# 2007–2017 Shadow Report on Compliance with the Convention on the Rights of the Child, Costa Rica

This report is the result of an extensive consultation and validation process carried out by the Costa Rican Coalition for Compliance with the Convention on the Rights of the Child in 2017 and 2018. We thank the Coordinating Team organizations for all their efforts in carrying out this project and UNICEF Costa Rica for their steadfast support. We would also like to thank the organizations, experts, volunteers, and, most importantly, all the children who have contributed to this report.

The annex sections address the methodology, references, and lists of organizations that participated in this process, as well as other referential material that we encourage the reader to take into consideration.

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# 1. Analysis of the Fifth and Sixth Country Report (version 16.11.2017) submitted to the Committee on the Rights of the Child

### *1.1 PANI Resource Allocation*

Although the institution’s budget has not yet reached 7% of income tax, the amount established by the organic law, government resource allocation for the National Child Welfare Institute (PANI) has risen steadily. Nevertheless, the institution and society as a whole have often fought to enforce budget allocation and avoid budget cuts, a process that has worn out the institution and caused great concerns within civil society every year. Should the funds not be awarded to PANI, not only would it violate Costa Rican legislation and constitutional rulings, but it would also impact compliance of the human rights of all children. It is imperative that the State of Costa Rica guarantee the annual budget allocated to PANI. We support PANI's position that failing to allocate said budget violates Costa Rican law and is unconstitutional:

In Constitutional vote number 2013‑003691 at 11:30 a.m. on March 15, 2013, the Supreme Court of Justice held that repeated failure to abide by the law allocating funds to the institution—7% of the income tax collected in the prior tax year—violated the fundamental rights of children and adolescents. (Presidency of Costa Rica, unpublished, p. 8)

Furthermore, failure to allocate funds in a timely manner or in full has caused PANI to experience operational difficulties in recent years, hindering the implementation of its work plan and the achievement of its goals.

### *1.2 Independent Supervision*

The CRC (Committee on the Rights of the Child) has recommended that a Deputy Ombudsman specializing in childhood and adolescence be appointed. The Ombudsman's Office, in compliance with the CRC's General Comment No. 2 and the Paris Principles, currently has an Office specializing in Childhood and Adolescence. Bill No. 20006, presently under consideration in the Legislative Assembly, aims to create a Deputy Childhood and Adolescence Ombudsman's Office. This inconveniently alters the structure of the Ombudsman's office, which already has a General Deputy Office that handles all affairs.

The Country Report asserts that PANI complies with the supervision of state and civil society organizations with regard to the Rights of the Child. The lack of external tools to supervise PANI itself worries civil society, especially regarding compliance with the rights of minors living in shelters.

### *1.3 Data Collection and Access*

A favorable development is the creation of the PANI observatory. However, statistical data on care programs continues to be controlled by PANI Institutional Planning and is not easily disaggregated into key categories. Despite all efforts made by PANI, The National Institute of Statistics and Census (INEC), the Ministry of Health (MS), and other institutions to generate reliable data, it has been hard to consolidate it into a single data source. Civil society organizations have found it difficult to rely on a centralized, reliable, representative, and disaggregated data source on violence against children for assessing and bringing to light the extent of the issues that minors face in Costa Rica.

### *1.4 The National System for Integral Protection*

The Country Report points to advances such as institutional efforts to include goals from the National Agenda for Children and Adolescents (ANNA) in their planning, as well as programs set up with municipalities, such as Child Friendly Municipalities (CAI). However, these advances are presented in terms of performance, not impact indicators. The information in the Country Report is not sufficient to evaluate equitable compliance with minor rights. Civil society acknowledges efforts by the State to improve the creation of a National System of Child Protection (SNPI); it also acknowledges the work carried out in cooperation with the United Nations Children's Fund (UNICEF). Nevertheless, these efforts are insufficient to strengthen and bring about true efficiency in SNPIs to combat the alarming violent situations children face in Costa Rica.

### *1.5 Nondiscrimination*

Approval of the 2014–2025 National Policy Against Racism, Racial Discrimination, and Xenophobia (PNSLRDRX) points to significant progress on this matter. Yet steps still need to be taken to eradicate racism, discrimination, and xenophobia in Costa Rica. Children of indigenous descent, people of African descent, and children of migrants and refugees continue to be subject to discriminatory practices. Children with some form of disability are among the most vulnerable minors in Costa Rica, as are minors who have been separated from their parents and live in alternative care. This last group is also the victim of myths and stereotypes about violence from people working for the Ministry of Public Education (MEP).

### *1.6 Right to Opinion and Freedom of Association*

Efforts made by the judiciary system to take into account the opinion of minors point to progress in recognizing their right to participation. However, the country as a whole is lagging behind. Civil society finds cultural, ideological, and structural factors (based on patriarchal ideals) that limit the participation of minors. There are few groups organized by minors and significant gaps in education about issues of human rights empowerment and enforceability. Parental upbringing is often adult‑centered and lacks a human rights approach, particularly with regard to participation rights (such as not informing minors of situations that impact their lives or not allowing them to be part of the decision‑making process). Restriction on political participation is another significant limitation of their right to association. Civil society finds PANI's position regarding the recommendation issued by the CRC concerning. The Commission calls for strengthening the right to participation and association for all minors and for fighting attitude barriers in adults that obstruct their rights.

* 1. *Health*

The Country Report points to progress in health care for minors. Nevertheless, civil society wishes to highlight the challenges in providing equal health care services in Costa Rica, as well as inadequacies in education and sexual health promotion for minors. Progress in health care has not extended to the entire country, leaving out the most vulnerable populations (indigenous children and the disabled in rural areas, among others). Inadequate quality care and restricted rehabilitation services for the disabled are of great concern. Costa Rica has also been slow to guarantee minors access to reproductive health rights. Civil society regards with concern the effective absence of sexual education with a human rights approach. It acknowledges efforts made in recent years by the MEP to issue “Comprehensive Affectivity and Sexuality Study Programs”; nevertheless, it also identifies a reaction from conservative groups, supported by the Evangelic and Catholic churches, which have repeatedly opposed the implementation of these programs, arguing against most of their content. Civil society warns against the risk of obstructing sexual health education. The lack of accessible information for minors on all available contraceptive methods is of extreme concern.

Many adolescent women and young girls seek alternative methods outside of health care centers to have clandestine abortions, risking their physical integrity and their lives. According to the latest study on induced abortion by the Costa Rican Demographic Association (ADC, 2008), titled “Estimación del Aborto Inducido en Costa Rica” (Estimation of Induced Abortions in Costa Rica) and using data from 2007, an estimated 8,086 women receive medical attention for the consequences of an abortion every year, evidencing an increase in this practice in our country. This study also indicates that women “between 15 and 24 years old, single, without children, with intermediate education” are the most likely to seek this type of abortion (ADC, 2008, p. 23).

### *1.8 Quality of Education*

The Commission views the increase in the Education budget to 8% of Costa Rica's GDP (gross domestic product) as an achievement. Yet, much like PANI, civil society struggles to have the budget be met every year. It is hard to abide by the mandate of improving education without the budget to back it. Civil Society highlights the pervading factors leading to school exclusion (especially in preschool and secondary education) and expresses concern about the number of minors and adolescents who fail to achieve their educational expectations in an exclusionary educational system. The Commission notes delays in structuring of academic offering (schedules, infrastructure, curriculum) and in providing teachers with culturally sensitive methodology training inclusive of human rights principles that is relevant to today's minors. Although important efforts have been made to improve the education of indigenous people, it continues to be a challenge to identify the best strategy for building culturally sensitive educational models that are based on human rights principles and that are truly accessible and relevant to the socio‑cultural context of these people.

# 2. Conditions for the Development of Adolescent Work‑Education

### Analysis of the Current Situation and Parameters of Manifestations of Violence

In relation to adolescent education, the United Nations Children's Fund's Multiple Indicator Cluster Survey (2011) asserts the following for Costa Rica:

While only 4% of children do not attend primary school, the percentage of students who had access to secondary education but did not attend increased to 29%, and 9% of the children attending primary school at the time should in fact be attending secondary school. Primary school attendance shows differences between provinces that range from 5% of children in San José to 12% in Guanacaste and 13% in Limón; among girls, the lowest percentage is in San José (6%), only slightly higher than the number for all children in this province (p. 146).

Furthermore, according to the Second National Youth Survey (Youth Council, 2013), 56% of people aged 15 to 35 do not attend school, 2.7% of whom are people between 15 and 17. Employment, searching for work to pay for their studies, lack of interest, pregnancy, and learning difficulties are cited as the main reasons for not attending school.

The Second National Youth Survey also details the situations endured in educational centers by age groups from 15 to 35 years of age. Data on adolescents between 15 and 17 years of age reveal that the main reasons this population group abandons school are academic difficulties (difficulty understanding lessons and passing courses) and issues with classmates and teachers.

The government asserts that the exclusion rate decreased in 2017 in comparison with that of the past ten years. The MEP indicates that 5,288 students more stayed in school in 2017, as opposed to previous years, a decrease in the annual exclusion rate of 0.6%. Institutional strategies such as *Yo me apunto*—implemented in 2015, previously the *ProEduca* program—are two of the tools designed to reduce this condition. The 168 schools following this program show lower school exclusion rates, down from 13.6% in 2015 to 11.8% in 2016 (Presidency of the Republic of Costa Rica, 2017).

Another strategy to reduce school exclusion is the *Avancemos* cash transfer program, which began in 2006 and focuses on adolescents living in poverty or extreme poverty. It recently underwent changes in regulation to benefit populations of greater vulnerability with no access to other subsidies (Román, 2010). Some of the achievements of the *Avancemos* program are:

95,669 students had enrolled in the *Avancemos* program by April 2008; 117,679 active students had benefited from the program by November of that same year; one third of the students enrolled in high school, 38.4% if one considers only traditional secondary school; and 43.5% of the total enrolled in public high school education. The most recent data available, for September 2009, indicate that the number of students benefiting from this program increased to 150,598, which reveals the government's interest in making the program available to all. (Román, 2010, p. 39)

With regard to technical training offered by the government, the National Apprenticeship Institute (INA) offers skilled training to adolescents 15 years of age and older. Admission is aimed at vulnerable populations, but enrollment has proven difficult, as it depends on quotas, the possibility of attending on the schedules offered, and meeting requirements.

*2.2 Educational Conditions of the Adolescent*

#### 2.2.1 School Permanence

According to the MEP, school permanence in Costa Rica is on the rise due to State efforts to implement strategies to allow students to stay in school. Some of these strategies are:

* Scholarship programs: *Avancemos*, the National Scholarship Fund (FONABE)
* Free meals in school cafeterias
* Alternate education options beyond traditional, distance learning, night school, and institute‑assisted equivalence programs
* Changes in educational programs and study modalities
* The *Yo Me Apunto* program (not mentioned by any of the parties consulted)

However, the information provided by organizations, institutions, and the adolescent community reveals that these strategies are not available to the entire population. Participants state that scholarship programs are difficult to access and rare in rural areas, and that families have trouble filling out the paperwork and turning it in to the corresponding authorities.

Likewise, although some school cafeterias remain open during breaks, this does not happen in all parts of Costa Rica.

Access to other modalities of study is not possible for all people. In some cases this is because some of the modalities are not well known; in other cases it is because of the geographical location of the facilities and the distances students must travel, especially in rural areas, where access to secondary and higher education is limited.

Adolescents have also pointed out that school permanence goes beyond mere financial aid. Specific situations in school facilities or the family environment, such as bullying,prevent school permanence. In this regard, an adolescent participant mentioned that “some people are rejected for being different in some institutions, or due to stereotypes, so many people drop out or leave school” (Adolescent, Working Group on Education, Adolescent Group).

Other reasons mentioned by adolescents who stopped attending school are disabilities, , lack of interest in the subject matter, and peer or teacher treatment making them feel uncomfortable or putting them at a disadvantage due to the methods used.

#### 2.2.2 School Exclusion

The low rates of school attendance and completion of studies in indigenous and migrant children and adolescents—especially in secondary school—are concerning. Experts interviewed mention the existence of programs to avoid school exclusion, yet they point out that these programs are unappealing, are not implemented with the same conviction in all sectors, and depend on financial support from international cooperation because they lack government funding; the experts also indicate that these programs are often exclusive and do not take into account conditions of vulnerability.

Among the reasons leading to school exclusion, NGOs and participating adolescents list disabled accessibility, curricular and facility adaptability, dignified treatment, economic and family conditions, and difficulties related to area of origin, which make it difficult for those who live far from educational centers to attend. Regarding distances in rural areas, adolescents comment that “sometimes traveling for hours or taking dangerous routes to get to school is complicated” (Adolescent, Working Group on Education, Adolescent Group, and NGO), which is why many choose not to take the risk and drop out. Both adolescents and NGOs also assert that LGBTI people tend to drop out due to discrimination by the rest of the student population and the teaching staff.

During the validation session, NGOs stated that one reason for school exclusion is unappealing academic programs with which adolescents do not identify. These programs cause them to feel excluded from the formal system and lead them to opt for other modalities for which they are not yet prepared, such as night school. The session also identified learning disorders, bullying, violent environments, emotional disabilities or traumas, family environment issues, and lack of support networks as exclusion factors, which coincides with the findings mentioned above.

#### 2.2.3 Current Program Quality and Assessment

The Committee asks the State to carry out studies, create better educational programs, and adapt curricula to avoid school exclusion. Available literature reveals the existence of a Commission for Quality and Relevance in Education, mentioned in *El centro educativo de calidad como eje de la educación costarricense* (MEP, 2008). Although all experts asserted that UNICEF carries out research on education programs, no other program or evaluation action was brought up.

However, experts, adolescents, and NGOs consulted all state that programs and institutions lack coordination; if the FONABE program and the Ministry of Education worked together, it would ensure that resources were directed at the right beneficiaries and that families would manage them adequately.

