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تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية

والاجتماعية والثقافية، بما في ذلك الحق في التنمية

زيارة إلى كوستاريكا

تقرير المقرر الخاص المعني بأشكال الرق المعاصرة، بما في ذلك أسبابها وعواقبها،
تومويا أوبوكاتا*

موجز

يُقدّم المقرر الخاص المعني بأشكال الرق المعاصرة، بما في ذلك أسبابها وعواقبها، تومويا أوبوكاتا، هذا التقرير عملاً بقرار مجلس حقوق الإنسان 15/51.

وزار المقرر الخاص كوستاريكا في الفترة من 16 إلى 25 تشرين الثاني/نوفمبر 2022. وبعد إجراء تحليل للإطار الشارح والبنية المؤسسية القائمة لمكافحة أشكال الرق المعاصرة، يبحث المقرر الخاص ظروف العمل في مختلف قطاعات الاقتصاد، بما فيها قطاع الزراعة وقطاع السياحة. ولم يجد المقرر الخاص حالات منهجية أو واسعة الانتشار لأشكال الرق المعاصرة في البلد، وهو يقر بالتقدم المحرز، على سبيل المثال، في منع عمل الأطفال ومكافحته. وفي الوقت ذاته، يسلط المقرر الخاص الضوء على أوجه القصور المستمرة في إنهاء أشكال الرق المعاصرة في كوستاريكا، ويختتم التقرير بتوصيات لمساعدة الحكومة وأصحاب المصلحة الآخرين في مواجهة التحديات المتبقية.

* يُعَمَّم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه، الوارد في مرفق هذا الموجز، فيُعَمَّم باللغة التي قُدِّم بها وبالإسبانية فقط.



الرجاء إعادة الاستعمال

Annex

Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, on his visit to Costa Rica

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I. Introduction

1. The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, visited Costa Rica from 16 to 25 November 2022. The main objective was to assess the progress made by the Government in eliminating contemporary forms of slavery as part of its commitment as a Pathfinder Country under Alliance 8.7. In this regard, the Special Rapporteur had the opportunity to analyse the nature and extent of labour exploitation in various sectors such as agriculture, including plantations, and tourism and domestic work, as well as in commercial sexual exploitation.
2. The Special Rapporteur met with officials from a broad range of government departments, including the Ministry of Foreign Affairs and Worship, the Ministry of Labour, the Ministry of Justice and Peace, the Judicial Branch, the Ministry of Public Security, the General Directorate of Migration and Aliens, the Costa Rican Tourism Institute, the Ministry for the Status of Women, the National Child Welfare Agency, the National Commission on Indigenous Affairs, the National Commission against Sexual Exploitation and the National Coalition against the Smuggling of Migrants and Trafficking in Persons. He also met with the Legislative Assembly, the Ombudsperson, civil society organizations, migrant workers, Indigenous Peoples, people of African descent, LGBTIQ+ activists, trade unions, representatives of the business community, representatives of United Nations agencies including the Resident Coordinator, the Office of the United Nations High Commissioner for Human Rights (OHCHR) Human Rights Adviser, representatives of the International Labour Organization (ILO), the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, the International Organization for Migration (IOM), the United Nations Development Programme, the United Nations Population Fund, the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Office on Drugs and Crime (UNODC), and with the diplomatic community. The Special Rapporteur also met with representatives of the Inter-American Court of Human Rights, and visited various locations in San José and Los Chiles.
3. The present report was shared with the Government of Costa Rica before its publication and factual corrections made by the Government were included in the report.
4. The Special Rapporteur extends his appreciation to the Government of Costa Rica for the invitation to visit the country and to officials from multiple State entities for engaging in a fruitful and meaningful dialogue. He further expresses his sincere gratitude to all stakeholders that took the time to meet with him.

II. Legal framework

A. International human rights law and international labour law

5. Costa Rica has ratified key human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.
6. In addition, Costa Rica is a party to ILO conventions, including the Forced Labour Convention, 1930 (No. 29), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Abolition of Forced Labour Convention, 1957 (No. 105), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182). Costa Rica has also ratified the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), and the United

Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

B. National legal and policy frameworks

7. Costa Rica has various legal frameworks applicable to contemporary forms of slavery, which incorporate some of the key international human rights and labour instruments. The Constitution adopted in 1949 explicitly states in its article 20 that “every person is free in the Republic; whoever is under the protection of its laws may not be a slave”. According to article 56, work is a right of the individual and an obligation to society; the State must ensure that everyone has an honest and useful occupation, duly remunerated, and impede the establishment of conditions that in some way diminish their freedom or dignity or reduce them, in their work, to a mere commodity. The State also guarantees the right to the free choice of a job. Articles 57 and 58 further specify that all workers have the right to a minimum salary, fixed periodically, for a normal working day, that provides them well-being and a dignified existence. “There will always be equal pay for equal work carried out to the same level of efficiency. The ordinary daytime working day may not exceed eight hours and the working week may not exceed 48 hours. The ordinary night-time working day may not exceed six hours and the night-time working week may not exceed 36 hours. Work during extraordinary hours must be paid at a rate 50 per cent higher than the stipulated salaries or wages. Nevertheless, these provisions will not be applied in very particular exceptional cases, as determined by law.” Finally, article 66 of the Constitution stipulates that “all employers must adopt in their enterprises the measures necessary for hygienic and safe work”.

8. Specific offences are covered in criminal law legislation. Law No. 9545 of 24 May 2018 and Law No. 9726 of 1 October 2019 have amended the definition of human trafficking under article 172 of the Penal Code in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The offence now includes trafficking not only for labour and sexual exploitation, but also for other purposes such as forced marriage and irregular adoption. Articles 169 and 170 of the Penal Code touch upon related offences of pimping, and its aggravated forms, and forced labour is prohibited under article 189 bis, with punishments ranging from 6 to 10 years’ imprisonment for crimes involving an adult victim and 8 to 16 years’ imprisonment for crimes involving a child victim. With respect to sex trafficking, penalties are commensurate with those for other serious crimes, such as rape. A reform of article 172 of the Criminal Code has been proposed, with the objective of improving the criminal prosecution of trafficking in persons. Furthermore, the National Policy against Trafficking in Persons 2020–2030 was established by Executive Decree No. 42911 of 15 June 2021, and its purpose is to provide technical information and strategies for the public and private sectors and for civil society in preventing and addressing trafficking in persons and smuggling of migrants.

9. Regarding the eradication of child labour and the protection of adolescent workers, Costa Rica has a strong legal framework. The Childhood and Adolescence Code is based on Law No. 7739 of 6 February 1998 and provides the minimum legal framework for the comprehensive protection of children, and establishes the responsibility of the Ministry of Labour and Social Security to adopt policies and coordinate with other public entities regarding the protection of adolescent workers. The Inter-institutional Coordination Protocol for the Immediate Attention of Working Minors establishes the coordination procedures for all public agencies with responsibility for children and adolescents. Law No. 8922 of 3 February 2011 on the Prohibition of Dangerous and Unhealthy Work for Adolescent Workers stipulates which occupations are considered as dangerous for children.

