, the Labor Ministry received 13 complaints (representing 7 incidents) charging explicit antiunion discrimination.

In June 1998, the Rerum Novarum Workers Confederation complained about government noncompliance with commitments to protect worker rights but withdrew the complaint after the Rodriguez administration asked for a reasonable period to demonstrate its commitment to worker rights. Some labor unions did not support the complaint because they believed that it interfered with the administration's national reconciliation process. In August the Rerum Novarum confederation resubmitted the complaint against the Government; they had not received a response at year's end.

The Constitution and Labor Code restrict the right of public sector workers to strike. However, in February 1998, the Supreme Court formally ruled that public sector workers, except those in essential positions, have the right to strike. Even before this ruling, the Government had removed penalties for union leaders participating in such strikes.

In March the Supreme Court's Constitutional Chamber clarified the law forbidding public sector strikes. It ruled that public sector strikes may be allowed only if a judge approves them beforehand and finds that "services necessary to the well-being of the public" are not jeopardized. Public sector workers who decide to strike can

no longer be penalized by a prison sentence but can face charges of breach of contract.

In March Costa Rican Electricity Institute (ICE) workers, employees from public hospitals, teachers, students, taxi drivers, and public transportation workers called a general strike that lasted several days to protest the passage of legislation which would partially open the ICE to private participation (see Sections 1.c. and 2.b.).

There are no legal restrictions on the right of private sector workers to strike, but very few workers in this sector belong to unions. Private sector strikes rarely occur; however, their frequency increased during the year.

Unions may form federations and confederations and affiliate internationally.

#### b. The Right to Organize and Bargain Collectively

The Constitution protects the right to organize. Specific provisions of the 1993 Labor Code reforms provide protection from dismissal for union organizers and members during union formation. The revised provisions require employers who are found guilty of discrimination to reinstate workers fired for union activities. However, the ILO's CFA reported that harassment is still used to force workers to leave unions, and that other violations of labor legislation continue to occur. In one incident, a company in the banana industry refused to negotiate with a legitimate union for 3 years. The company eventually fired the union leader and established a solidarity association.

Trade unions claim that the 1993 reforms have not led to significant improvements because the Government has not enforced the law effectively. However, the Labor Ministry hired an additional 10 labor inspectors who are able to expedite such cases. The Constitutional Chamber ruled that the labor inspectorate must comply with the 2-month time limit for investigations. Most cases take up to 2 months to resolve, but some may take longer if the judge decides that an unusual situation merits further investigation and requires witnesses. Delays in processing court rulings are common throughout the judicial branch.

Public sector workers cannot engage in collective bargaining because the Public Administration Act of 1978 makes labor law inapplicable in relations between the Government and its employees. However, the Supreme Court has affirmed their right to strike (see Section 6.a.). In August 1999, the Government negotiated a wage increase following a 7-day strike by public sector workers. Private sector unions have the legal right to engage in collective bargaining.

All labor regulations apply fully to the country's nine export processing zones (EPZ's). The Labor Ministry oversees labor regulations within the EPZ's. It reported that after an effort to hire additional inspectors, it now has 1 inspector for every 9,000 workers, compared with 1 for every 30,000 in 1999.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, and there were no known instances of such practices. Laws prohibit forced and bonded labor by children, and the Government enforces this prohibition effectively.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution and the Labor Code provide special employment protection for women and children and establish a minimum working age of 15 years. The Legislative Assembly adopted the Code on Childhood and Adolescence in December 1997, which includes provisions designed to implement the U.N. Convention on the Rights of the Child. Adolescents between the ages of 15 and 18 can work for a maximum of 6 hours daily and 36 hours weekly, while children under age 15 cannot work legally. The PANI, in cooperation with the Labor Ministry, generally enforces these regulations in the formal sector. Due to limited government resources for enforcement, some children work on the fringes of the formal economy in violation of these limits. Youths under the age of 18 may not work in the banana industry. A 1999 study by the Census Bureau and Ministry of Labor estimated that 8.9 percent of the population between the ages of 5 and 14 are involved in the country's formal and informal workforce, and found that 70 percent of these children are boys. However, the study also indicated that the number of minor children in the workforce has dropped steadily over the past 10 years.

With help from the ILO, the Labor Ministry is working to phase out child labor and has asked employers of children to notify the Ministry of such employment. The Government formed the National Directive Committee for the Progressive Eradication of Child Labor and Protection of Adolescent Laborers in 1990. Representatives from the PANI, the Ministry of Labor, the Ministry of Justice, the Ministry of Public Security, the Ombudsman's Office, UNICEF, the ILO, and area universities are part of the committee. In April 1999, the Committee

conducted an aggressive public awareness campaign as part of its national plan. The campaign addressed child labor and explained existing legislation to audiences of different age groups. The Ministry of Labor maintains an Office for the Eradication of Child Labor, which cooperates with projects sponsored by the ILO, U.N. Development Program, and other entities. Nonetheless, child labor remains an integral part of the informal economy, particularly in small-scale agriculture and family-run microenterprises selling various items, which employ a significant proportion of the labor force. Child prostitution is a growing problem (see Section 5). The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively (see Section 6.c.).

In October the International Relations Commission of the Legislative Assembly approved ILO Convention 182 on the eradication of the worst forms of child labor for debate on the Assembly floor, which was scheduled for the session beginning in December.

#### e. Acceptable Conditions of Work

The Constitution provides for a minimum wage. A National Wage Council, composed of three members each from government, business, and labor, sets minimum wage and salary levels for all sectors. Monthly minimum wages, last adjusted in July for the private sector, range from \$137 (42,373 colones) for domestic employees to \$662 (205,365 colones) for some professionals. Public sector negotiations, based on private sector minimum wages, normally follow the settlement of private sector negotiations. The Ministry of Labor effectively enforces minimum wages in the San Jose area, but does so less effectively in rural areas. Especially at the lower end of the wage scale, the minimum wage is insufficient to provide a worker and family with a decent standard of living.

The Constitution sets workday hours, overtime remuneration, days of rest, and annual vacation rights. Although often circumvented in practice, it also requires compensation for discharge without due cause. Generally, workers may work a maximum of 8 hours during the day and 6 at night, up to weekly totals of 48 and 36 hours, respectively. Nonagricultural workers receive an overtime premium of 50 percent of regular wages for work in excess of the daily work shift. However, agricultural workers do not receive overtime pay if they voluntarily work beyond their normal hours. Little evidence exists that employers coerce employees to perform such overtime.

A 1967 law on health and safety in the workplace 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 establish such committees but either do not use the committees or do not turn them into effective instruments for improving workplace conditions. Due partly to budgetary constraints, the Ministry has not fielded enough labor inspectors to ensure consistent maintenance of minimum conditions of safety and sanitation, especially outside San Jose. However, ministry programs to hire additional inspections and enhance inspector training programs have resulted in some progress. While workers have the right to leave work if conditions become dangerous, workers who do so may jeopardize their jobs unless they file written complaints with the Labor Ministry.

#### f. Trafficking in Persons

The law prohibits trafficking in women for the purpose of prostitution, and in August 1999, a statute went into effect that strengthens this prohibition. There have been only infrequent and isolated cases of trafficking in women in the past (see Section 5). However, in its March submission to the IACHR, Casa Alianza asserted that there was trafficking in women from Colombia, the Dominican Republic, and the Philippines to the country. Local authorities lack the resources necessary to address this problem; there is little in the way of government protection, aid, or educational campaigns for persons who have been trafficked to or from the country. The Ministry of Women's Issues began an awareness campaign in 1999 to educate women about the dangers of trafficking.

[End.]