### *Current Policy and Related Topics*

In 2011, the Legislative Assembly passed a constitutional amendment on education funding. The State raised its allocation for education from 6% of GDP to 8%. The Committee acknowledges and celebrates the change (Ombudsman's Office of Costa Rica & UNICEF, 2011). In addition, the 2009–2021 National Policy for Children and Adolescents of Costa Rica (PNNA) includes a section on the education of children and adolescents. This document is coupled with the 2015–2021 National Agenda for Children and Adolescents.

It is worth mentioning that in the sessions with NGOs and adolescents and in the questionnaires filled out by experts, neither the budget increase nor the policy was mentioned. This may be due to lack of information, or because it was considered irrelevant.

### *Adolescent Labor Development Conditions*

#### 2.4.1 Access to Decent Employment

Costa Rican legislation and the Ministry of Labor and Safety (MTSS) forbid minors under 15 from working, since it prevents children and adolescents from developing with dignity and hinders their right to education.

Adolescents over 15 years of age and under 18 are protected by the Special Adolescent Labor Protection Regulation (Childhood and Adolescent Code [CNA], Chapter VII, 1998), which guarantees them equal employment opportunity, remuneration, and treatment. However, Costa Rican legislation forbids adolescents to work in hazardous, unsanitary conditions, as per Law No. 8922 “Law forbidding adolescents from performing hazardous and unsanitary work“ (2011).

According to the child labor section of the National Household Survey (National Institute of Statistics and Census, 2011 & 2016), the number of adolescents registered as workers has decreased from 31,240 people in 2011 to 22,298 in 2016, with 10,257 young people performing dangerous and/or unsanitary labor in 2016 (MTSS, 2011 & 2016).

On the other hand, according to the MTSS (2016, p. 75), adolescents 15 to 17 years old are the most active in the labor market and rank lowest in school attendance. The MTSS points out that 30,369 children aged 5–17 in Costa Rica in 2016 were engaged in economic activities; 75.8% of these children were male and 24.2% were female. In the case of child labor:

2.1% of the children employed are children 5–8 years old (650), 8.4% are 9–11 years old (2,531) and 16.1% are adolescents 12–14 years old (4,890). 76.3% of the 5 to 14‑year‑olds employed are male, while 23,7% are female; that is to say, girls engage in labor activities at an earlier age (MTSS, 2016, p. 78).

Adolescents acknowledge the existence of adolescent work in rural areas, where decent working conditions are nonexistent according to International Labor Organization standards (n.d., par. 1). The adolescents note unfair salaries, difficult schedules, a decrease in study time and family time, and school exclusion issues, yet adolescent work in these areas remains an inevitable result of the economic necessity faced by their families. One teenager who lives on the border mentions that, in his community, one of the jobs carried out by adolescents is transferring carts loaded with suitcases for people crossing the border; the salary is not fixed, but depends on the conditions agreed upon, which are generally disadvantageous for this population.

Adolescents also mention work in agriculture (sale of fruits, prepared foods, and livestock), as well as pineapple and sugarcane fields among the jobs available to adolescents. They also indicate that they “work as adults, as if we had no childhood; adults and the government notice, they don't care” (Adolescent, Working group on Labor, Adolescent group).

Members of this group mention that some adolescents work while attending night school or while enrolled in distance education programs in order to further their education and help with the household economy. As such, they will accept whatever working conditions are offered, not just those established by law.

Although the law sets standards as to what age groups are allowed to work, these are not adhered to—young children have been known to work. Study participants mention family work as a contributing factor, as is the case in agriculture, livestock, or small family businesses; in these cases, adolescents work with the whole family without receiving a salary, and it is part of their family obligations to collaborate. Adolescents indicate that both the family and the young people themselves do not perceive it as work, but as family help.

NGOs state that the dangerous practice of small‑scale drug dealing is a job opportunity easily accessible to adolescents, mainly in border areas. They also note that adolescents are unaware of current legislation or their rights. Participants indicate that schools do not address labor rights, lack of decent work conditions, or a family approach to promoting school reintegration or abandoning work.

The Committee recommends that the State adopt a coordinated strategy and that it guarantee a set budget to combat the worst forms of child labor, revealing that it is still necessary to promote actions and seek and allocate budgets to comply with these observations.

#### 2.4.2 The Fight Against Adolescent Employment

Participating NGOs mention initiatives by State institutions such as IMAS, the MTSS (Ministry of Work and Work Safety), INAMU (National Women’s Institute), PANI, the MEP, and the Vice‑Ministry of Youth in the fight against adolescent labor, with programs like *Puente para el Desarrollo*, *Avancemos*, and *Empléate*. However, they point out that these initiatives must become more comprehensive. Adolescents, on the other hand, report that they have support networks without elaborating on them. They also mention State institutions that provide services for them, but do so inadequately. They feel that these services are not provided well, that there is a lack of commitment, and that the needs of adolescents should be analyzed.

Some of the institutions that provide services for young people are the National Learning Institute (INA), through their study programs; IMAS, which offers scholarships and school supplies. PANI was specifically mentioned as “the one that takes adolescents and gives them an education and a home” (Adolescent, Working Group on Education, Adolescent Group). Adolescents also mentioned being aware of applicable legislation but indicate that noncompliance with these laws is common, as exemplified by the existence of adolescent work in unsuitable conditions. In addition, they indicate that access to a decent, respectable job is determined by their level of education (Adolescent, Working Group on Education, Adolescent Group).

Experts surveyed identify actions that fight adolescent work and comment that violations can be addressed in a complaint filed with PANI, which then follows up on the case. However, they also point out that a filing complaint with PANI is considered a threat, and that support is more common in the form of scholarship programs, since financial aid allows adolescents to go back to school. Experts believe that scholarship programs would be more effective if they were carried out in coordination with the MEP.

#### 2.4.3 Quality and Assessment of Current Programs

The Committee observes that the MTSS should increase “the technical and financial human resources of the Ministry of Labor, especially those involving the Department of Labor Inspection, to supervise, monitor, mediate, and resolve.” (Remark 73, b). Regarding assessment of the current employability programs, none of the experts, adolescents, or NGOs knows whether these are assessed, but they do feel that these programs should be monitored and evaluated in schools. However, they also acknowledge that, due to the number of students requiring follow‑up, it may not be possible to do so.

In addition, experts indicate that more research—such as the study carried out by UNICEF—is needed, but fail to indicate any specific type; they also assert that coordinated intervention between the Youth Council, the MEP, and IMAS should be implemented. Finally, they emphasize that the MTSS must take a more active role as a Ministry.

### *2.5 Observations from the Committee of the Child*

The State asserts that the MEP’s Department of Special Education promotes diversity and is inclusive toward diverse populations to guarantee permanence in educational processes. In the opinion of experts, NGOs and the adolescent community, populations in rural areas, migrants, and indigenous populations continue to have difficulties enrolling and remaining in school due to discrimination, distance to study centers, adolescent employment, and programs that do not cater to the needs of the population. As one adolescent points out, “sometimes traveling for hours or taking dangerous routes to get to school is complicated” (Adolescent, Working Group on Education, Adolescent Group).

NGOs feel that, in order to comply with the observations issued by the Committee, the State must work in a coordinated inter‑institutional manner, and that it must include, among its actions, the actions already being carried out by NGOs, who are experts in many of the topics evaluated.

On the topic of labor, the State itself acknowledges that budget allocation is needed, as current actions are financed by participating entities; in addition, NGOs point out that some actions rely on the budget of international cooperation organizations, a sporadic source of funding, hence the need to ensure that the State improves budget allocation to fight child labor.

An expert interviewed recommends that follow‑up programs for adolescents be carried out in coordination with the MTSS, the MEP, and PANI, among others, to approach the situation in a comprehensive, joint fashion.

In addition, policy proposals should be written with adolescents in mind; adolescents should be part of the decision‑making process and the methodology should be inclusive.

### *2.6 Conclusions*

* A weakness was found in the joint work performed by the State, institutions, and the adolescent population to ensure effective compliance with the CRC.
* Very little money is invested to combat the worst forms of adolescent labor, as programs rely heavily on international cooperation or the allocation of funds from other organizations.
* Civil society contributions made through NGOs in terms of youth employment are invisible to the State.
* The number of adolescent workers and the conditions in which they work should continue to be assessed in order to provide them with the necessary protection.
* The general population is unaware of the progress made by the National Council for the Assessment of Education regarding the achievement of more efficient educational centers with a higher level of quality.
* The institutions involved in protecting the Human Rights of the Child are not consistent in supervising and assessing that the CRC and the observations of this Committee are followed
* State actions regarding education have only focused on cash transfer programs.
* Adolescents are unaware of the variety of programs available and mention not being taken into account in the formulation of these programs.

### *2.7 Recommendations*

* The State must collaborate in the allocation of a set budget to eradicate the worst forms of child labor. It must allocate financial resources for research in education and work to improve existing educational programs.
* The State must validate the work of the NGOs and bring it to the forefront; it should standardize NGO work as local government programs, promote joint work, and ensure good NGO practices are followed.
* The MTSS must issue a strategy that either allows working adolescents to be identified without requiring their employers to report them or covers only some localities. It should launch mass media campaigns aimed at adolescents and families to educate them on legislation that protects the working adolescent community. It should streamline procedures for scholarships and subsidies such as school cafeteria services.
* School exclusion must be approached comprehensively, not only focusing on the economic aspects but also taking into account holistic development conditions and the manifestations of violence that impact adolescents. The Commission recommends that there be specialized human resources with adequate ratios of students to care providers to offer adolescents holistic support in school.
* The Committee recommends prioritizing research and programs aimed at young people in rural areas in the areas of education and employment.
* It also recommends that the MEP body responsible for inclusive education expand operations to include not only the disabled but also socially excluded groups (LGBTI people, indigenous people, and migrants, among others).
* Adolescents demand to be taken into account on a regular basis in the formulation of programs and projects directed at them.

# 3. State of Use, Access, and Appropriation of Digital Technology in Children

### *3.1 Current Situation and Axes of Analysis of Manifestations of Violence*

#### 3.1.1 Access to and Use of Digital Technologies

The Information and Communication Society Program (Prosic) conducted a study in 2009 on adolescents aged 12 to 24 enrolled in the formal education system. The study reports that 80.6% of adolescents had a cellular telephone, while 73.9% had a computer and 44.2% had Internet access at home. Home was the place most commonly reported as the access point for Internet (for those of a higher economic status), followed by Internet cafés (for adolescents with lower economic status) and school. Furthermore, there is a difference between young people and adults over 30: for every adult who stated they used a computer and accessed the internet, three young people made use of that same technology, whether for school, for communication, or for entertainment, and cite cellular telephones, computers, and the Internet are part of daily life.

In 2007, the use of ICTs (Information and Communications Technologies) for entertainment was reported as not being a priority, with “spending time with friends” or “listening to music” as adolescents’ favorite activities; a small part of the sample preferred using the computer during free time (Prosic, 2009). This same study showed that adolescents are perceived as those with the most knowledge about the use of digital technology in their homes, followed by younger siblings. Almost a decade later, “adolescents are perceived as possessing higher digital competency when compared to adults” (Pérez Sánchez, 2016, p. 113).

Adolescent knowledge of ICTs is a self‑learnt or peer‑learnt ability, given that they can easily access applications, exchange information, and instruct others on how to improve the technological experience; this also determines how this age group learns (Álvarez *et al.*, 2009). Jaikel (2011) adds that parents also play an important role, since use of ICTs allows them to gain confidence in using these technologies, so that “the idea of their children acquiring [this knowledge] becomes appealing” (p. 150). Additionally, adolescents often do not have the resources to access these technologies, so their access will largely depend on their parents.

Along the same lines, differences were noted in the use of ICTs according to the age or stage of development at which people were introduced to these technologies. For example, while young people use the computer and the Internet for communication, entertainment, and school work, children use it more frequently for entertainment, communication, and searching for information; Pérez Sánchez (2011) adds that “these differences in use are due to peculiarities attributable to psychosocial development” (p. 17). Differences according to the type of school attended were also found, which “relate to socio‑economic differences” (p. 16) not only in terms of access to ICTs at home but also whether children and adolescents can access them from their own rooms. These socio‑economic differences also account for “the unequal cultural offerings available for the development of cognitive skills and social integration” (p. 16).

The general results of the 2011 National Survey on ICTs report that 92% of children in Costa Rica 5 years of age and older use cellular telephones, computers, and the Internet. The most commonly used ICT in the past three months was the cellular telephone, at 72%, followed by the computer at 48.6% and, lastly, the Internet at 45.4% (National Institute of Statistics and Census, 2011b, p. 97).

#### 3.1.2 The Internet

Use of the Internet reported for children from 2007–2010 appears to be focused on checking e‑mail; performing online searches; connecting to messenger services; surfing the Internet; downloading music, documents, videos, and games (the main purpose of the Internet for minors); and accessing social media (hi5.com), Wikipedia, and YouTube (Álvarez *et al.*, 2009; Grillo R. & Esquivel G., 2010). However, results indicate that this population usually prefers peer‑approved Internet sites, where information is readily and very quickly available. Such sites are “avant‑garde resources and services” that allow children and adolescents to interact with and show off to their peers (Grillo R. & Esquivel G., 2010, p. 4).

A 2013 study showed that use of the Internet is now widespread; 91.7% of the participants used it and 67% said that they had Internet service on their cell phones (Pérez Sánchez, 2014b, p. 8), and use the internet for entertainment, communication, online gaming, and Facebook or chatting. At that time, use of the Internet as a learning aid or for education was still in the early stages. Use for educational or academic purposes was recorded as the least important, compared to communication and socializing. In this regard, Pérez Sánchez (2014b) points to five uses of the Internet for this population: communication, information, entertainment, education, and technology.

#### 3.1.3 Cellular Telephones

Cellular telephones are one of the most used technologies. From 2007 to 2009, cellular phones were considered “essential, reassuring, and a way to allow peer relations more privacy” (Álvarez *et al*., 2009, p. 232). They are mainly used to send and receive text messages and to communicate with peers and family members, with recreational use as one of the least mentioned uses in this study, although it is worth noting that due to the recent development and accessibility of smartphones, reports of use for entertainment have increased.