10. There are other relevant legal frameworks. Law No. 7899 of 1 January 2006 prohibits commercial exploitation of children, and Law No. 9343 of 14 December 2015 on Labour Reform has made significant changes regarding the prosecution and punishment of breaches of labour and social security laws, protection of victims, trade union rights and judicial processes for remedies. If implemented effectively, these legal frameworks can prevent contemporary forms of slavery.

11. At the time of the visit, various legislative amendments were ongoing or planned in the area of labour rights. Ratification of the ILO Violence and Harassment Convention, 2019 (No. 190)¹ is being considered by the Legislative Assembly, and Bill No. 21.706, entitled Strengthening of the National Labour Inspection Directorate,² is also under consideration.

12. Costa Rica has played a leading role in implementing the Global Compact on Refugees. Since 2017, the country has been one of the six participating countries in the Comprehensive Regional Protection and Solutions Framework, the regional initiative to address forced displacement in Central America and Mexico. Its own national chapter is called the Framework for Protection and Solutions for Response to the Situation of Refugees.

13. Finally, the Special Rapporteur was informed that the Government was considering adopting a national action plan to promote intelligence-led law enforcement, which could be applied to contemporary forms of slavery. This would promote proactive rather than reactive law enforcement.

C. Institutional framework

14. There are various institutions charged with fighting contemporary forms of slavery in Costa Rica. The National Coalition against Migrant Smuggling and Trafficking in Persons was formally established in 2013 with the adoption of Law No. 9095. According to its article 1, the mandate of the Coalition is: (a) to promote public policies to combat human trafficking fully and completely; (b) to institute the necessary regulations to punish human trafficking and activities related to it more severely; (c) to define a specific and complementary framework for protection and assistance for victims of human trafficking and their dependents; and (d) to promote and facilitate national and international cooperation on human trafficking. The Coalition consists of 22 government departments, including the Ministry of Foreign Affairs and Worship, the Ministry of Health, the Ministry of Government and Police, the Ministry of Public Security, the Ministry of Justice, the Ministry of Labour and Social Security, the Ministry of Public Education, the National Children's Trust (Patronato Nacional de la Infancia), the National Institute for Women and the national human rights institution (Defensoría de los Habitantes). The Coalition has four commissions, which deal with: (a) assistance for victims; (b) prevention; (c) law enforcement; and (d) information, analysis and research. International organizations such as IOM, UNHCR and UNICEF, as well as civil society organizations, are granted observer status, enabling them to provide inputs for policy development and implementation. The Coalition also coordinates with the Office for Attention to and Eradication of Child Labour and Protection of Adolescent Workers and the National Commission against the Commercial Sexual Exploitation of Children and Adolescents. At the time of the visit, the Coalition was leading efforts to draft and launch a new national action plan against human trafficking.

15. Costa Rica has specialized investigation units dealing with trafficking in persons within the law enforcement authorities, which include the Professional Migration Police, the Public Prosecution, and the Unit against Trafficking in Persons and Smuggling of Migrants of the Judicial Investigation Agency. The Deputy Prosecutor's Office against Trafficking in Persons and Smuggling of Migrants carries out investigations related to trafficking for the purposes of sexual exploitation and to allegations of labour exploitation, including forced labour.

16. In addition, the Immediate Response Team, established in 2009, is charged with giving official recognition to victims of trafficking in persons. It consists of nine institutions, including the Professional Migration Police, the Deputy Prosecutor's Office against Trafficking in Persons and Smuggling of Migrants, the Ministry of Public Security, the National Children's Trust, the Ministry of Labour and Social Security and the technical secretariat of the National Coalition against Migrant Smuggling and Trafficking in Persons. It gives official recognition to victims who fulfil certain criteria to facilitate the provision of assistance, and an application for such recognition can be submitted by any public or private

¹ File No. 22569.

² File No. 21706.

body. In order to further strengthen victim protection, the National Fund against Trafficking in Persons and Smuggling of Migrants was established by Law No. 9095. It finances administrative and operational expenses for the prevention, investigation, prosecution and identification of instances of trafficking in persons, and for the comprehensive care, protection and social reintegration of officially recognized national or foreign victims of trafficking in persons.

17. In addition, there are entities that address child labour and sexual exploitation in Costa Rica. The first is the National Steering Committee for the Prevention and Eradication of Child Labour and the Protection of Adolescent Workers, which is mandated to coordinate efforts among public institutions, businesses, trade unions, civil society and international organizations for the prevention and eradication of child labour and the protection of adolescent workers through the implementation of the Road Map to Make Costa Rica a Country Free of Child Labour and its Worst Forms 2022–2025. The Committee is overseen by the Office for Attention to and Eradication of Child Labour and Protection of Adolescent Workers, which is part of the Ministry of Labour and Social Security. The second institution is the National Children's Trust. It ensures that child labour victims can access social services, including temporary shelter, legal advice, counselling, and reintegration into the education system. In addition, the National Commission against Commercial Exploitation of Children and Adolescents is mandated to oversee the implementation of relevant laws and policies, to enhance coordination among key government departments, to conduct education and awareness-raising activities among the general public, and to protect victims of commercial sexual exploitation.

18. Finally, the national human rights institution (Defensoría de los Habitantes) has had A status since November 2022, meaning that the Global Alliance of National Human Rights Institutions has considered it to be fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).³ However, the Global Alliance will decide in the coming months on the reaccreditation of the national human rights institution of Costa Rica.⁴ With its broad mandate, the national human rights institution can play an important role in preventing and responding to contemporary forms of slavery in the country.

III. Positive aspects

Elimination of child labour

19. Costa Rica is committed to addressing contemporary forms of slavery, and by becoming a Pathfinder Country under Alliance 8.7, the Government demonstrated its determination to accelerate progress in achieving target 8.7 of the Sustainable Development Goals (Goal 8 being on decent work and economic growth). Of particular importance are efforts to eliminate child labour, and the Special Rapporteur acknowledges the steady progress achieved by the country in this regard. The Government recently adopted the Road Map to Make Costa Rica a Country Free of Child Labour and its Worst Forms 2022–2025, which contains detailed actions plans and strategies. ILO, the business sector, including the Costa Rican Union of Chambers and Associations of the Private Business Sector, and Defence of Children International, a civil society organization, took part in the drafting of the Road Map.

20. The Road Map establishes nine strategic priorities defined as a result of broad consultations carried out with relevant governmental and other entities, namely: (a) strengthening efforts to identify and monitor child labour and hazardous adolescent labour; (b) establishing an intersectoral information management system for the eradication of child labour and hazardous adolescent labour; (c) due diligence and combating hidden child labour

³ See <https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/StatusAccreditationChartNHRI s.pdf>.

⁴ See <https://www.ohchr.org/sites/default/files/documents/countries/nhri/ganhr/SCA-Report-First-Session-2023-SP.pdf>.

in supply chains; (d) promoting specialized actions within the inter-institutional framework for identification, referral, comprehensive protection and follow-up in respect of children and adolescents in irregular migratory conditions, according to the requirements of each child labour context to which they are subjected; (e) the participation of working children and adolescents in the monitoring and evaluation of public policies for preventing and protecting against child labour in all its forms; (f) technical-vocational training of adolescents who are in the process of withdrawal from child labour and reinsertion into the education system; (g) the prevention of child labour in all its forms, and the protection of adolescent workers; (h) monitoring and evaluation; and (i) normative updates and social dialogue.

21. The minimum age for accessing employment is 15, and Law No. 8922 of 3 February 2011 on the prohibition of hazardous and unhealthy work for adolescent workers defines a list of work that is considered hazardous. Occupations such as mining, quarrying, and subway and excavation work are prohibited, in addition to activities involving toxic substances, among others. Domestic work is likewise prohibited when sleeping at the workplace is required.⁵ The age of compulsory education has been raised to 17, which the Special Rapporteur wishes to highlight as a positive step.

22. In order to effectively monitor the implementation of laws and policies in relation to child labour, the National Steering Committee for the Prevention and Eradication of Child Labour and the Protection of Adolescent Workers recently approved the Child Labour Vulnerability Index, developed in conjunction with the International Labour Organization and the Economic Commission for Latin America and the Caribbean. Its purpose is to identify the areas most vulnerable to child labour and define in which cantons to concentrate preventive efforts.

23. Aside from law enforcement actions, Costa Rica has been implementing a variety of additional measures to keep children in schools and prevent child labour. One example is the Houses of Joy (Casas de la Alegría). This is a public-private alliance that provides day care and meals to Ngäbe Buglé – Indigenous children whose parents, mainly migrant workers from Panama, work on coffee farms in the Zona de los Santos and other locations. The initiative is aimed at promoting the social inclusion of Indigenous children and providing an alternative to child labour during the coffee harvest. The Instituto Mixto de Ayuda Social ensures food provision, caregiver salaries, and training, and farm owners provide the land and classrooms, with financial contributions from UNICEF and IOM, among others. In 2020, the Houses of Joy initiated a partnership with Cooperativas de las Américas and the European Union to renovate facilities and implement strategies for improving employment conditions for agricultural workers. In 2021, eight additional Houses of Joy were opened in the cantons of Coto Brus, Puntarenas and Tarrazú, providing care to an additional 269 children. The establishment of Civic Centres for Peace, supported by the Inter-American Development Bank, is another promising example of keeping children out of forced labour. They provide space for children to play sports, music and arts, as well as additional services for parents, such as dispute resolution.

24. Several other initiatives are worth mentioning. The Bridge to Development Programme has enhanced access to social services by marginalized communities, benefiting around 100,000 families. Income support was provided to approximately 248,000 economically disadvantaged students under the Let's Get Ahead Programme⁶ in 2021 alone. These multiple efforts and initiatives have yielded positive results. In 2011, recorded instances of child labour numbered 42,571, but they had been reduced to 6,706 in 2020. This is a significant difference and needs to be commended; although at the time of the visit, no figures since the coronavirus disease (COVID-19) pandemic were yet available.

25. The Special Rapporteur was encouraged to learn that, as part of lessons learned from the COVID-19 pandemic, some businesses affiliated to the Costa Rican Union of Chambers and Associations of the Private Business Sector had provided scholarships and free Internet access to children in Santa Cruz canton to enable their access to education, including online schooling, as a way of preventing child labour. Members of the private sector intend to

⁵ See <https://www.mtss.go.cr/elministerio/marco-legal/documentos/36640-MTSS.pdf>.

⁶ AVANCEMOS.

implement the same practice in 10 of the country's other cantons. Furthermore, a network of companies against child labour was set up a few years ago to share best practices in preventing child labour and empowering children.

Prevention of forced labour and protection of migrant workers

26. Aside from child labour, Costa Rica has taken some steps to address forced labour. A promising example is the Labour Migratory Traceability System, implemented in conjunction with IOM for temporary migrant workers in 2020. Most beneficiaries are from Nicaragua and Panama and work in the coffee and sugarcane plantations. Under this initiative, migrant workers and their children are granted ID cards, which enable them to access public services such as health care and social security. The fact that migrant workers are registered, regularized and have an ID card limits their and their children's exposure to forced and child labour. So far, the Labour Migratory Traceability System has only been accessible by a selected number of employers in some coffee plantations but the Government issued a decree in 2022 with a view to expanding it to other sectors. The Special Rapporteur was also informed that 11 labour inspectors were learning the Indigenous language of the Ngäbe Buglé community in order to more effectively communicate with Indigenous workers of that ethnic group. It is also encouraging that the Labour Inspectorate has created three specialized groups of labour inspectors in the areas of gender, occupational health and virtual inspection. These teams strengthen and increase the Labour Inspectorate's response and generate greater coverage and specialization of the inspection work.

27. There are also initiatives promoted by the private sector. An example can be seen in the coffee sector. Through the Labour Migratory Traceability System, the Coffee Institute of Costa Rica, a governing body for coffee producers, promotes transparency and accountability in the sector. In this regard, it issues ID cards for coffee producers in order to prevent third parties from intervening and taking advantage of temporary migrant workers. Each producer is encouraged to develop its due diligence plan and to communicate it, through a QR code attached to the ID card, to the Coffee Institute of Costa Rica; it is then widely communicated to buyers and consumers. In addition, 0.4 per cent of the overall profits are channelled to a fund which provides health insurance to workers, including irregular migrant workers, and which supports the Houses of Joy.

Role of civil society and trade unions

28. The Special Rapporteur was encouraged by the strong presence and engagement of civil society organizations and trade unions. They work tirelessly to enhance the rights of workers and protect victims and survivors of contemporary forms of slavery. Some provide awareness-raising and training for parents or workers to prevent child labour and enhance their literacy and employability, while others provide substantial services to victims and survivors, including food assistance, shelter, education and legal advice. The Special Rapporteur was able to visit a shelter run by the Works of the Holy Spirit Association (Asociación Obras del Espíritu Santo) in San José, which provides a safe home, food, clothing, education, medical assistance and psychosocial support for Costa Rican nationals as well as a large number of migrants from Nicaragua, Venezuela (Bolivarian Republic of) and other countries.