Although in 2007 80.6% of the population surveyed had their own cellular phone, no data are available on Internet use on cellular phones (Álvarez *et al*., 2009).

Pérez Sánchez (2016) asserted that 97.1% of the children surveyed had their own cellular phone with access to the Internet, the first time any other device outranked television (p. 109). Use focused on text messaging, Internet surfing, taking photographs, and filming videos. This study also states that the most used application is WhatsApp, followed by Facebook. The author adds that use of cell phones falls into four categories: use of social networks (the most common), basic use (second most frequent), use for school purposes, and recreational use.

#### 3.1.4 Computers

From 2007 to 2009, 73.9% of children surveyed reported having a computer at home; it was the most used device, along with the stereo system, the landline, and the cellular telephone. Access to the Internet ranked among the lowest, given that not all of those surveyed had internet at home, which evidences the presence of a digital divide (Pérez Sánchez, 2011) during this period.

In 2014, a study surveying children from the Metropolitan Area reported that 93.2% had a computer in their room or household. Although this percentage is quite high, the computer is again less popular than other activities (Pérez Sánchez, 2014b, p. 12), with “staying home, watching television or listening to music, spending time with friends, and playing outdoors” (p. 12) ranked highest. By 2016, “more than 90% have access to a computer at home” (Pérez Sánchez, 2016, p. 108); “49.7% have their own computer, while 42.7% share one” (p. 108). The data for both 2014 and 2016 show an increase in the number of adolescents with access to a household computer in comparison to the data for 2007–2009.

### *3.2 Prospects for Use of ICTs*

One of the first prospects mentioned is the direction computer use is taking and its role in adolescent life. 88.5% of those surveyed believe that knowing how to use computers is of great help in school, while 60% think it helps them relate to others and 81.3% consider having a computer to be essential nowadays (Prosic, 2009).

The Internet, on the other hand, is perceived as a “means of social integration” (Pérez Sánchez, 2011, p. 20). Even though the cellular telephone is used to browse Web pages for entertainment, the device is “a means of promoting interpersonal relationships in terms of verbal communication, both with parents and with peer groups” (Jaikel, 2011, pp. 149–150). The cellular telephone encourages these interpersonal relationships, as “it occurs at the same time as face‑to‑face relationships” (Pérez Sánchez, 2016, p. 119).

Newer generations were born with ICTs and have grown up around them. These technologies have impacted individuation, socialization with peers and family members, and “psychological wellness, since they offer spaces [for children and adolescents] to develop concrete skills and construct a positive view of themselves” (Pérez Sánchez, 2014b, p. 24). ICTs have also become a part of social integration activities and contribute to this population's identity formation process (Pérez Sánchez, 2016, p. 119), effectively ceasing to be an occasional tool and becoming a part of daily life. However, these contributions depend on caregiver mediation, children’s relationships with others, and the activities that shape their lives.

### *3.3 Challenges of ICT Use*

Currently, children and adolescents face several challenges when using ICTs. Although this technology offers many possibilities, its misuse and appropriation, coupled with a lack of guidance and misinformation, may put this population at risk. Pinheiro (2010) concurs with this statement, asserting that, despite the many benefits these technologies offer, “more efforts are needed to distribute them more equally” (p. 311). It is also a challenge to protect this population from negative effects related to misuse of these technologies, making it necessary to work on a preventive approach to minimize the occurrence of this situation.

#### 3.3.1 Cybersecurity

The literature reviewed asserts that young people are rarely concerned about the security of their equipment. For example, research conducted by Prosic (2009) reports that, although young people have antivirus programs, they do not usually update them; in addition, only 50.1% verified the security of the pages they visited. Pérez Sánchez (2016) adds that, although this population blocks messages from people with whom they do not want to interact, they do not consult information on the safe use of the Internet, e‑mail, or social media, and do not change their search preferences.

Grillo and Esquivel (2010) indicate that this population tends to be proficient in the use of ICTs. However, this competence or skill, coupled with greater use or exposure to these technologies, often leads to overconfidence, which in turn results in a “decrease in [the use of] protection strategies” and an increase in “vulnerability and risk” (Grillo & Esquivel, 2010, p. 3). Although they have the “technical competencies for Computer‑Mediated Communication” (Grillo R. & Esquivel G., 2010, p. 4), they do not use these strategies to protect themselves or their peers during such interactions.

With regard to parental mediation, Pérez Sánchez (2014a) argues that permissive mediation (lack of limits or guidance) is linked to risk behaviors and risky use of ICTs. In addition, “conduct associated with cyberbullying and being a victim of this type of harassment” (p. 71) are also associated with permissive parenting. The author points out that parents surveyed consider activities such as “speaking, calling, and texting strangers” to be low‑risk activities, some parents even labeling them as “not considered risky” (Pérez Sánchez, 2014a, p. 46). In this regard, he recommends the development of public policies addressing media use and holistic ICT use education that goes beyond technological literacy and incorporates elements promoting “peaceful coexistence, solidarity, the development of communicative skills, and safe sexuality in the context of ICTs” (p. 25).

Similarly, the Committee on the Rights of the Child states in its fourth report that the State must develop guidelines to ensure that the media respect the rights of children, develop guidelines to protect children from harmful or inappropriate content, and respect the privacy of children. At the same time, it calls for “awareness and education programs” (Ombudsman’s Office & UNICEF, 2011, p. 14).

#### 3.3.2 Manifestations of Violence on the Internet

The phenomenon of violence in children predates their access to ICTs. However, although it is not a new type of violence, ICTs have opened new channels for expressing the phenomenon. The scope or impact of the damage can be severe, as the violence escalates from a physical environment to a virtual one (Grillo R. & Esquivel G., 2010) where the content may go viral. According to reports, “in many cases it is adolescents themselves who exert some type of violence against their peers” (p. 5).

Among their recommendations regarding violence against children and adolescents, the Committee on the Rights of the Child (2011) encouraged the State to prioritize the elimination of all forms of violence against this group. To that end, it promotes a national strategy to “combat all types of violence against children” (CRC 2011, p. 16) and a prohibition in Costa Rican legislation against all forms of violence against children.

### *3.4 Legal Framework of ICT*

#### 3.4.1 Penal Code

The Penal Code of Costa Rica has several articles associated with ICTs, such as Articles 167 and 167bis, which govern the possible situations of violence to which children and adolescents may be exposed when using these technologies. There are other articles related to the use of ICTs by the general population, such as:

Article 162bis on ”sexual tourism”; Article 173 on the ”creation, production, and reproduction of pornography”; Article 173bis on the ”possession of pornography”; Article 174 on the ”dissemination of pornography”; Article 196 on the ”violation of the privacy of correspondence or communications”; Article 196bis on the ”violation of personal data”;and **Article 230 on ”identity theft”**; and other related criminal offenses (Orlando Vargas, personal communication, June 27, 2017).

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#### 3.4.2 Bill No. 18230

Bill No. 18.230—“Special Law to Protect Children and Adolescents from Violence in Information and Communication Technology Environments and Reforms to the Penal Code”—was published in the Official Gazette on July 8, 2013. Its 18 articles and four chapters seek “to guarantee the protection of the rights of children and adolescents in the face of risks in the field of Information and Communication Technology” (Article 1) and to create specific criminal offenses to fill the gaps within the Criminal Code in this regard. The law’s goal is not only to regulate contact between adults and children but also to make the creation, distribution, marketing, and possession of child pornography or material with scenes of torture or death involving children a criminal offense.

#### 3.4.3 Law No. 8934, “Protection of Children and Adolescents from Harmful Online and Electronic Content”

This law applies to facilities where computers are connected to the Internet or communicate by network or by any other electronic means used by children or adolescents. It requires that these facilities filter content to prevent children and adolescents from having voluntary or involuntary access to pages with pornography, inappropriate language, aggression or violence, instructions on the construction of weapons, or content about war, as well as pages that encourage drug use or promote racism, xenophobia, or any type of discrimination. It also dictates who must supervise the implementation of these filters, specifies sanctions and what will happen to repeat offenders, and defines the obligations of service providers.

#### 3.4.4 ICT Cases and Complaints

Currently, the Office of Sexual Offenses and Gender Violence keeps a record of cases involving digital technologies. However, the only cases linked directly to ICTs are those classified as “seduction or encounters with minors by electronic means.” There are 135 cases recorded where an adult was responsible for this crime, but that figure is only for 2013, 2014, and 2015, since the reform to the Penal Code was only introduced in 2013. 2013 registered one case; 2014, 57 cases; and 2015, 77 cases. Although no data are available yet for 2016, it is believed that the number may have increased (Eugenia Salazar, personal communication, March 21, 2017).

According to a report by the OIJ (Judicial Investigation Department), from the beginning of 2015 to April 2016 there were 26 cases involving underage victims contacted through Facebook from 2015 to 2016. The victims were female in 21 of the cases, with an average age of 13 years, and male in five of the cases, with an average age of 15 years (Orlando Vargas, personal communication, March 31, 2017). As for the nature of the criminal offenses, 22 cases were “corruption of a minor,” two were “sexual abuse of a minor,” and two were “rape/attempted rape.” These figures can be associated with Pinheiro’s (2010) assertion that “girls suffer considerably more sexual violence than boys, and their greater vulnerability to violence in many environments is largely a product of gender‑based power relations” (p. 7).

### *3.5 Public Policy*

Although no public policy specifically addresses childhood, adolescence, and ICTs, different interinstitutional actions focus on the issue of access, use, and appropriation of technologies. One worth mentioning is the National Telecommunication Development Plan (PNDT 2015–2021) from the Ministry of Science, Technology, and Telecommunications (MICITT) (Angélica Chinchilla, personal communication, June 28, 2017).

The 2015–2021 PNDT has three pillars: digital inclusion, transparent e‑government, and digital economy. Of these, digital inclusion is of interest to this report, as it refers to the set of policies aimed at strengthening existing universal access programs and other efforts to ensure equal access to technology. This pillar focuses on reducing the digital divide and consequently promoting a wider use of ICTs in the population (Cruz Romero, 2016).

### *3.6 Conclusions*

Cellular telephone use in children has undergone changes from 2007 to 2016. Smartphone technology and applications haveincreased cellular telephone use and allowed for devices to be personalized, which probably encouraged the reported recreational use and led to an increase in communication in recent years in this age group.

Access to and appropriation of other ICTs by children and adolescents have increased and diversified over the years much like cellular telephone use has, forming the basis for several possible future developments. For example, ICTs have been linked to educational processes that promote innovation, creativity, and access to materials; these technologies also foster social integration and improve interpersonal relationships. Nevertheless, ICTs have exposed children and adolescents to risks for which they are often unprepared and for which they lack the guidance of an adult.

Regarding how they learn to use ICTs, children and adolescents point out that they usually learn how to use the technologies on their own, with the help of tutorials found online, or with help from their peers; they also indicate that they tend to have higher digital skills compared to adults (Pérez Sánchez, 2016), which increases their confidence when using technology or when facing unknown threats or hazards for which they are unprepared. In this sense, the role of family members, parents, and teachers is crucial for guiding them in using ICTs safely and responsibly.

Although there is currently no public policy specifically focused on children and adolescents regarding ICTs, the State has made several efforts focused on the general population, such as the 2015–2021 PNDT.

Finally, the phenomenon of violence in children and adolescents is not a new problem, but one predating ICTs. The need to strengthen the legal framework to protect the integrity of minors is evident. The phenomenon also reflects the absence of a comprehensive public policy that ensures the well‑being of children and enables the safe and productive use of ICTs.

### *3.7 Recommendations*

Although every child must be guaranteed access to information, the access must be to age‑appropriate information that does not violate any of the child’s rights, as noted by the CRC when it refers to access to relevant information “aimed at promoting [children’s] physical, psychological, and moral well‑being” (Ombudsman’s Office & UNICEF, 2011, p. 14).

It is important that parents and guardians be informed about the dangers, risks, and challenges of ICTs, as well as the ability of these technologies to allow parents and guardians to properly model and monitor interactions on the Web. Such knowledge will enable them to guide their children in care and self‑care strategies, since “when children access media and printed images unsupervised by parents or caregivers, it allows them to be exposed to violent, abusive, and pornographic material” (Pinheiro, 2010, p. 311).

Education on better use of ICTs is important. This entails strengthening technical and scientific education on these issues, as well as ongoing training of teaching staff and caregivers “under the same guiding principles that the National Policy for Children and Adolescents of Costa Rica 2009–2021 indicates; that is, equal suitability, relevance, opportunity, and participation for its population” (Orlando Vargas, personal communication, June 27, 2017). Furthermore, in accordance with the recommendations of the CRC for Costa Rica, not only does legislation need to be strengthened, but “regulations, mechanisms, and policies of regulation” must be applied in a timely fashion (Ombudsman's Office, 2016, p. 85).

Additionally, as identified in workshops with consultants, the private and public sectors must join forces to create and disseminate public policies aimed at protecting minors. It is equally important to work toward strengthening existing legislation. On this subject, Pinheiro (2010) emphasizes that the government must commit to creating new standards, developing research to come up with solutions, and funding awareness campaigns that inform people about the safe, meaningful use of these technologies in order to allow families to be part of technological culture and exercise their digital citizenship.

One would be remiss not to mention that none of the research cited can be used to generalize the data to the entire population of children and adolescents; however, the studies present important data that offer a glimpse of the reality of this population and show the importance of having disaggregated data.

# 4. Children and Adolescents Who Have Lost Parental Care or Risk Losing It.

### *4.1 Current Situation and Analysis Parameters of Manifestations of Violence*

According to the Country Report (Presidency of Costa Rica, unpublished), “there is an institutional roadmap that should be used as a last resource, for short periods of time, to be avoided as much as possible in small or nursing children” (p. 29). Unfortunately, despite this statement, a growing number of minors have been separated from their parents in the past few years and are now living in alternative forms of care. According to the latest data shared by PANI's Institutional Planning and Development Office, 9,517 children were placed into an institution in 2015. This number grew to 10,842 in 2016 (Herbert Solano Garbanzo, personal communication, December 11, 2017).

There is a legal loophole regarding laws expressly prohibiting the institutionalization of children zero to three years old, making such institutionalization a common practice to this day. Civil society has also detected practices that violate human rights in how transfer processes of minors are handled. In the workshop titled “Children and Adolescents at Risk of Losing or Having Lost Family Care,” representatives, officials, and civil society employees caring for this population reported numerous cases where institutions separated minors from their family by failing to fully disclose information. This practice affects children’s and adolescents’ right to be informed and included in the decision‑making process, negatively impacting the establishment of trust and their bond with the adults caring for them.

### *4.2 Preventing Loss of Care and Strengthening Families*

Currently the State—specifically PANI—has improved their efforts to prevent loss of care and strengthen families by traveling to previously neglected areas, such as local communities and spaces.

The main preventive tool identified is PANI's Parenting Academy. Nevertheless, Liliana Alonso Sáenz and Rodolfo Vicente Salazar, representatives of the Private Institutions for Childhood Care Union (UNIPRIN) and the Institute of Interdisciplinary Studies of Children and Adolescents (INEINA) respectively, state the need to question the effectiveness of this type of academy, since they do not follow up with families once the workshops are finished and the programs are poorly evaluated. They also question the duration of these programs, since the academies consist of approximately seven sessions (12 in the case of Families in Action) that try to change cultural practices and families' life histories (Liliana Alonso Sáenz, personal communication, December 12, 2016 and Rodolfo Vicente Salazar, personal communication, February 16, 2017).

When consulted on services for the prevention of family separation, experts from both public and private organizations mentioned repeatedly that prevention has been a neglected area for many years. Experts and civil society organizations agree that State intervention has focused on responding to manifestations of violence; that is, it gives palliative care to the problem. Ana María Rojas Pacheco, representative of the Social Workers' Association (COLTRAS), states that:

Currently we respond to a situation immediately, because closing the circle of intervention and care requires greater efforts in education and prevention and in generating opportunities for both the caregivers and the children. Presently the focus is on stopping the situation where their rights are being violated, then, over *a maximum* of six months, working with the family to change years of patriarchal beliefs related to gender issues, which is impossible in such a short time. This is why PANI—and I'd say NGOs and other institutions as well—are betting more on education and prevention. However, these can only be appreciated in the very long term, and only if accompanied by an economic policy of equality and wealth distribution; otherwise, they won’t be (Personal communication, December 12, 2016).

With regard to socio‑economic aid, its effectiveness is overshadowed by the population's limited access to social programs or grants. The goal should steer away from the welfare paradigm, which is not sustainable long term. Liliana Alonso mentions the possible contradiction in access to so‑called “care centers” as an example, because:

IMAS offers financial aid so children can attend day care centers while the mother works, but, as it turns out, since many women work, IMAS turns them down because being employed makes them ineligible for this subsidy. So we have a vicious cycle: I don't work, I'm home, I feel like watching TV, the kids are at the day care center [...] are we really attacking the risk factors? No, we're only making them worse (Personal communication, December 12, 2017).

Family separation continues, without a doubt, to be a common practice by Costa Rican authorities in rights violation situations. This action is subject to criticism because this is not a holistic approach for helping families eliminate risk behaviors and practices; as suggested by experts and NGOs, State actions must be coordinated with those of institutions in an intersectoral manner.

With regard to preventing family separation among adolescents, Natalia Camacho Monge, the representative of the Youth Council (CPJ), expressed the need to create learning and conflict resolution centers for families with adolescents. This is because prevention and care policies are generally aimed at the population under 12 years of age, leaving few mechanisms available for adolescents (Natalia Camacho Monge, personal communication, February 14, 2017).

In prevention and family strengthening, it is important to address disability in both children and caregivers. María Eugenia Salas Mora, representative of the National Council of Persons with Disabilities (CONAPDIS), states that:

In the case of parents with disabilities, there is no set protocol on [them] exercising their parental roles. It is essentially left up to their own judgement. Some doctors offer support and assistance, since the kind of aid parents need is not what one would consider standard. For example, the Children's Hospital offers Schools for Parents, much like other medical centers; however, curiously, we have not managed to invite parents with disabilities, because we don't know how to address them or integrate them if they are hearing or sight impaired (Personal communication, December 12, 2016).

Caregivers with disabilities risk losing parental care of minors under their charge. As mentioned by the representative of CONAPDIS, sometimes loss of parental care can be prevented by offering education with the needs of disabled caregivers in mind, since, she clarifies, in many cases they only require temporary guidance or training on how to exercise their role. Similarly, when a minor is disabled, parents need access to accurate information and support to help them deal with their child's condition and learn how the minor can have access to all the support mechanisms available.

### *4.3 Care and Protection Options*

As of 2017, PANI has new protocols that seek to address the manifestations of intrafamilial violence that affect children, in order to prevent situations where their rights may be violated. These protocols cover emotional abuse, sexual abuse, physical abuse, negligence, street youth, and conflict management, among other subjects. However, since they were only published recently, no data measuring their impact on the situation of children and adolescents in our country are available.

Efforts by government authorities to assist those forced to live in alternative care are bleak, due to limited economic resources, personnel, and infrastructure. Natalia Camacho, CPJ representative, believes that, despite government efforts, family separation as a standard practice continues to prevail (Personal communication, February 14, 2017).

Liliana Alonso, representative of UNIPRIN, points out the lack of support and guidance for NGOs when dealing with problems or specific situations involving minors. She also notes the lack of autonomous access to PANI financial resources. As such, she characterizes PANI's role as “that of authoritarian, vertical, restrictive guidance” (Personal communication, December 12, 2016).

An aspect only mentioned by Dunia Flores, representative of the Psychologist's Association, is the assessment of extended family members when placing a minor in their care (Personal communication, January 20, 2017). That is to say, before considering a close relative to take in a minor, the family's wishes about doing so must be assessed. This comment arises from the fact that an environment in which the child becomes an imposition on the family can spark emotional conflicts for the people involved (Dunia Flores Santamaría, personal communication, January 20, 2017).

Ana María Rojas, a COLTRAS representative, reported on one alarming situation that occurs in shelters: youths affected by the Juvenile Penal Law, who require attention at a specialized center, are sent to PANI shelters when Judicial Power centers do not have space; this is what happened in the case of San Luis (personal communication, December 12, 2016). This type of punitive measure not only conflicts with Costa Rican legislation, since it does not fit the socio‑educational sanctions provided by law, but also harms the minor, who is not receiving the attention and help that best suit their needs.

NGOs noted that PANI is not very familiar with key documents such as the Convention on the Rights of the Child and the Guidelines for the Alternative Care of Children. This lack of information is present both within PANI itself and in private care institutions. Familiarity with these documents does not trickle down to the level of local care centers, where knowledge and application of this information is considered more pressing.

### *4.4 Family Reintegration and Adoption*

State response and attention seem to be immediate regarding the adoption process. However, society's response to the number of children waiting to be adopted and the families that manage to complete the adoption process are of greater concern.

Costa Rican families continue to prefer candidates under five. As such, the chance of adoption decreases for children over five and decreases dramatically when dealing with sibling groups. Likewise, the possibility of an adolescent being integrated into a new family is practically nonexistent.

Long waiting periods are the norm in adoption processes, which translate to bureaucratic inefficiency. However, Rodolfo Vicente, representative of INEINA, considers adoption wait times to be necessary because they involve people; studies and analyses of the families must be thorough, which means that the processes cannot be eliminated (Personal communication, February 16, 2017)

It is worth pointing out that experts from the Psychologists Association and the Social Worker's Association do assert that there is a percentage of inefficiency involved in adoption processes. However, waiting times depend more on the demands of Costa Rican families and the myths surrounding adoption.

As a result of the above, the process of starting adoptive filiation relationships and satisfying the desire of a family does not always happen within the State social service apparatus. Access to parenthood does not always depend on complying with the suitability requirements set out by legislation for all adopting families, because in Costa Rica it is still possible to adopt through lawyers in the private sector without mediation from PANI or any other state institution.

From a legal point of view, although the law on child abandonment is regulated by an ample legal framework, the adoption process seems to show pitfalls for families seeking new ways of finalizing the adoption process. This is problematic because these modalities may not comply with international agreements signed by Costa Rica. According to Jorge Urbina, technical manager for PANI in 2011, PANI as an institution opposes direct adoptions because they are unregulated; however, despite his concern, he feels PANI does not have the power to intervene. Furthermore, there is no follow‑up or guidance after the process of legal adoption has concluded. Some doubts are cast on institutions with legally attributed powers to monitor and assess adoption cases, both at the national level and in cases where families have taken minors abroad.

The practice of direct adoption creates an environment of insecurity and allows myths surrounding adoption to continue to exist. However, at an institutional level, families wishing to adopt distrust PANI. The problem comes from both sides: PANI’s guidance as an institution is absent from the adoption process, especially in cases where there are psychological and cultural issues, while families hold preconceptions throughout the process that limit their preferences as recipients of a minor.

Another important point is the need to adapt the adoption system to current social dynamics. Diverse families and members of the LGBTI population in Costa Rica continue to be excluded from the adoption system, effectively violating the rights of both adults and minors to have a family.

Two important situations arise with regard to family reintegration: the first is reintegrating the minor once the family manages to change the practices that violate the law, and the second is guiding families and adolescents who are reunited when the minor turns 18.

In both cases, the work done by State authorities and private organizations to address separated families fails to take things step by step. When reintegrating families after long periods of separation, they do not do so gradually. This means that the families may or may not follow protection practices or receive comprehensive attention after minors have been reintegrated. The result is outcomes that differ from those desired when reintegrating the minor into their family, which causes them to be returned to a protective measure.

### *4.5 Processes Involving Youths Who Have Lost Family Care*

The interviewees all state that there is no follow‑up mechanism, especially not one focused on youths who must leave a center after reaching the age of majority. Interviewees pointed out that after exiting the center, an 18‑year‑old person does not have access to the mechanisms, resources, and abilities that allow a person to live decently. Many youths have no other choice but to go home. Similarly, NGOs agree that young people have trouble achieving a dignified, full, and self‑sufficient life.

Alexandra Hutchinson (Personal communication, December 9, 2016), an IMAS official, points to paragraph k of the Law on Social Development and Family Allowances as a great help. She explains that this subparagraph offers financial aid for people 18 to 25 who are completing studies or have some type of disability, and who have exited an alternative care center supervised by PANI after coming of age. However, the general conclusion of NGOs is that accessing this type of economic aid is a long process that most often results in failure: of the 16 NGOs participating in the consultation workshops, only one organization knew of a single successful case.

The NGOs consulted consider the implementation of this subsection a challenge. They believe the requirements are unrealistic: young people must have an income that is insufficient for them to satisfy their basic needs, such as food and housing, while at the same time being required to continue their education. The NGOs clarify that even when receiving financial assistance from IMAS, it would be difficult to cover the basic needs and expenses of education (transportation, tuition, books and materials). Moreover, if the young person chooses to work to cover their expenses, they are no longer in the target population regulated by this clause.

Despite agreeing on the lack of mechanisms to provide tools and follow‑up programs for young people after leaving alternative care, few of the interviewees mentioned possible solutions to this problem. Only Rodolfo Vicente, INEINA representative, mentioned current efforts to draft a bill aimed at ensuring financial assistance to young people living in alternative care up to the age of 25 (Personal communication, February 16, 2017).

### *4.6 Conclusions*

There is a dearth of concrete data on the situation of children who have been separated from their families, and no information on informal shelters.

NGOs find that Costa Ricans are largely unaware of how the lives of minors are affected by situations of violence, which makes it difficult to comply with the principle of joint participation and co‑responsibility of care within the doctrine of integral protection.

With regard to children requiring alternative care, there are no records on those who have sought alternative shelter care. Lack of follow‑up information makes it harder to verify that good practices are in place and to understand the problems encountered by this population when facing an adopting family, family reintegration, and/or the question of access to opportunities for a full, independent life.

Regarding preventive work with families, efforts must focus on breaking the welfare paradigm and promoting the holistic development of children and their families. This must be done by directing action toward preventive—not palliative—measures, ones that involve direct work with parents and children to prevent family separation and strengthen families. Working with families does not mean only working with parents.

Lastly, personnel at both the public and private level require training. People in charge of caregiving and protection measures, judges, caregivers, and technical personnel are not aware of national and international protocols and regulations.

### *4.7 Recommendations*

* Socialize PANI protocols in order to streamline NGO efforts, particularly on the issue of immigrants and stateless children, thus removing minors from their situation of vulnerability.
* Raise awareness of key documents, such as the Convention on the Rights of the Child and of Children, both within and beyond PANI.
* Carry out research on the situation of children and adolescents who leave alternative care, especially young people who graduate from high school, to identify the challenges they face once they have left alternative care and how the State can meet their needs.
* Coordinate special care programs between PANI, the MPS, and the IAFA (Alcohol and Drug Addiction Institute) in order to provide specialized care on ​​health, addiction, employment, development opportunities, and care and protection strategies to this target population and their families, so that not all the responsibility for childhood care falls on PANI.
* Create better communication campaigns to prevent loss of family care and educate the public on the existing programs available if needed. Create IMAS programs that focus on helping caregivers according to their areas of vulnerability and not just their socioeconomic status.
* Streamline reimbursements that comply with the minimum standards set by the Guidelines for the Alternative Care of Children (DMAC)—for example, frequent follow‑ups with families to assess achievements and changes that will allow them to regain the care of their children.
* Raise awareness in judges responsible for placing minors in alternative care so they can make faster rulings and avoid violating the right of children and adolescents to stay with their families when the socio‑legal situation permits it, and so they can promote family‑like care alternatives.
* Assess the current situation of informal shelters and prepare a protocol or specialized regulation to ensure comprehensive attention to the rights of children and young adults.
* Promote the gradual, supervised process of family reintegration of children, adolescents, and youths, with the necessary professional support, especially for young people who have left or are about to leave alternative care.
* Implement a model of care that includes families so that family interventions can be carried out with interdisciplinary programs (legal, psychological, and social help). This proposal acknowledges that attention to loss of family care should be focused on families and not only on children and adolescents at risk.
* Promote respect for the rights of children and young adults in matters of linguistic, ethnic, cultural, and religious diversity, to encourage them to remain close to their community and prevent cultural loss.
* Promote the inclusion of people with disabilities, caregivers, and minors in detention centers, as well as family strengthening, and protection measures, to prevent the isolation of this population.
* Work in coordination with CONAPDIS to prevent loss of parental care for people with disabilities.