Victim protection and assistance

29. Assistance and support for victims of contemporary forms of slavery has been strengthened over recent years, for example through Law No. 9095 against trafficking in persons and through the creation of the National Coalition against Migrant Smuggling and Trafficking in Persons, which obliges relevant government institutions to establish a framework for victim protection and assistance. In this regard, article 71 of the Criminal Procedure Code mandates the judiciary, the Ministry of Public Security and other relevant government departments to provide assistance during criminal proceedings. Efforts to enhance victim identification have also been undertaken by the Government, with the support of UNODC, for example by training the civilian police, judges and attorneys.

30. Even though Costa Rica does not have specialized shelters, official recognition as being victims of trafficking allows individuals to access a wide variety of protection and assistance measures which include medical and psychological assistance, shelters, educational and vocational training, and access to justice and remedies. Provision of these measures is not dependent on victims' participation in criminal proceedings, and in principle, there is no time limit for receiving them. In terms of funding for protection and assistance, the Government applies a departure tax, charging everyone leaving Costa Rica by air \$1 which is allocated to the National Anti-Trafficking and Anti-Smuggling Fund.

IV. Areas of concern

31. Despite important steps taken by Costa Rica to prevent and address contemporary forms of slavery, the Special Rapporteur remains concerned about the persistence of labour exploitation and sexual exploitation in the country. In some instances, the labour exploitation suffered in sectors such as monoculture plantations may amount to forced labour. The challenges also need to be seen in the context of being in the aftermath of the COVID-19 pandemic, which increased poverty and unemployment and contributed to increased vulnerability to contemporary forms of slavery and related practices. Generally speaking, women are mainly the victims of trafficking in persons for the purposes of sexual exploitation, and more men are victimized in labour exploitation, particularly in agriculture. Below, the main concerns identified by the Special Rapporteur during his visit are highlighted.

Situation of populations in a particularly vulnerable situation

32. The Special Rapporteur considers that more needs to be done to protect particularly vulnerable populations in Costa Rica in order to prevent their exploitation in contemporary forms of slavery. Children and young people constitute one example. While the steady progress being made by Costa Rica towards the elimination of child labour has led to important results, some challenges persist. Instances of child labour have been reported in the informal economy, such as in street vending, construction, domestic work and agriculture, where laws and regulations are not always enforced effectively. In plantations where fruit such as pineapples, oranges and other products are paid per unit, some children reportedly help their parents to pick and earn more.

33. One of the reasons for the persistence of child labour is poverty exacerbated by inequality and intersecting forms of discrimination, which particularly affect migrants, Indigenous Peoples, people of African descent and other populations in vulnerable situations. Some parents may encourage their children to work, particularly in rural areas, and the Special Rapporteur was informed that many children also feel a sense of duty to assist their parents. Early warning/follow-up systems for identifying and protecting children at risk of exploitation exist at the elementary school level, but their impact is limited at the secondary level. The Special Rapporteur was informed by several interlocutors that prevention programmes promoted by the Government are insufficient, and that there is a lack of robust monitoring mechanisms to evaluate their effectiveness.

34. There is a direct link between access to quality education and the prevention of child labour. All children are entitled to education without discrimination under the Constitution of Costa Rica. In practice, however, there is unequal access affecting certain children. For example, the quality of education, including qualified teachers as well as adequate teaching materials and technology, is said to be low in areas populated by people of African descent. The Special Rapporteur also learned that for migrant children, accessing education may be particularly challenging, due to administrative requirements such as the need to submit an education certificate from their country of origin. The temporary nature of migrants in transit also makes it difficult to access public schools in Costa Rica. In addition, education for Indigenous children reportedly does not always respect their cultural heritage and sensitivity, and some children have been excluded or even punished when they have spoken their own language rather than Spanish. In this regard, some concerns around cultural sensitivity in the Houses of Joy were also raised with the Special Rapporteur, as well as additional hurdles such as remote locations of schools and bureaucratic requirements.

35. These factors naturally discourage children from attending school and increase the risk of child labour and sexual exploitation. Reportedly, the dropout rate is higher among children of African descent and Indigenous children, who may end up working in sectors such as agriculture, services or domestic work. LGBTIQ+ children face a similar situation. Some are forced to leave school due to bullying and direct discrimination, and others are abandoned by their families, thereby becoming homeless. This pushes many into precarious employment to survive, including sex work. Even if these children stay in school, their access to higher education is often limited, and therefore they are more likely to work in the informal economy where the risk of exploitation is elevated. The situation became worse during the COVID-19 pandemic, as many children were not able to access education.

36. Migrant workers also remain vulnerable to exploitation and abuse in Costa Rica because most of them work in sectors of the economy that tend to have higher instances of exploitation and a low-skilled workforce. According to data from the 2021 National Household Survey, migrants in Costa Rica, particularly those from Nicaragua and Panama, mainly work in the following sectors: household services (14.9 per cent), agriculture (14.4 per cent), retail (14.3 per cent), hospitality (11.8 per cent) and construction (11.3 per cent).⁷ According to information received, 70 per cent of workers in the banana plantations and 60 per cent of workers in the coffee sector are migrants. They are also employed in other sectors, such as mining, commerce and private security.

37. Some migrant workers have temporary work permits prior to arrival but remain in the informal sector where the wages are considerably lower, particularly in comparison with those of citizens. This is in contravention of the General Law on Migration and Foreigners, No. 8764 of 19 August 2009, which established the principles of equality, equity and non-discrimination. Many are hired by subcontractors, who are said to regularly exploit workers by charging high fees, deducting their salaries, and not providing a contract or insurance. Subcontracting also leads to other negative consequences, such as insufficient access to social security and other public services. In addition, the Special Rapporteur was informed by some interlocutors that migrant women were regularly subjected to sexual harassment by subcontractors or intermediaries. One pattern reported is that they are asked for sexual favours to keep their job but are reluctant to report such abuse due to the stigma attached. It should be highlighted further that subcontracting is a way of outsourcing the responsibility of the employers, and this makes it more difficult to promote accountability. Despite such exploitation and abuse, the Special Rapporteur is concerned that there is currently no legal framework to regulate the conduct of these subcontractors at the national level.

38. In some plantations, workers with an irregular migration status constitute the majority of the workforce, and they generally face harsh working conditions which may amount to contemporary forms of slavery. In this regard, the Special Rapporteur received reports of exploitative working conditions in monoculture plantations such as pineapple, coffee, banana and sugarcane plantations, among others. Employees are said to work long hours without breaks and without access to sufficient water and sanitary facilities. According to the Costa Rican Union of Chambers and Associations of the Private Business Sector, workers receive between \$26 and \$37 a day in the banana sector, but they and their representatives advised that the wages were lower in practice. Also, the Special Rapporteur learned that many workers with an irregular migration status only have access to emergency health care, as they do not contribute to social security. This contradicts article 19 of the Constitution, which stipulates that “foreigners have the same individual and social duties and rights as Costa Ricans, with the exceptions and limitations that this Constitution and the laws establish”.