# 5. Children of Populations in Situations of Exclusion

* 1. *Indigenous Children and Adolescents*

In 2011, there were an estimated 32,742 indigenous children and adolescents in Costa Rica (MIDEPLAN, 2014, p. 12). There are 24 established indigenous territories inhabited by eight communities: Boruca, Bribri, Cabécar, Chorotega, Huetar, Maleku, Ngäbe, and Térraba or Teribe. It should be noted that not all the inhabitants of these territories are indigenous, and that not every indigenous person lives there.

Due to the geographical remoteness of many territories (they are all in rural areas, some of which are difficult to access, especially in the rainy season), as well as the legal and administrative aspects that govern them, they have historically experienced a notable lag in the penetration of State services, which contributes to lower development indicators than the national averages.

5.1.1 Education

Although advances in infrastructure have been highlighted in recent years, problems with access to education and the quality of indigenous education persist. According to the 2011 census, the national percentage of nonattendance in people aged 5 to 17 was 12.4%, while in indigenous communities it was 20.2%. Although the percentage is much more favorable than in the 2000 census (39.5%), indigenous children and adolescents are still among the groups with the greatest obstacles. This impacts the average duration of schooling for minors, where the national average is 4.47 years, yet for indigenous children and adolescents it is 3.8 (UCR & UNICEF, 2015, p. 175).

Indigenous educational centers show lower academic achievement. In 2010, 9,078 indigenous students enrolled in primary school with a repetition percentage of 12.1%, compared to the national average of 6%; 160 indigenous high school students took the baccalaureate exams, yet only 63, or 39.4%, passed (State of the Nation Program [PEN], 2012).

Regarding the quality of teaching in indigenous territories, according to the Fourth State of Education Report, there were 259 primary schools in 2010, but 70.2% of these were single‑teacher classrooms; that is, only one person was in charge of teaching all the lessons to all grades. Of the 608 teachers in primary school, only 38.2% had a degree (PEN, 2012). Nonindigenous teachers have insufficient training, limiting the possibility of making the educational process more relevant to indigenous situations in particular, while MEP efforts to appoint indigenous teachers are compromised by those teachers’ low levels of preparation and certification.

The MEP has made efforts to adapt education to indigenous cultures, but major challenges are still widespread. One such challenge is implementing education in indigenous languages, since in most cases it is one more subject for which there are few weekly lessons while the rest of the subjects are still taught in Spanish. As Rivera (cited by UCR & UNICEF, 2015, p. 54) points out, of the eight ethnic groups, only four still speak their original language and use it daily; two are in the process of recovery, and two have lost their language altogether.

The curriculum in many cases does not take into account indigenous cultural features of the indigenous communities, nor does it help to promote their development based on their organization and worldview. The State of the Nation Program (2012) states that, for now, it is not possible to claim there is indigenous education in Costa Rica; what does exist is education in indigenous territories (PEN, 2012, p. 7).

5.1.2 Health

The difficult terrain where indigenous territories are located compromises access to good health services, forcing indigenous people to travel for many hours and in some cases even for days to reach these services. To solve this problem, the CCSS (Costa Rican Health Board) has implemented itinerant services in many communities. However, they are very basic. Tailoring services to indigenous situations has been a slow process, reducing their effectiveness and attendance, as they do not take into account the ancestral practices or traditional medicine of indigenous peoples. These deficiencies affect areas as sensitive prenatal check‑up programs for indigenous women. In 2011, 7% of the babies in Costa Rica weighed less than 2,500 grams at birth, while in indigenous populations it was 14% (UCR & UNICEF, 2015).

In many territories, preventable diseases such as diarrhea, difficulties in completing the vaccination schedule, and higher rates of malnutrition prevail. In 2012, the infant mortality rate in Costa Rica was 8.51 for every 1,000 births, while cantons with indigenous populations had higher figures. The rates for Matina and Limon—where the Cabecar reside—were 11.2% and 12.8% respectively; the Coto Brus canton (indigenous Ngäbe or Guaymi territories) had a rate of 13.7%, and the canton of Talamanca (indigenous Cabecar and Bribri territories) had a rate of 15.6% (MS, 2014).

Concerns about sexual health among indigenous adolescents also persist. In 2013, although 17% of Costa Rican women aged 15 to 19 had either been pregnant or given birth to a child, 49% of indigenous women had done the same (UCR & UNICEF, 2015, p. 79). Factors that have been noted to contribute to this situation include the strong cultural burden on the reproductive role of indigenous women (from a very young age) in their communities and families, the early age at which they become sexually active, poor education in contraceptive methods, and few opportunities to thrive in roles other than the reproductive one.

The mental health of indigenous adolescents has also raised concerns, since some towns have rates of suicide and attempted suicide above the national averages, particularly among young men. In the canton of Talamanca—home to the largest indigenous population in Costa Rica—the local government issued a state of emergency in 2014 for the sudden rise in suicide rates. Noted causes of this situation include addictions, the process of transculturation in young people and the impact it has on their sense of social belonging, and the hopelessness of envisioning a better future.

5.1.3 Violence and Other Vulnerabilities

Although no conclusive studies have been found on this topic, activists and professionals who deal with indigenous populations both perceive a high incidence of sexual violence against girls and adolescent women, such as incestuous sexual relationships, marriage to considerably older men, and rape. Charges and data on these phenomena are scarce because authorities refuse to acknowledge the issue and because the justice system is either lacking or ineffective.

The high incidence of child labor—mostly in the agricultural and domestic fields—is also of particular concern. Legislation forbidding children under 15 to work and regulating adolescent employment is incompatible with the concept of work in indigenous peoples, who consider work a formative medium for children and adolescents and part of their family role, especially when faced with economic needs and few opportunities for an education.

The vulnerability of Ngäbe‑Büglé children, who migrate in family groups between the territories of Panama and Costa Rica and only settle temporarily to work (mainly in agriculture), stands out. It is estimated that some 19,000 Ngäbe‑Büglé migrate in this manner every year (UNICEF, 2016, p. 38). A study by the IOM, UNICEF, ​​and ILO (2013) indicates that cross‑border Ngäbe‑Büglé migration into Costa Rica was first evident in 2000, caused by poverty, low land quality in their places of origin, and a lack of adequate schools, health care services, and facilities to cover their needs(p. 35).

Ngäbe‑Büglé children and adolescents have difficulty staying in the education system (both in Costa Rica and in Panama) and are exposed to risks on their journeys, including robbery, sexual violence, trafficking, and extortion. In response, PANI, the MS, the MEP, and IMAS developed an alliance with farmers in the canton of Coto Brus to employ the Ngäbe‑Büglé in a temporary care program called “Casas de la Alegría,” which PANI literature states was started in 2014:

to serve the children of this population group by providing culturally relevant care centers that respect the traditions and customs attached to cultural heritage. Some of the provisions ensure that the caregiver or cook be Ngäbere, so that there is no language barrier with the children (Pani, 2017a, para.4–5).

Data on the birth of Ngäbe‑Büglé babies on Costa Rican soil is unclear because, although every person born on national soil must be registered and granted citizenship, some officials refuse to register them if the parents are illegal immigrants, leaving the children stateless and without any guarantee of being registered by the Panamanian State.

Regarding access to justice, indigenous groups face difficulties due to distance and the justice system’s failure to adapt to their needs, cultures, and ancestral justice practices, difficulties that strip the State of legitimacy in their eyes. The 2015 EDNA report states that there are no legal programs for filing claims in indigenous languages, which limits children's assistance to an interpreter if they do not understand or speak Spanish (UCR & UNICEF, 2015, p. 65).

* 1. *Children and Adolescents with Disabilities*

There were an estimated 47,358 children with disabilities in Costa Rica in 2011—3.6% of the total number of children in Costa Rica. Regarding the rights of persons with disabilities, significant advances have been made, especially after the Law of Equality of Opportunities for People With Disabilities (Law 7600) was passed, which slowly brought the issue to the foreground and led many institutions to start adopting its policies, thus establishing mechanisms, services, and protocols for the inclusion and support of persons with disabilities. This legal and political framework was further strengthened by the Personal Autonomy Law (2016), and the Convention on the Rights of People with Disabilities.

However, adapting services and adopting an inclusive human rights approach to persons with disabilities remains a challenge and very little progress has been made on the issue, since the attitudes prevalent in the care paradigm continue to prevail socially, placing persons with disabilities as beneficiaries of social aid and charity without enhancing their ability to be autonomous. Undoubtedly the greatest obstacle for Costa Rica in making the leap into the inclusion paradigm lies in the lack of will and interest among the general population.

5.2.1 Education

The MEP has alternatives for children and adolescents with disabilities, such as Special Education Centers (CEE) exclusively for this population (22 in total, all in urban areas); regular academic programs, such as what is known as the “integrated classroom” (dedicated to children and adolescents with disabilities, especially those with a cognitive disability); Special Education services in the third and fourth cycles; and a diversified vocational training cycle in technical or academic high schools. There are also ongoing support programs (offered by a special education teacher in the educational facility), itinerant support programs (a special education teacher who visits several educational centers), and the possibility of adapting curricula to facilitate the integration of children and adolescents with disabilities into regular groups (Second Vice‑Presidency of the Republic of Costa Rica, UNICEF & CNREE, 2014).

Although school nonattendance dropped from 29.2% to 13.5% according to 2011 data reported by UNICEF in 2016, the Constitutional Chamber and Ombudsman's Office have received many complaints related to the lack of resources for students with disabilities, stating that services are provided in very remote places, or that they are understaffed (Second Vice‑Presidency of the Republic of Costa Rica, UNICEF & CNREE, 2014). Some of the biggest obstacles are lack of adequate transportation services, especially in rural areas, and inadequate school facilities suited to children and adolescents with disabilities.

Activists consulted believe that one of the largest challenges is raising awareness and training teachers, since MEP protocols and guidelines often clash with the negative or noncommittal attitudes that characterize their implementation.

A study published 2014, in which 388 teachers, 24 school principals, 24 families with children attending educational facilities, 24 families on a waiting list, 26 regional consultants, and 12 Costa Rican experts participated, revealed that university education does not respond to the needs of students and that teacher training is insufficient. Other challenges in complying with the minimum student hours of attendance are transportation difficulties, lack of traveling companions, and the need to divide groups in two and teach half the lessons to each group due to the number of students. Inadequate language and physical therapy services are also mentioned as a challenge. Likewise, there are infrastructure barriers, since many of the education centers were built before Law 7600 and do not meet its standards, with few resources to provide these centers with the technological resources needed for learning (PEN, 2014).

Participants point out that the course plan follows a rehabilitation scheme and is not in line with a human rights approach. They also mention schools not being able to take in the number of children and adolescents that apply, which results in waiting lists that force them to offer temporary services such as early stimulation and family counseling until those children and adolescents with disabilities can be accepted. Additionally, participants mention having insufficient school furniture, teaching materials, and equipment. Therapists also lack supplies to prepare technical assistance for children and adolescents with disabilities. Lack of commitment, unfair treatment by some teachers, and little interest in communicating with parents and caregivers were also noted.

5.2.2 Health

Disability health care services focus on rehabilitation, and the limited coverage of the National Rehabilitation Center—located in the capital city—is mainly aimed at adults, leaving significant gaps in the services offered to children and adolescents with disabilities.

Participating activists also mention that some officials are insensitive, that few or no rehabilitation services are offered in local clinics and hospitals, and that many hospitals lack interpretation and communication services for the hearing and sight impaired. They also state that the CCSS fails to address cognitive disabilities altogether. We find similar statements in a joint study by the Second Vice‑Presidency of the Republic of Costa Rica, UNICEF, and CNREE (2014), which points to gaps in rehabilitation services for people with sensory, psychosocial, and psychiatric deficiencies, with these gaps having to be filled in part by services offered by the MEP.

Given the lack of rehabilitation services and physical therapy in hospitals, the MEP has dabbled in providing some of these services at educational centers. This proposal was suspended after a Constitutional Chamber resolution (Res. 10885‑2013) deemed that these services are not part of the educational process and should be offered by the CCSS and not the MEP. The CCSS, however, alleges that it does not have the administrative capabilities to offer these services beyond the national hospital level (Second Vice‑Presidency of the Republic of Costa Rica, UNICEF & CNREE, 2014).

5.2.3 Social Vulnerability and Protection

According to the 2011 national census, the basic needs of 43% of children and adolescents with disabilities are not being satisfied. These basic needs include access to decent shelter (quality of housing, overcrowding, etc.), healthy living (physical health infrastructure), knowledge (attendance and school achievement), and other goods and services (consumption capacity) (Second Vice‑President of the Republic of CR, UNICEF & CNREE, 2014). The activists consulted indicate that poverty in families with persons with disabilities is linked to having to pay for treatments, technical aids, and special services, as well as the need for care and attention (in many cases a full‑time task) by family members of productive age, which results in one less source of income. They also highlight the unlikelihood of children and adolescents with disabilities obtaining a technical or professional degree to help them pursue a job, since universities and institutes are lagging behind in educational offerings suitable for this population.