39. Costa Rica has welcomed migrant workers over the past years, particularly from neighbouring Nicaragua. Three out of every four foreign-born people residing in Costa Rica were born in Nicaragua.⁸ The Special Rapporteur is aware of the challenges posed by a large influx of migrants and asylum-seekers in a small country such as Costa Rica and the entire region. However, he is concerned that during his visit, new policies on migration were announced, and this may have a detrimental impact on migrants. While the Special

⁷ Data from the 2021 National Household Survey was consulted for people born outside Costa Rica (the foreign population).

⁸ See https://repositorio.cepal.org/bitstream/handle/11362/47801/1/S2100782_es.pdf, p. 331.

Rapporteur appreciates the resource and other limitations, it is essential that all measures be taken to prevent the stigmatization of migrants, including those in an irregular situation. Negative stereotyping of migrants may also increase their risk of being subjected to contemporary forms of slavery.

40. In addition, there is scope for improving the treatment of asylum-seekers and refugees arriving in Costa Rica. According to UNHCR, there are currently 236,000 asylum-seekers who are not entitled to work until three months after their asylum application. This increases their risk of being exploited by employers and criminals, particularly in the informal and illegal economies, due to a lack of viable options. While granting the right to work to asylum-seekers is a positive feature, they face various difficulties in practice, such as opening a bank account, purchasing certain goods and accessing some services. A number of interlocutors stated that the refugee status determination often takes a very long time. According to one asylum-seeker, he was told to wait until after 2030 to receive a decision by the Government, and based on reports received, this does not seem to be an isolated case. Problems can persist even when a person has been recognized as a refugee, as this status is reportedly not always acknowledged by employers.

41. Despite the existing domestic legal framework on Indigenous rights and ongoing efforts to improving their working conditions, the Special Rapporteur is concerned about the situation of Indigenous Peoples in Costa Rica. In Los Santos, for example, their living conditions reportedly remain precarious and Indigenous Peoples have insufficient access to social security and health care. The Joint Institute for Social Assistance provides funds for Indigenous families working in the coffee plantations, but the money is paid to the estate managers, not to the families themselves. Many workers and their families are unable to access the funds in practice and there does not seem to be a robust oversight mechanism to rectify this. Furthermore, Indigenous workers who do not speak Spanish face significant difficulties in understanding and claiming their rights, which puts them at a particular risk of labour and/or sexual exploitation. In this regard, some workers in the coffee sector reportedly do not receive a contract and are paid less than what they are entitled to.

42. Indigenous women face an increased risk of being subjected to labour or sexual exploitation and abuse, for example in the domestic sector or in agriculture, particularly in remote areas. Some have been forced to perform sexual favours to receive food at the supermarket. They also face disproportionate obstacles in accessing justice and remedies, due to inaccessible, unsafe and inadequate reporting channels and intersecting forms of discrimination. The Special Rapporteur heard from Indigenous women that their complaints were not always taken seriously by the relevant authorities.

43. Inability to access their ancestral lands is another issue experienced by Indigenous Peoples. Their lands and natural resources have been taken, controlled and commercialized by non-Indigenous people and businesses, without meaningful consultation and free and informed consent. Despite the existence of legal frameworks and policies, including the most recent National Action Plan for the Recovery of Indigenous Territories 2016–2022, the Special Rapporteur learned that Indigenous Peoples' ancestral lands have not been returned effectively, and that their access to justice and remedies remains insufficient. Consequently, many Indigenous Peoples have no choice but to work for these non-Indigenous businesses, or else in the informal economy, putting them at risk of labour exploitation.

Working conditions

44. The Special Rapporteur considers that certain aspects of working conditions require improvement. Payment of wages is a case in point. There is no unified minimum wage in Costa Rica, as it is set according to the occupation. In agriculture, it is approximately \$18 per day or \$111 per week. Workers are paid for the units of produce harvested, and this increases the pressure on workers, as they feel obliged to work long hours with few breaks in order to earn decent wages. In domestic work, workers have had a minimum wage of approximately \$367 per month since 1 January 2020, which is reportedly insufficient to secure a decent livelihood. This highlights the need to provide living wages, as opposed to minimum wages. Another important aspect is the existence of gender pay gaps in some sectors of the economy,

despite the wage equality stipulated in national legislation.⁹ Intersectional forms of discrimination based on race, ethnicity and nationality have also been highlighted by interlocutors.

45. Another concern relates to securing a healthy and safe working environment for workers. During the visit, the Special Rapporteur was informed of the risk of exposure to toxic chemicals as well as occupational accidents in sectors including monoculture plantations where instances of labour exploitation have been reported. Fumigation, including by aeroplane, and the use of pesticides have been reported in pineapple plantations, and this negatively affects the health of workers and the environment, including water sources. Access to rest areas and toilets is also said to be limited or non-existent in some cases, which has a particularly negative impact on women. These combined factors constitute indicators of forced labour.

46. All workers should be entitled to various forms of assistance in the case of occupational accidents and illnesses, in theory, but this does not seem to be the case in various instances. For example, the Special Rapporteur was made aware that sick leave is not always approved by employers, and workers are sometimes threatened with a deduction of wages. Their access to health care is also said to be limited, because the premium for health insurance is not affordable for many workers. As regards social security contributions, employers are obliged by law to make these to the Costa Rican Social Security Fund, however a number of interlocutors pointed out that some employers did not comply with this obligation in order to cut expenses. A lack of awareness about workers' rights and entitlements often makes it difficult to hold non-compliant employers accountable for breaching labour and social security laws. There is also a pressing need to tackle intersectional forms of discrimination with regard to access to health care and social care, as the Special Rapporteur learned that women, migrant workers, ethnic minorities, Indigenous Peoples and LGBTIQ+ people were disproportionately affected.

47. Robust labour inspection is essential in detecting harsh working conditions and to prevent and address labour exploitation. Despite efforts made by the Government, and the broad mandate of the Labour Inspectorate, there is much scope for improvement in this area. The Special Rapporteur learned that inspections are often ineffective, bureaucratic and lacking in transparency across a range of sectors, such as domestic work, construction, transport and manufacturing, many of which are in the informal economy. As a result, there is limited trust in labour inspections, as the perception is that they side with employers. In addition to the limited human and financial resources, fines imposed by the judicial authorities are reportedly not sufficiently high to deter employers. Furthermore, the Special Rapporteur was informed that there were instances of collusion, whereby employers were informed of an inspection in advance so that they could prepare for it and hide malpractice. As an example, workers are given a day off or are sent to remote locations on the day of the inspection so that they cannot provide their stories; this seems to happen, for example, in the agricultural sector. This is exacerbated by the fact that workers, particularly migrants in both regular and irregular situations, are reluctant to report instances of abuse or exploitation to the authorities due to a fear of unemployment and/or deportation. Adopting Bill No. 21.706 on strengthening the National Directorate of Labour Inspection would close some of the currently existing gaps.