Some social programs aimed at families at social risk have incorporated criteria favoring children and adolescents with disabilities. They offer benefits (CCSS), tax exemptions, support for retrofitting homes, child care centers (PANI and IMAS), and scholarships. Yet deficiencies in information systems and institutional coordination make it difficult for children and adolescents with disabilities fully access this aid.

The activists interviewed also mentioned other situations affecting children and adolescents with disabilities, such as insufficient institutional capacity to provide them with technical assistance (especially for families living in poverty), slow progress in adapting infrastructure and public transportation, and a lack of adequate services for people with cognitive disabilities in most institutions.

Regarding access to justice, the judiciary has made efforts to integrate the disabled by offering interpreters and accommodations to take statements from children and adolescents with disabilities. However, activists point to the lack of commitment from some officials, who do not make an effort to serve this population adequately; they also note that many families do not know about the enforcement mechanisms put in place by laws relating to people with disabilities.

With regard to recreation, difficulties persist for children and adolescents with disabilities when it comes to engaging in recreational activities by themselves due to lack of adequate facilities in communities, lack of cultural and sports programs for this population, and lack of policies granting them equal access to cultural and recreational activities.

Another concern revolves around the inability of PANI and its shelter network, as well as other care centers (such as MS and IMAS), to adequately tend to children and adolescents with disabilities. The 2014 study from the Second Vice‑Presidency of the Republic of Costa Rica, UNICEF, and CNREE indicates that in 2013, 52 children and adolescents with disabilities were in various PANI care alternatives; at the same time, starting in 2009, the institution arranged for the Arthur Gough Village to serve primarily groups of siblings and minors with disabilities. NGOs providing shelter services to PANI refuse, for the most part, to take in children and adolescents with disabilities, alleging among other reasons a “lack of special resources for this type of population.” However, interviewed officials of the Villages feel that it is not a matter of offering a “specialized” alternative for children and adolescents with disabilities, because personnel “are not specialized in the subject, but rather have learned from practice” (Second Vice‑Presidency of the Republic of Costa Rica, UNICEF & CNREE, 2014, p. 99).

* 1. *Children and Adolescents of African Descent*

  The 2011 national census estimated there are 103,716 children of African descent in Costa Rica (7.9% of Costa Rican children). It is worth pointing out some economic and social disparities experienced by the Afro‑descendant population. The census showed that the unemployment rate for white and mestizo people was 1.7%, while in Afro‑descendants it was 2.3%. 4% of people of African descent lacked access to goods and services, compared to 2.5% of whites and mestizos; 12.8% lacked physical health infrastructure, compared to 8.9% of whites and mestizos; 15.1% lacked decent housing, compared to 9.6% in whites and mestizos; and 8.2% did not have access to education, compared to 6.4% in whites and mestizas. Extreme poverty affected 8.5% of Afro‑descendants, versus 5% of whites and mestizos, and 18.7% of Afro‑descendants lacked health care, versus 13.8% of whites and mestizos (Judicial Branch of Costa Rica, 2015, as per data from INEC).

Part of the situation of the Afro‑descendant population is explained by the great concentration of this population in the province of Limón, historically neglected and ignored in terms of services and investment. Although this abandonment is not exclusive to that region, it is accompanied by stereotypes of backwardness, as well as the stigma of disease and disorganization echoed by the white and mestizo population.

It is not hard to detect symptoms of racism in sectors of the Costa Rican population, where attitudes of contempt and stigma against the Afro‑descendant community, and expressions thereof, still persist. Although institutions usually acknowledge the existence of racism, campaigns and educational efforts to reverse it are sporadic and have little impact.

In 2008, the National University conducted a survey of 80 people about their perceptions of the Afro‑descendant community. When consulted on positive and negative aspects of the Afro‑descendant population, 27% related it to drugs and delinquency, and 19% to vagrancy (Astorga Morales and Azar, 2010).

The media may play a role in racial stereotyping. Activists have pointed out the sensationalist media outburst regarding criminal activity in the province of Limón. This has contributed to the stigma against the Afro‑descendant population, with no institutional efforts to counterbalance it. 41% of interviewees agreed that the media showed greater discrimination when the news related to people of African descent (UNICEF and IDESPO (UNA), 2010). Although Costa Rican legislation prohibits discrimination, acts of racial discrimination are a minor violation and carry, at most, administrative sanctions or fines.

Among other issues affecting this population, activists report derogatory treatment received by Afro‑descendants from public officials at counter; this often makes them avoid going to public institutions. Another complaint is racial profiling by police officers against young Afro‑descendants; although this practice is not part of institutional guidelines, activists assert that it is common for many officers to racially profile when frisking young people of African descent.

5.3.1 Education and Culture

Some school texts reproduce racial stereotypes learnt by children and adolescents early on in Costa Rica. The experts interviewed believe that this devolves into children and adolescents of other ethnicities learning about segregation early on, while Afro‑descendants learn to wear a label. The most pertinent example is the repeated attempts to remove the children's book *Cocorí* (condemned for reinforcing racist stereotypes) from the curriculum. Despite these efforts having reached different stages of court, they have not achieved their goal.

According to an expert interviewed, other school texts besides *Cocorí* also help to reinforce racialization, rather than teaching ethnic and cultural diversity. Furthermore, the school curriculum lacks content on the history of the Afro‑descendant population, which undermines their right to preserve their cultural identity. Lastly, the interviewee points out that although the MEP has policies against racial discrimination, they have not had the required weight and penetration in educational centers (Rina Cáceres Gómez, personal communication, March 1, 2017).

Regarding identity preservation, efforts by the Ministry of Culture and Youth are recognized for highlighting the contributions of the Afro‑descendant population in the construction of Costa Rican identity and promoting Afro‑Costa Rican culture through festivals and activities including music, dance, and cuisine, although the expert consulted mentions that these efforts have yet to extend to Afro‑Costa Rican literature.

*5.4. Children and Adolescents with Gay, Lesbian, or Bisexual Orientations, Minority Gender Identities or Transgender Identities*

Children whose sexual orientation or gender identity does not match socially dominant heteronormative concepts are among the most invisible in Costa Rican society. No studies of substance on the rights of these children were found; however, LGBTI activists in recent years have voiced concern over the discrimination this population faces. In Costa Rica, homophobic and transphobic feelings persist in a large part of the population, generating attitudes and actions that offend and stigmatize LGBTI people; media campaigns and educational efforts to reverse this situation are sporadic and have little impact.

Churches and religious communities are among the sectors that exert the most influence against this group. Although many of them have shown greater openness and joined the fight to reduce homo‑ and transphobia, the pressure in many religious sectors is very strong; as LGBTI activists have intensified the struggle for recognition of their rights, religious groups have hardened their position and resorted to political belligerence to avoid that recognition being granted.

Homo‑ and transphobia make it difficult for this group of children and adolescents to exercise their rights on multiple levels, and they are often deprived of participation in sports, art, recreation, politics, community development, and other activities. Given the lack of quantitative data, the Commission decided to interview a renowned activist from the LGBTI community and invite representatives of organizations and social movements from that sector to the consultation workshops.

*5.4.1 Education*

53.7% of the 400 children surveyed by the National Youth Center in San José and Heredia considered attraction to people of the same sex to be a mental illness (National Youth Center [CNJ], 2013). This stigma leads to bullying and discrimination that activists say is worsened by the attitudes of many teachers, who treat LGBTI students unequally by acting indifferently toward them, bullying them, showing little patience toward them when explaining subject matter, being stricter when checking their exams and homework, and even joining in the mocking from other students. Although the MEP has guidelines and protocols to fight this type of discrimination, their implementation is lackluster due to the disinterest of teaching staff and directors.

One strategy to reduce discrimination against this population is to provide comprehensive, inclusive, diversity‑based sexual education; however, efforts in this regard are constantly sabotaged. Furthermore, as stated in an article in *La Nación*, the effectiveness of sex education is dubious despite the MEP’s efforts to improve it, due to the lack of assessment. Parental opposition also prevents or restricts teachers’ ability to address sex education in the classroom, as parents can demand that their children skip these lessons (Cerdas E., 2017).

Schools openly allow relationships. However, if it is a gay or lesbian relationship, standards seem to shift and displays of affection become prohibited or repressed. As for transgender students, activists point out that they usually end up being expelled.

5.4.2 Health and Protection

The effects of social rejection on the mental health of these children and adolescents (including rejection by their peers) are of great concern. Activists point out the propensity for indulging in self‑destructive behaviors, such as the development of addictions and suicidal tendencies that unfortunately arises in many cases as a result. One of the most commonly reported situations among this population is rejection in their own homes; they end up being thrown out of the house and becoming homeless, which leads them to destitution, sexual exploitation, and drug use.

Activists indicate that PANI has trouble placing and caring for these children in their shelters, since members of this population are often victims of abuse and violence from other children. The situation is not always handled adequately, leading these children to run away and live on the streets. Activists assert that, for the most part, only NGOs take care of them. However, many NGOs are religious, so their approach can be a very conservative and non‑inclusive one; they may try to “revert” sexual orientation or gender identity, despite the lack of scientific support. This in turn may deepen the frustration of this population and further compromise their psycho‑emotional stability.

Regarding addiction issues, the IAFA only has one center in the country that specializes in minors. Although this entity has a nondiscrimination policy, activists report that LGBTI children have difficulties receiving care in this and other treatment centers, mainly due to mistreatment and discrimination from other children and adolescents.

Another frequent issue is the repression of displays of affection between LGBTI couples, including minors. If they do display their affection in public, such as by kissing or embracing, they are accused of exhibitionism or indulging in forbidden behavior, even in private spaces such as shopping centers or restaurants.

Participants also mention that many health care center officials have poor attitudes toward LGBTI people. In 2009, a survey by CIPAC (of 393 officials from health centers in the Central Valley measured attitudes related to sexual diversity (2009). When asked whether the law should punish homosexual relations, 58.4% of respondents said that it should, while 16% agreed with the statement “It bothers me to be seen in the company of a homosexual person” and 7.3% agreed with the statement “I am uncomfortable having to assist a homosexual person at an EBAIS (Basic Health Care equipment Centers).” (12.2% of respondents declared themselves undecided in response to that last question). 17.9% of respondents also agreed with the statement “Homosexual people should not visit the same public places as the rest of the population.”

Although respondents did not always reject homosexuality, there is some concern that a considerable number of officials throughout the health care system may get carried away by their prejudices when taking care of sexually diverse children and adolescents, and that this could have an impact on care.

Transgender activists, meanwhile, also brought up situations whose impact on minors is concerning. For example, according to the National Children's Hospital, there have been 713 intersex births in the past five years. However, sex‑defining surgeries performed by the health system on newborn intersex babies are haphazard and do not require the informed consent of the parents— (Rueda, n.d.). In this expert's opinion, it is best for the intersex person to decide over time and with full use of their faculties whether they would like to have surgery and with which gender they identify. As they grow up, it is common for intersex children who received surgery to feel uncomfortable with the sex attributed to them.

Another repeated complaint is the persistent view in the social imagination of diverse gender identities as a “disease.” The expert interviewed asserts that many parents resort to the health system or even to religious institutions hoping that their children will be “cured” (Francisco Madrigal, personal communication, February 8, 2017), without understanding the long‑term effect of pressuring children to repress their sexual orientation or gender identity. The commonplace so‑called “corrective rape” (sometimes with parental consent) of girls and adolescent women reported by activists to “cure” them from lesbianism or bisexuality is also a concern.

*5.5 Migrant Children and Adolescents*

Costa Rica has been home to a large number of migrants for several decades. According to the 2011 national census, 385,889 people in Costa Rica were born abroad, representing 8.9% of the country's population; the vast majority (74.5% of that total, or 287,766 people) come from Nicaragua. Colombia (16,514), the United States (15,898), Panama (11,250), El Salvador (9,424), and other nationalities lag far behind. Since the last census, Costa Rica has received new waves of migrants from other countries in Central America, the Dominican Republic, Haiti, and Venezuela.

The political and economic crises in the region and on other continents have also led to an increase in transient migrants seeking to cross the country by land, in most cases evading controls in an attempt to reach the United States. Press reports and human rights organizations have recorded significant waves of temporary migrants from Cuba and Haiti, as well as countries in Asia and sub‑Saharan Africa. These waves have given rise to humanitarian emergencies and forced the State and civil society to provide assistance to satisfy the vital needs of these migrants as they make their way through Costa Rica. Concerns have been raised regarding the vulnerability of children and adolescents in those groups, who are exposed to extortion, mistreatment, sexual abuse, human trafficking, and other harmful situations.

Given the large number of Nicaraguan migrants, it is worthwhile to approach the topic of their exercise of human rights in a separate section. One would be remiss not to mention that the census may have underestimated the number of Nicaraguans, since many have an irregular immigration status. According to a joint study by the IOM, UNICEF and ILO (2013), an estimated 30% of the Nicaraguans in the country are under 19 years of age. However, these data hardly take into account undocumented migrants or temporary workers who return to their country, which may imply a significant underreporting. While there is no consensus on the true number of Nicaraguans in the country, unofficial estimates place it somewhere between 600,000 and 800,000.

One of the biggest concerns regarding children of Nicaraguan origin is that in many cases their families are divided by the border or dispersed all over Costa Rican territory for work reasons. Many are cared for by uncles, grandparents, elder brothers, or family friends, or belong to single‑parent homes, which makes them vulnerable to poverty and neglect. Likewise, there is a high concentration of Nicaraguan families in marginal communities, which exposes children and adolescents of Nicaraguan origin to drug trafficking and places them at risk of drug abuse or being the victims or perpetrators of a crime.

Low levels of education reinforce poverty in Nicaraguan families, allowing them access only to unskilled labor and poorly paid jobs. The situation is further aggravated when family providers have an irregular migratory status or work informal jobs where they are not guaranteed labor rights such as a minimum wage, fixed work schedules, health care, a pension fund, or access to social programs.

On the other hand, access to justice for undocumented migrants—particularly for children and adolescents—is very complex precisely because of the legal limbo they are in, which makes it difficult for them to carry out duly identified processes. Their situation is also affected by their ignorance of the mechanisms available to enforce their rights; activists have denounced the fact that migrants are sometimes treated disrespectfully in government offices, discouraging them from making use of these institutions.

Another protection concern is the uncertainty over whether all babies born on Costa Rican soil to undocumented women are being registered and extended Costa Rican nationality, as required by law.

A report from the IOM, UNICEF and ILO (2013) indicates that contractors are common figures in the process of recruiting migrants for temporary labor, work that is usually agricultural and often involves not only the hired laborers themselves but also their children. According to authorities, most of these contractors are Nicaraguans. This intermediary-based labor situation is known to result in abuse of migrant workers: adults (the heads of household) are hired, but their children work as coffee pickers as well, with their harvest added to that of the adult. As a result, if the child suffers an accident, the contractor has no responsibility, as he has not contracted the minor's services (p. 33).

At the societal level, large segments of the Costa Rican population display xenophobic ideas and attitudes, mainly fueled by the uncontrolled reproduction of media content and messages (from both the traditional press and current social networks) that reinforce stereotypes about immigrants. Several studies show negative perceptions and rejection of immigrants by many Costa Ricans; even just one look at the comments section of any social network when there is a news item about migration will surface hundreds of messages rejecting not only the migrant communities themselves, but also any policies that facilitate their stay, any benefits to them from social programs, and any possibility of granting their children Costa Rican nationality.

School attendance for migrant children and adolescents was 23.5% in 2011, while for non‑migrants it was 11.8% (UCR & UNICEF, 2015). The MEP has a policy on migrant children, but teachers and principals handle it poorly. Migrant children and adolescents are admitted to educational centers, but the amount of bureaucracy make it difficult for them to certify and validate the grades and diplomas obtained in their countries of origin, often causing them to be held back under the presumption that their educational level is lower than that of Costa Rican children of the same age. Although there are mechanisms in place to adapt the curriculum taught to migrants to allow them to adjust to the content level, adjustments applied to migrant children often hold them back and force them to repeat a grade.

Children and adolescents of Nicaraguan descent are also bullied, especially in educational centers where the majority of the student body is Costa Rican. In addition to the problems previously mentioned, children of migrants and temporary workers have trouble attending and remaining in school.

Regarding access to health services, one of the most commonly reported issues is that, although CCSS policies stipulate an obligation to provide basic services to everyone (such as emergency care and pre‑ and postnatal care), many health care centers ask undocumented or uninsured migrants to provide personal documents and issue them invoices in an attempt to charge them for the services. Despite the dubious nature of this practice and the fact that payment is rare, it is considered an intimidation technique that discourages migrants from seeking even the most basic types of health care.

*5.6 Recommendations*

* Make a solid investment in services and social programs in indigenous territories to reduce the lag in their development, and train officials so that indigenous children and adolescents can exercise their rights in accordance with their culture and traditions.
* Promote research that addresses sexual violence against indigenous children and adolescents (especially girls and young women) in order to obtain input for policies and initiatives aimed at eradicating this type of violence in accordance with indigenous culture.
* Approach child labor in indigenous peoples in accordance with their culture and the principle of autonomy that governs them, promoting reasonable middle grounds so that the fight against child labor does not threaten family and community practices, but at the same time protects the integrity and rights of these children and adolescents.
* Step up efforts to bring educational practices in line with indigenous cultures, and train and certify indigenous teachers to ensure an educational process of higher quality.
* Strengthen the Casa de la Alegría experience and replicate it in other areas of Costa Rica where Ngäbe‑Büglé families and other indigenous peoples also work temporarily.
* Ensure that all indigenous children and children of migrant mothers who are born in Costa Rica have an identity and citizenship, as mandated by the Constitution, to facilitate the protection of their rights and access to services.
* Increase coverage of therapy and rehabilitation services for children and adolescents, and extend these services to regions beyond the Greater Metropolitan Area.
* Train health professionals to approach and treat different types of disabilities in children and adolescents adequately, and ensure that the CCSS incorporates attention to mental, intellectual, and sensorial disabilities.
* Increase efforts to improve public infrastructure and transportation so that they meet the needs of children, adolescents, and adults with disabilities, and increase the number of available options to allow members of this group to exercise their right to recreation, cultural activities, and community participation.
* Increase the availability of integrated MEP classrooms; strengthen the quantity and quality of other special education modalities for children and adolescents with disabilities, especially in rural areas; and offer special education centers more teacher training, infrastructure, and technical resources.
* Coordinate social programs aimed at benefiting children and adolescents with disabilities more appropriately, especially those aimed at families in poverty.
* Enact legislation that makes acts of racial discrimination a felony and use of racist language a misdemeanor.
* The MEP must eliminate any curriculum content that reinforces stereotypes.
* Promote campaigns and educational programs at a national level to raise awareness of indigenous and Afro‑descendant culture in Costa Rica, preserve the identities of these populations, reduce racial discrimination, and encourage a multiethnic vision for future generations.
* The MEP and other entities must generate statistical data on episodes of violence with racial, xenophobic, homophobic, or transphobic motivations, to serve as input in creating effective policies to address these issues.
* Promote studies that analyze the phenomenon of LGBTI children, so that their needs can be identified and policies can be designed guaranteeing their rights and encouraging their social inclusion.
* Offer free psychological services to care for the mental and emotional health of LGBTI children that they can attend without their parents' authorization and that respect their sexual orientation and gender identity while steering clear of branding it a pathology.
* Guarantee all children and adolescents access to comprehensive and inclusive sexual education; eliminate the possibility of their families depriving them of such lessons; encourage empowerment and self‑care; fight any behavior that puts them at risk; and prevent risks among LGBTI children and stigmas against them.
* PANI must develop effective care mechanisms for LGBTI children expelled from their homes, tailored to their needs that reduce their exposure to greater violations or repeated victimization under the various shelter mechanisms.
* Develop large‑scale long‑term campaigns to raise awareness in the population about the human rights of migrant communities and reduce the social myths that stigmatize these communities and generate xenophobia.
* Ensure that children of seasonal migrants remain in school and prevent children and adolescents who enroll from having to repeat a grade they passed in their countries of origin.
* Increase efforts to ensure that all protocols and policies concerning inclusion and care of migrant children, children with disabilities, and LGBTI children be mandatory and embodied by every public official, their application effective and not dependent on personal will.
* The MEP must sign agreements with universities so that teacher training includes a human rights approach, ensuring that future teachers are more adequately prepared to work with populations in situations of exclusion.
* Develop permanent programs and free counseling services that instruct indigenous peoples, LGBTI persons, people with disabilities, migrants, and Afro‑descendants on their rights and the mechanisms to enforce them.
* PANI must intentionally include all of the populations mentioned in this chapter in local participating child and adolescent councils, since their social exclusion stems from their diminished participation in such spaces.

# Annex 1 References

Álvarez, V., Rodríguez, A., & Cuevas, F.Programa Sociedad de la Información y la Comunicación [Prosic]. (2009). E-juventud en Costa Rica. En Prosic (Ed.)., Informe 2008: Hacia la sociedad de la información y el conocimiento. San José, Costa Rica: Prosic, Universidad de Costa Rica.

Astorga Morales, Rigoberto and Azar, Rita (Coords.). (2010). *Percepciones de los Costarricenses sobre la Población Afrodescendiente.* UNICEF‑Idespo. Retrieved from https://www.unicef.org/costarica/docs/cr\_pub\_Percepciones\_sobre\_poblacion\_afrodescendiente.pdf

Cerdas, Daniela. (12/feb/2017) Clases de sexualidad del MEP fracasan en las aulas. *La Nación.* Retrieved from http://www.nacion.com/el-pais/educacion/clases-de-sexualidad-del-mep-fracasan-en-las-aulas/6HZFNYXLAZAHTP3FX3Y6W66UYM/story/

Centro de investigación y Promoción para América Central de Derechos Humanos. (2009). *Actitudes y Estereotipos del personal de los EBAIS hacia la Diversidad Sexual en el Valle Central de Costa Rica.* Autor. Retrieved from https://www.cipacdh.org/pdf/Actitudes\_y\_estereotipos\_del\_personal\_de\_salud.pdf

Centro Nacional de Juventudes. (2013). *Estudio CAP de adolescentes de San José y Heredia sobre VIH y SIDA, actitudes y estereotipos post test*. Retrieved from <https://www.cipacdh.org/pdf/Estudio_CAP_jovenes-CNJ.pdf>

Consejo de la Persona Joven. (2013). *2da Encuesta Nacional de Juventudes Costa Rica* Retrieved from <http://www.unfpa.or.cr/images/II_Encuesta_Nal_de_Juventudes_Resultados_Principales.pdf>

Costa Rican Demographic Association. (2008). *Estimación del aborto inducido en Costa Rica, 2007. Retrieved from* [*http://www.adc-cr.org/aborto\_inducido.pdf*](http://www.adc-cr.org/aborto_inducido.pdf)

Cruz Romero, R. (2016). Marco institucional, políticas públicas y regulación TIC. In Prosic (Ed.), *Informe 2016: Hacia la Sociedad de la Información y el Conocimiento*. San José, Costa Rica: Prosic, Universidad de Costa Rica.

Defensoría de los Habitantes & Fondo de Naciones Unidas para la Infancia. (2011). *Recomendaciones del Comité de Derechos del Niño al Cuarto Informe Periódico de Costa Rica*. Retrieved from [http://www.pani.go.cr/images/stories/documentos/INFORME\_RECOMENDACIONE S\_CDN\_CUARTO\_INFORME\_PERIODICO\_CR.pdf](http://www.pani.go.cr/images/stories/documentos/INFORME_RECOMENDACIONES_CDN_CUARTO_INFORME_PERIODICO_CR.pdf)

Defensoría de los Habitantes. (2016). *Sistematización de las recomendaciones del Comité Derechos del Niño a Costa Rica*. San José, Costa Rica: Defensoría de los Habitantes.

Fondo de las Naciones Unidas para la Infancia**.** (2011). *Alfabetización y Educación. Monitoreo de la Situación de la Niñez y las Mujeres. Encuesta de Indicadores Múltiples por Conglomerados* [folleto]*.* Retrieved from <https://www.unicef.org/costarica/docs/cr_pub_Folleto_MICS_Educacion.pdf>

Grillo R., Milena, & Esquivel G., Walter. (2010). Adolescencia y TIC en Costa Rica: nuevas oportunidades, nuevos desafíos. In Prosic (Ed.), *Ciberseguridad en Costa Rica.* San José, Costa Rica: Prosic, Universidad de Costa Rica.

Instituto Nacional de Estadística y Censos. (2011a). *Aspectos sociodemográficos de la migración internacional en Costa Rica según el Censo*. Retrieved from http://www.inec.go.cr/sites/default/files/documentos/inec\_institucional/publicaciones/anpoblaccenso2011-01.pdf\_1.pdf

Instituto Nacional de Estadística y Censos. (2011b). *Resultados generales: Censo 2011*. 2011

Instituto Nacional de Estadistica y Censos de Costa Rica. (2011c). *X Censo Nacional de Población y VI de Vivienda 2011: Resultados Generales*. Retrieved from <https://www.cipacdh.org/pdf/Resultados_Generales_Censo_2011.pdf>

Jaikel, Francella. (2011). Dimensiones psicológicas asociadas al uso del teléfono celular en jóvenes costarricenses. Pérez Sánchez, R. (Ed*.), Psicología de los usos de los medios. Avances en la investigación de la psicología de los medios de comunicación: Serie Informes Finales de Investigación 5* (pp. 14–21). San José, Costa Rica: Instituto de Investigaciones Psicológicas, Universidad de Costa Rica.

Ministerio de Educación Pública. (2008). El centro educativo de calidad como eje de la educación costarricense. Retrieved on 2017, April 30 from <http://www.mep.go.cr/sites/default/files/documentos/centro-educativo-calidad-como-eje-educacion-costarricense.pdf>

Ministerio de Planificación Nacional y Política Económica. (2014). *Índice de Bienestar de la Niñez y la Adolescencia*. San José, CR: Author. Retrieved from https://www.unicef.org/costarica/docs/cr\_pub\_Indice\_Bienestar\_NA.pdf

Ministerio de Salud. (2014). *Análisis de Situación de Salud Costa Rica.* Retrieved from <https://www.ministeriodesalud.go.cr/index.php/vigilancia-de-la-salud/analisis-de-situacion-de-salud/2618-analisis-de-situacion-de-salud-en-costa-rica/file>

Ministerio de Trabajo y Seguridad Social. (2011). Magnitud y características del trabajo infantil y adolescente en Costa Rica – Informe 2011, Resumen Ejecutivo. Retrieved on 2017, July 27 from http://www.mtss.go.cr/seguridad-social/trabajo-infantil/estadisticas.html

Ministerio de Trabajo y Seguridad Social. (2016). Magnitud y características del trabajo infantil y adolescente en Costa Rica – Informe 2016, Retrieved on 2018 March 11 from <http://iniciativa2025alc.org/sites/default/files/magnitud-y-caracteristicas-del-trabajo-infantil-adolescente-CR-Informe2016.pdf>

Organización Internacional del Trabajo. (n.d.). Trabajo Decente. Retrieved on 2017, June 22 from <http://www.oit.org/global/topics/decent-work/lang--es/index.htm>

Organización Internacional para las Migraciones, Fondo de las Naciones Unidas para la Infancia y Organicación Internacional del Trabajo. (2013). *Niños, Niñas y Adolescentes Migrantes, América Central y México*. San José, Costa Rica: Organización Internacional para las Migraciones. [Consultant: Paula Antezana Rimassa]. Retrieved from http://white.lim.ilo.org/ipec/documentos/america\_central\_y\_mexico\_ninos\_migrantes.pdf

PANI. (2017, January 26). Población Ngäbe y Buglé es atendida en centros de cuido Infantil en Coto Brus. Retrieved from http://www.pani.go.cr/publicaciones/noticias/1621-poblacion-ngaebe-y-bugle-es-atendida-en-centros-de-cuido-infantil-en-coto-brus

Pérez Sánchez, Rolando. (2011). Uso de medios en niños, niñas y jóvenes costarricenses: Una revisión de lo investigado. In Pérez Sánchez, Rolando (Ed*.). Psicología de los usos de los medios. Avances en la investigación de la psicología de los medios de comunicación: Serie Informes Finales de Investigación 5 (*pp. 14–21). San José, Costa Rica: Instituto de Investigaciones Psicológicas, Universidad de Costa Rica.