48. Another important aspect is the role of trade unions in improving working conditions for all workers. Although trade union rights are guaranteed by the Constitution and other laws, they are curtailed in many cases. It has been reported in this regard that some employers discourage or even prevent the formation of trade unions. As an example, the Special Rapporteur was informed of a failed attempt to establish a workers' organization in the coffee plantation sector because of a lack of support in the industry. Some employers also dismiss workers or move their operations elsewhere when workers try to negotiate their working conditions. The trade union representatives that the Special Rapporteur met also pointed out that their work was not recognized or supported by the Government or by employers in many

⁹ Legislative Decree No. 9677, dated 26 March 2019, amended Law No. 7142, the Law on the Promotion of Social Equality for Women, dated 8 March 1990, in order to ensure equal pay for women and men.

cases. Consequently, many workers and trade unions are excluded from decision-making processes. This is exacerbated once again by intersecting forms of discrimination, which affect certain groups of workers more than others.

49. The findings on working conditions also point to the need to strengthen human rights due diligence among businesses operating in Costa Rica. In March 2022, the Governing Council issued a series of guidelines for 13 State-owned companies,¹⁰ indicating that they must carry out due diligence to identify, mitigate, prevent and remedy adverse impacts on human rights, both real and potential, following the terms established in the Guiding Principles on Business and Human Rights and in the Guidelines of the Organization for Economic Cooperation and Development for Multinational Companies. These State-owned companies have commercial partners and supply chains in the private sector, and consequently, these commercial relationships could gradually also be impacted.¹¹ The Special Rapporteur was also encouraged to learn that many businesses had developed and implemented their own human rights due diligence policies, particularly through self-governing bodies or associations in various sectors. Furthermore, a project on responsible business conduct in Latin America and the Caribbean, implemented by ILO, OHCHR and OECD in cooperation with the Government of Costa Rica, has taken some encouraging steps in establishing guidance on enhancing business due diligence and on the prevention of child labour.¹²

50. However, it is clear that more needs to be done in order to promote transparency and accountability in line with the Guiding Principles on Business and Human Rights. A key step in this regard would be to elaborate a national action plan on human rights due diligence applicable to all companies, in line with a universal periodic review recommendation accepted by Costa Rica in 2018. This could lead to legislative intervention in the future to further strengthen the regulatory and institutional framework for businesses in the country.

Sexual exploitation

51. In addition to improving working conditions and preventing labour exploitation, Costa Rica must do more to prevent sexual exploitation. The Special Rapporteur received reports that trafficking for the purpose of sexual exploitation was prevalent particularly in coastal and urban areas. As the country recovers from the COVID-19 pandemic, and tourism is increasing again, there is an elevated risk in this regard. Both Costa Rican and foreign nationals are subjected to sexual exploitation, the majority of the victims being women, including migrants who have travelled through the perilous Darien Gap. In 2022, the Government officially recognized 41 victims of trafficking in persons, which is similar to the numbers registered in previous years. The real numbers are likely higher, but underreporting is common. Over the last two years, two thirds of the victims of trafficking identified have been Costa Rican citizens. The Special Rapporteur is concerned that children, young people and LGBTIQ+ persons are also victimized.

52. Several interlocutors referred to sex work as a means of survival, for example after the loss of another job. Many sex workers are under strict control of pimps and criminals, some of whom are highly organized, which greatly enhances the level of exploitation, abuse and exposure to violence. The Special Rapporteur was informed that LGBTIQ+ persons were often excluded from the formal labour market due to discrimination, and they therefore faced an increased risk of being pushed into sex work. A general challenge, however, is that many victims do not see themselves as such, due to lack of awareness, and therefore do not approach the public authorities in cases of exploitation and abuse.

53. Since 2008, tourism companies have signed up to a voluntary Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. This was part of

¹⁰ Minutes of the Governing Council of 4 March 2022. See minutes No. 205-2022 of 8 March 2022 and minutes No. 206-2022 of 15 March 2022, available at <https://www.presidencia.go.cr/transparenciainstitucional/actas-acuerdos/>.

¹¹ See minutes No. 205-2022 of 8 March 2022 and minutes No. 206-2022 of 15 March 2022, available at <https://www.presidencia.go.cr/transparenciainstitucional/actas-acuerdos/>.

¹² See https://www.ilo.org/americas/programas-y-proyectos/WCMS_800325/lang--es/index.htm and https://www.ilo.org/sanjose/publicaciones/WCMS_842942/lang--es/index.htm.

an initiative led by the ECPAT International Foundation and the World Tourism Organization and supported by other entities such as UNICEF. A Sustainable Tourism Certificate is issued by the Costa Rican Tourism Institute to those businesses that subscribe to the Code of Conduct. The Costa Rican Chamber of Hotels also requires the implementation of the Code for affiliation to the Chamber. These are positive steps, but reportedly the implementation of the Code of Conduct is often not seen as a priority and there is very limited oversight to ensure compliance.

54. There are additional challenges. The use of social media in facilitating commercial sexual exploitation is a concern, as it has diversified the modalities of exploitation and makes it more difficult for authorities to respond. Allegations of direct involvement by public and law enforcement officials in sexual exploitation have also been raised by a number of interlocutors. In relation to sexual exploitation of children, there is a perception that the National Children's Trust – the child protection authority – is taking insufficient actions. While there are two helplines (1147 and 911) for children who need assistance, including in cases of exploitation and/or abuse, it is not clear how effective these are in identifying and protecting child victims in reality. These and other factors, such as a lack of effective prosecution and punishment of perpetrators and the cultural acceptance of sexual exploitation, indicate that the relevant laws and policies are not implemented effectively.

Actions against contemporary forms of slavery

55. The Special Rapporteur acknowledges that good progress has been made in enhancing the actions of Costa Rica against contemporary forms of slavery. However, there is scope for improvement. First and foremost, accountability for perpetrators should be strengthened, as the rate of prosecution and punishment appears to be low. Law enforcement authorities are generally dependent on complaints made by victims or first responders. However, many victims are afraid to report human rights violations, including contemporary forms of slavery, and this increases impunity among perpetrators. Also, for various reasons, not all instances of trafficking for the purposes of labour or sexual exploitation are referred or reported to the Public Prosecutor's Office by first responders who assist victims, and this discourages victims from reporting and seeking assistance. In addition, a more coordinated intelligence-led law enforcement should be implemented in order to reduce the dependency on victims and first responders to report.

56. Another area of concern relates to victim identification. The Special Rapporteur was informed that between January and June 2022, the National Coalition against Migrant Smuggling and Trafficking in Persons officially recognized 16 victims of trafficking in persons. Of these, eight were victims of trafficking for the purposes of sexual exploitation and four had been subjected to labour exploitation, among victims of other exploitative practices.¹³ This clearly highlights shortcomings regarding victim identification, as the actual number of victims is likely much higher. The Special Rapporteur learned, for example, that the criteria for victim identification are restrictive, and victims who are subjected to exploitation but have not been trafficked might not be identified as such.

57. It is also worth highlighting the fact that the identification of victims in other sectors of the economy requires improvement. As regards transportation, for example, bus drivers are often required to work 14 to 16 hours consecutively. Call centres also tend to have inherently exploitative working conditions. However, these employees are not generally trafficked, and are therefore not identified as victims. Similarly, labour exploitation experienced in monoculture and other plantations as well as in domestic and care work, particularly affecting women, often remains invisible. There is therefore a need for the Government to broaden the scope of identification to include these and potentially other sectors.

¹³ According to information received, out of the 16 victims, one individual had been subjected to labour exploitation and sexual exploitation, one had been victimized in forced begging and sexual exploitation, one had been subjected to forced labour and begging, and one had been subjected to forced labour only.

58. The persisting challenges regarding the identification of victims means that potentially large number of victims who are eligible for protection are unable to access it in practice. This protection gap is partially filled by civil society organizations which provide protection and assistance to victims who are not yet recognized by the National Coalition against Migrant Smuggling and Trafficking in Persons. In this regard, the Special Rapporteur met with representatives of a number of civil society organizations that were very active in victim identification and protection. Yet, the Government does not seem to support their work by providing financial and other forms of assistance. This raises a question as to whether the funding collected from departure tax is actually being used appropriately to protect the victims of contemporary forms of slavery.

59. Even where victims are assisted by the Government, some challenges remain. There are reportedly long delays to receive assistance, and this is said to be caused by bureaucratic procedures with the involvement of multiple institutions. As a result, victims often remain under significant psychological and financial pressure, for example with regard to the payment of rent and other necessities. Also, assistance for victims by the Government, including the provision of medical care and access to legal and financial services, should last for several years, but the Special Rapporteur learned that in various cases, it is discontinued after a few months, leaving the victims in limbo. This increases the risk of victims and survivors being revictimized.

60. Finally, the Special Rapporteur is concerned that access to justice and remedies by victims is limited. A lack of resources allocated by the public authorities and of knowledge and reporting among seem to be among the key factors in this. Even when victims are able to approach the public authorities, including law enforcement entities, their complaints are reportedly often not taken seriously, or too long is taken to come to a decision. This unfortunately has created mistrust among the victims of contemporary forms of slavery. A related point is the role of the Ombudsperson, which is the national human rights institution. The Special Rapporteur learned that the Office of the Ombudsperson addresses issues of contemporary forms of slavery by carrying out research and awareness-raising, and also receives and investigates complaints. However, a large number of interlocutors have expressed their concerns about the limited support provided by this Office and a lack of trust in the institution. In view of all of these factors, it is clear that Costa Rica still has some way to go in order to fully eliminate contemporary forms of slavery and implement target 8.7 of the Sustainable Development Goals.

V. Conclusions

61. Costa Rica has shown its commitment to ending contemporary forms of slavery. Important progress has been achieved, for example in preventing and addressing child labour and trafficking in persons. However, more needs to be done by the Government and by the private sector to achieve sustainable change by effectively ending contemporary forms of slavery and implementing target 8.7 of the Sustainable Development Goals. The promotion of an inclusive society through recognition of the significant economic contribution made by women and marginalized groups such as migrants, asylum-seekers, Indigenous Peoples, minorities and LGBTIQ+ persons, and equal protection of their rights, are needed in order to ensure that no one is left behind in accordance with the 2030 Agenda for Sustainable Development.

62. Costa Rica would benefit from strengthening human rights due diligence among businesses and employers. The establishment and effective implementation of appropriate regulatory frameworks in line with the Guiding Principles on Business and Human Rights would be an important step in increasing business accountability. It is also essential that labour inspections be carried out more effectively, by allocating adequate human and financial resources to the Labour Inspectorate and by increasing oversight to avoid corruption or other wrongdoing. Furthermore, the Special Rapporteur encourages the Government to close other gaps, such as a lack of regulation over subcontractors or intermediaries, and encourages the formalization of sectors such as agriculture and domestic work. Finally, all workers should be able to work in a safe

and healthy environment in all sectors, with their rights and entitlements fully recognized and guaranteed.

63. To more effectively prevent contemporary forms of slavery in Costa Rica, the Government should step up efforts to strengthen criminal justice responses, by allocating sufficient resources and promoting multi-agency intelligence-led law enforcement. There is also much scope to improve victim identification and protection, including access to justice and remedies. In this regard, it is essential to create an environment where victims become willing to bring complaints and seek assistance from the authorities. This will require closer coordination and cooperation with victims, civil society organizations, trade unions and other human rights defenders. Their activities should be fully recognized and supported.

VI. Recommendations

To the Government

64. Strengthen the enforcement of legislative frameworks on contemporary forms of slavery and labour relations. Particular attention must be paid to working conditions, such as wages (including standardization of the minimum wage in various sectors), working hours, a safe and healthy working environment, sick leave and annual leave.

65. Promote multi-agency intelligence-led law enforcement in order to enhance the investigation and prosecution of perpetrators of contemporary forms of slavery, including employers.

66. Strengthen the capacity of the Judicial Investigation Police to assist populations and individuals in a vulnerable situation.

67. Strengthen the Labour Inspectorate by allocating sufficient human and financial resources, particularly in border areas, and ensure that inspections are conducted in a professional manner. Involve trade unions or other third parties to labour inspection in order to increase transparency.

68. Provide adequate training to law enforcement officials and labour inspectors to enhance their skills to identify instances of contemporary forms of slavery, and grant additional powers such as the imposition of on-the-spot sanctions and by adopting Bill No. 21.706 on strengthening the National Directorate of Labour Inspection.

69. Step up action against commercial sexual exploitation of children and adults, in close cooperation with the tourism sector and other actors such as civil society organizations and the national human rights institution. Prosecute perpetrators of commercial sexual exploitation and punish them with sufficient sanctions, including tour operators, transport providers, hotel workers and tourists.

70. Strengthen the Immediate Response Team of the National Coalition against Migrant Smuggling and Trafficking in Persons to enhance victim identification and protection, including by ensuring access to relevant training. Provide timely, unbureaucratic assistance and ensure access to adequate psychosocial, health-care and financial assistance. To this end, allocate sufficient resources through the Coalition and ensure proactive confiscation of criminal proceeds generated from contemporary forms of slavery and related practices.

71. Ensure that those working in the informal economy, including migrants, have safe access to effective reporting, complaint and redress mechanisms in cases of exploitation, abuse or violations of their rights in the workplace, in a manner that does not exacerbate the vulnerabilities of those who report such incidents and enables them to participate in the relevant legal proceedings; and also have access to sufficient and timely information about such proceedings, including through support received from civil society organizations, trade unions and the national human rights institution.

72. Decentralize services, assistance and reporting channels, and ensure their accessibility also for children, Indigenous Peoples and migrants, including in border and coastal areas.
73. Enhance cooperation with civil society organizations and other stakeholders who provide assistance to victims of contemporary forms of slavery and strengthen the referral mechanisms to law enforcement and judicial authorities.
74. In coordination with the private sector, trade unions, civil society organizations, the national human rights institution, the United Nations and other relevant stakeholders, develop and implement a national action plan for human rights due diligence and consider making it mandatory by means of legislation.
75. Establish a robust and effective mechanism to monitor the implementation of human rights due diligence among businesses.
76. Promote equal access to decent work for all workers without discrimination, including by strengthening the enforcement of fair and ethical recruitment and of decent work norms and policies.
77. Adopt and implement temporary special measures to promote economic inclusion without discrimination, particularly for women, migrants, refugees and asylum-seekers, minorities and Indigenous Peoples.
78. Take legislative and other steps to end intersectional forms of discrimination, harassment and violence at work, including by ratifying the ILO Violence and Harassment Convention, 2019 (No. 190).
79. Move towards formalization of informal work as expeditiously as possible, through legislative and other means. In doing so, guarantee workers' rights and entitlements, promote financial inclusion, and encourage informal employers and employees to make appropriate tax and social security contributions.
80. Expand the Labour Migratory Traceability System model to other sectors such as domestic work and construction as expeditiously as possible.
81. Regularize subcontractors and intermediaries in order to reduce instances of labour exploitation.
82. Ensure that employers contribute to social security by strengthening oversight mechanisms, and hold them accountable through proportionate sanctions in cases of breach.
83. Proactively reach out and protect children at risk of being victimized in commercial sexual exploitation, in close cooperation with relevant authorities and caregivers.
84. Implement effectively the Road Map to Make Costa Rica a Country Free of Child Labour and its Worst Forms 2022–2025.
85. At the municipal level, step up action to prevent and end child labour, for example by conducting due diligence before operational licences are issued, and by monitoring key sectors, including private households.
86. Ensure access to free, quality education for all, including migrants, Indigenous children and LGBTIQ+ children, without discrimination. Adopt and implement temporary special measures where appropriate.
87. Provide comprehensive human rights education to promote inclusion and respect for diversity among students, as well as training for teachers to eliminate discrimination of any kind.
88. Reinforce early warning systems to identify children at risk of labour exploitation and sexual exploitation, in schools, and work with family units to enhance prevention and response.

89. Ensure the accessibility of health care and social care for populations in a vulnerable situation, including children and young people, women, migrants, Indigenous Peoples, minorities, and LGBTIQ+ persons. Adopt and implement temporary special measures where appropriate.
90. Ensure the rights of all migrant workers without discrimination. Ratify and implement the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
91. Regularize the migration status of irregular workers to enable them to pay appropriate tax and social security contributions, and facilitate access to public services, without discrimination.
92. Ensure that the implementation of new migration and asylum policies is in line with international standards and respects the rights of migrants and asylum-seekers.
93. Combat prejudice, stigmatization, racism and xenophobia by promoting a human rights-based narrative of migration and ethnic and racial diversity, including in public discourse and the media. This may include highlighting the economic contribution made by migrants in Costa Rica.
94. Grant the right to work to asylum-seekers as soon as they submit an asylum claim, in order to prevent contemporary forms of slavery and other forms of exploitation.
95. In order to address structural causes of labour exploitation and sexual exploitation, return ancestral lands to Indigenous Peoples and fully involve them in decision-making processes affecting them. Provide appropriate financial compensation and other remedies to rectify injustice suffered by Indigenous Peoples and strengthen measures to prevent invasion of Indigenous territories.
96. Systematically promote the active participation of Indigenous Peoples in the management of the Houses of Joy, in order to ensure that the food, the education and the languages spoken are in line with Indigenous rights and practices.
97. Address the root causes of contemporary forms of slavery, such as poverty, inequality and intersectional forms of discrimination, through legislative and other means. To this end, work collaboratively with the affected populations and communities, the business sector, civil society, trade unions, and regional/international organizations.
98. Ensure freedom of association and trade union rights and include all stakeholders, including workers, civil society, trade unions, and victims, in all decision-making processes relating to actions against contemporary forms of slavery.
99. Strengthen the national human rights institution by ensuring its independence, providing adequate funding, and rolling out/strengthening mobile units at decentralized locations to facilitate people's access to the institution.
100. Support civil society organizations, trade unions and human rights defenders that provide direct support to victims/survivors.
101. Collect and publish disaggregated data on contemporary forms of slavery, including the profiles of vulnerable populations such as migrant workers, Indigenous Peoples, minorities and LGBTIQ+ persons.

To businesses and employers

102. Ensure decent work for all workers, without discrimination. In particular, ensure fair and equal wages that meet the needs of all workers, health and safety at work, reasonable working hours, and access to health care and social protection.
103. Develop and implement a human rights due diligence policy in line with the Guiding Principles on Business and Human Rights. Work with the Government, trade unions, civil society organizations and workers collaboratively in this regard.

104. **Promote more effective implementation of the Codes of Conduct that exist in various sectors.**
 105. **Establish robust and effective independent mechanisms to monitor the implementation of a human rights due diligence policy and of Codes of Conduct, and to provide effective remedies to all victims without discrimination in cases of labour exploitation and other labour law violations.**
 106. **In close cooperation with local and national authorities and schools, ensure children's access to education and provide financial and other support to parents in order to prevent labour exploitation and commercial sexual exploitation of children.**
 107. **Provide information, including in employment contracts, in a language and format that is also accessible to Indigenous workers.**
 108. **Address gender-based discrimination, harassment, including sexual harassment, and violence at work more effectively. Provide appropriate awareness-raising and training in close cooperation with trade unions and civil society organizations, and take firm actions against those who engage in these behaviours.**
 109. **Guarantee trade union rights to all workers and respect the work of trade unions and workers' organizations.**
 110. **Include workers and their representatives in all decision-making relating to their human rights and welfare.**
 111. **Work cooperatively with relevant governmental and non-governmental stakeholders to promote the formalization of informal work as expeditiously as possible.**
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