Pérez Sánchez, Rolando. (2014a). *Generación móvil. Uso de tecnologías móviles en niños y niñas de 10 a 13 años del Área Metropolitana*. Retrieved from [goo.gl/3dNq5U](https://goo.gl/3dNq5U)

Pérez Sánchez, Rolando. (2014b). Infancia, socialización y TICs. In Prosic (Ed.), *Informe 2013: Hacia la sociedad de la información y el conocimiento.* San José, Costa Rica: Prosic, Universidad de Costa Rica.

Pérez Sánchez, R. (2016). Adolescencia, socialización y TIC. In Prosic (Ed.), *Informe 2016: Hacia la sociedad de la información y el conocimiento* (pp. 99–118). San José, Costa Rica: Prosic, Universidad de Costa Rica.

Pinheiro, Paulo Sérgio. (2010). *Informe mundial sobre la violencia contra los niños y las niñas*. Retrieved from [http://www.observatoriodelainfancia.es/oia/esp/descargar.aspx?id=2954&tipo=docu mento](http://www.observatoriodelainfancia.es/oia/esp/descargar.aspx?id=2954&tipo=documento)

Poder Judicial de Costa Rica. (2015). *Política Institucional para el Acceso a la Justicia de Personas afrodescendientes del Poder Judicial y su Plan de Acción 2015.* Author. Retrieved from <https://www.poder-judicial.go.cr/oij/images/Documentos/Politica_Acceso_Justicia.pdf>

Presidencia de Costa Rica. (unpublished). V y VI Informes Periodicos de Costa Rica para el seguidmiento de la Convención sobre los Derechos del Niño. [Prepared by Patronato Nacional de la Infancia y enviado por la Cancillería a… ]

Presidencia de la República de Costa Rica. (2017, March 2). MEP registra la menor exclusión estudiantil de los últimos 10 años. [Press release]. Retrieved on 2017, April 30 from <http://presidencia.go.cr/comunicados/2017/03/mep-registra-la-menor-exclusion-estudiantil-de-los-ultimos-10-anos/>

State of the Nation Program. (2012). *IV Informe del Estado de la Educación: Costa Rica: estado de la educación en territorios indígenas*.

State of the Nation Program. (2014). *V Informe Estado de la Educación: Diferencias distritales en la distribución y calidad de recursos en el sistema educativo costarricense y su impacto en los indicadores de resultados*.

Prosic (2009). E‑juventud en Costa Rica. In Prosic (Ed.). *Informe 2008: Hacia la sociedad de la información y el conocimiento*. San José, Costa Rica: Prosic, Universidad de Costa Rica.

Román, Isabel. (2010). *Sustentabilidad de los programas de transferencias condicionadas: la experiencia del Instituto Mixto de Ayuda Social y Avancemos en Costa Rica.* Santiago: Naciones Unidas. Retrieved from http://repositorio.cepal.org/bitstream/handle/11362/6179/1/S2010202\_es.pdf

Rueda, Amelia. (n.d.). I de Invisibles; Intersexualidad en Costa Rica, cuerpos alterados. Retrieved from <http://www.ameliarueda.com/especiales/intersexualidad/#genitales-ambiguos>

Segunda Vicepresidencia de la República, Fondo de las Naciones Unidas para la Infancia y Consejo Nacional de Rehabilitación y Educación Especial. (2014). *Una aproximación a la situación de la niñez y la adolescencia con discapacidad en Costa Rica*. San José, Costa Rica: Fondo de las Naciones Unidas para la Infancia. Retrieved from <https://www.unicef.org/costarica/20140801_discapacidad_cr.pdf>

UNICEF. *Informe Anual 2016*.

Universidad de Costa Rica y Fondo de las Naciones Unidas para la Infancia. (2015). *VIII Informe Estado de los Derechos de la Niñez y la Adolescencia*. San José, Costa Rica: Author. Retrieved from https://www.unicef.org/costarica/ESTADO\_DERECHOS\_DE\_NNA2015.pdf

**Legislation and Legal Documents Cited**

Asamblea Legislativa de la República de Costa Rica. (2011). *Prohibición del trabajo peligroso e insalubre para Personas Adolescentes trabajadoras. Ley 8922.* Retrieved on 2017, April 30 from <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/86385/97460/F112157985/CRI86385.pdf>

Asamblea Legislativa de la República de Costa Rica. Reglamento de la Asamblea Legislativa de Costa Rica. (updated version of 2017, November 21). Retrieved from http://asamblea.go.cr/ca/SitePages/Reglamento%20General%20de%20la%20Asamblea%20Legislativa.aspx

Ley Nº 4573 “Código Penal de Costa Rica.”

Ley Nº 8934 “Protección de la niñez y la adolescencia frente al contenido nocivo de Internet y otros medios electrónicos.” Retrieved from [https://sutel.go.cr/sites/default/files/normativas/ley\_proteccion\_de\_la\_ninez\_y\_la\_a dolescencia\_frente\_al\_contenido\_nocivo\_de\_internet\_y\_otros\_medios\_electronico s\_ley\_8934.pdf](https://sutel.go.cr/sites/default/files/normativas/ley_proteccion_de_la_ninez_y_la_adolescencia_frente_al_contenido_nocivo_de_internet_y_otros_medios_electronicos_ley_8934.pdf)

Proyecto de ley “Ley especial para la protección de los derechos de la niñez y la adolescencia frente a la violencia y el delito en el ámbito de las tecnologías de la información y la comunicación y reformas al Código Penal,” expediente n 18.230, *La Gaceta* (2013). Retrieved from <http://www.gaceta.go.cr/pub/2013/07/08/COMP_08_07_2013.pdf>

**Other Documents Consulted**

Consejo Nacional de la Niñez y la Adolescencia, Universidad de Costa Rica, Programa Interdisciplinario de Estudios y Acción Social de los Derechos de la Niñez y la Adolescencia y Fondo de las Naciones Unidas para la Infancia. (2011). *VII Estado de los Derechos de la Niñez y la Adolescencia en Costa Rica*. *Hacia el cumplimiento de la Política nacional para la niñez y adolescencia (2009*–*2021).* Autor. Retrieved from <https://www.unicef.org/costarica/docs/cr_pub_EDNA_VII_CR.pdf>

Fondo de las Naciones Unidas para la Infancia y Ministerio de Salud Pública. (2011). La Encuesta de Indicadores Múltiples Conglomerados. Retrieved from <https://www.unicef.org/costarica/docs/cr_pub_MICS_2011.pdf>

Organización Internacional para las Migraciones. (2007). *Protocolo para la repatriación de niños, niñas y adolescentes víctimas de trata*. Retrieved from [http://www.migracion.go.cr/institucion/ninez\_adolescencia/protocolos/OIM%20PROTOCOLO%20COSTA%20RICA.pdf](http://www.migracion.go.cr/institucion/ninez_adolescencia/protocolos/OIM%252520PROTOCOLO%252520COSTA%252520RICA.pdf)

Organización Internacional para las Migraciones. (2013a). *Trata de persona con fines de explotación laboral en Centroamérica: síntesis regional*. Retrieved from https://publications.iom.int/es/books/trata-de-personas-con-fines-de-explotacion-laboral-en-centroamerica-guatemala

Organización Internacional para las Migraciones. (2013b). *Niños, Niñas y Adolescentes Migrantes, América Central y México*. Retrieved from <http://www.ilo.org/ipecinfo/product/download.do?type=document&id=25755>

Universidad de Costa Rica, Programa Interdisciplinario de Estudios y Acción Social de los Derechos de la Niñez y la Adolescencia y Fondo de las Naciones Unidas para la Infancia. (2008). *VI Estado de los Derechos de la Niñez y la Adolescencia en Costa Rica. A diez años del Código de la Niñez y la Adolescencia*. Author. Retrieved from https://www.unicef.org/costarica/docs/cr\_pub\_EDNA\_VI\_CR.pdf

# Annex 2: Abbreviations Note: abbreviations are nor translated.

**ADC:** Asociación Demográfica Costarricense

**ANNA:** Agenda Nacional de Niñas, Niños y Adolescentes

**CAI:** Cantones Amigos de la Infancia

**CCSS:** Caja Costarricense del Seguro Social

**CEE:** Centros de educación especial

**CIPAC:** Centro de Investigación y Promoción para América Central de Derechos Humanos

**CNA:** Código de la Niñez y la Adolescencia

**Coltras:** Colegio de Trabajadores Sociales

**Comité / Committee:** Comité de los Derechos del Niño

**CONAPDIS / CNREE:** Consejo Nacional para las Personas con Discapacidad

**Cosecodeni:** Coalición Costarricense para el Seguimiento de la Convención de los Derechos del Niño

**CPJ:** Consejo de la Persona Joven

**CDN / CRC:** Comité de Derechos del Niño

**DMAC:** Directrices de las Modalidades Alternativas de Cuidado

**EDNA:** Estado de los Derechos de la Niñez y Adolescencia

**Fonabe:** Fondo Nacional de Becas

**IAFA:** Instituto del Alcoholismo y Farmacodependencia

**IMAS:** Instituto Mixto de Ayuda Social

**INA:** Instituto Nacional de Aprendizaje

**Inamu:** Instituto Nacional de las Mujeres

**INEC:** Instituto Nacional de Estadística y Censos

**INEINA:** Instituto de Estudios Interdisciplinarios de la Niñez y la Adolescencia

**LGBTI:** Población de Lesbianas, Gays, Bisexuales, Transgénero e Intersexuales

**MEP:** Ministerio de Educación Pública

**MICITT**: Ministerio de Ciencia, Tecnología y Telecomunicaciones

**MS:** Ministerio de Salud

**MTSS:** Ministerio de Trabajo y Seguridad Social

**OIJ:** Organismo de Investigación Judicial

**OIM / IOM**: Organización Mundial para las Migraciones

**OIT /ILO:** Organización Internacional del Trabajo

**ONG /NGO:** Organizaciones No Gubernamentales

**PANI:** Patronato Nacional de la Infancia

**PEN:** Programa Estado de la Nación

**PIB/ GDP:** Producto Interno Bruto

**PNDT** Plan Nacional de Telecomunicaciones (2015–2021)

**PNSLRDRX:** Política Nacional para una Sociedad Libre de Racismo, Discriminación Racial y Xenofobia

**Prosic:** Programa Sociedad de la Información y la Comunicación

**SC:** sociedad civil

**SNPI:** Sistema Nacional de Protección Infantil

**TIC / ICT:** Tecnología de la Información y la Comunicación

**UCR:** Universidad de Costa Rica

**Unfpa:** Fondo de Población de las Naciones Unidas

**Unicef:** Fondo de las Naciones Unidas para la Infancia

**Uniprin:** Unión de Instituciones Privadas de Atención a la Niñez

# Annex 3: Methodology

Collaborative work and dialog among the participating organizations and individuals was necessary to carry out this report. Four sources were used to gather data: literature review, interviews with experts, workshops with participating organizations, and workshops with groups of adolescents.

With regard to literature review, sources offering validated statistical criteria on the current situation of minors was selected. Documents from international organizations, government institutions, academic institutions, and research from social organizations were used as sources of information. For example, a literature on the current situation of adolescents and the manifestation of violence was reviewed.

34 experts were also consulted using semi‑structured interviews that allowed the Committee to gather their knowledge on the subject; 25 of them are representatives of various State institutions, while 9 represent Costa Rican organizations, experts, and independent researchers. The individuals, institutions, and organizations were selected for direct work with children, their expertise in topics of violence, and/or human rights issues. In addition, 8 consultation workshops were held with 36 organizations working with or for minors. Consultation workshops were held aimed at adolescents so that they could offer their thoughts and opinions on the subject based on their own experience; finally, we encouraged adolescents to generate a tool titled “National Consultation on the Perception of Violence.”

A comparative analysis was carried out utilizing the data gathered, and a synthesis was made to write this report. This qualitative input is expected to offer the Committee on the Rights of the Child (CRC) a better panorama of the situation of certain groups of the population, compliance with their rights and the manifestations of violence arising from their experiences.

The topics prioritized stemmed from an analysis of the recommendations offered by the Committee on the Rights of the Child, Studies regarding the situation of children in Costa Rica and international benchmarks such as the Violence Against Children Surveys.

To facilitate the coordination of this project within COSECODENI, a coordinating team was established, made up by Carlos Sibaja Jiménez, **Children's Villages Costa Rica,** Jason Sánchez Araya, **Costa Rican Red Cross Youth Program,** Josial Salas Navarro, **World Vision Costa Rica,** Mariam Carpio Carpio, **Paniamor Foundation Costa Rica,** Karen Morán Alonzo, **Red Viva Costa Rica.** These organizations also provided logistic and economic support for the project. Financial support was provided by UNICEF and REDLAMYC through the PASC Project.

One of the committee organizations led each topic and meetings with the organization were set up to gather information and validate results. The document was remitted to the signing organization in May, 2018.

This shadow report is the result of almost 2 years of work, with a preparation stage in 2016, preparation of the report throughout 2017 and the last phase of writing and editing in the first half of 2018.

# Annex 4: Organizations that sign this report

Aldeas Infantiles SOS Costa Rica

ANEPJoven

Asociación de Desarrollo Sostenible LGTBI Costa Rica (ADS)

Asociación Guías y Scouts de Costa Rica

Asociación Pro Sexología Científica y Vivencial

Asociación Proyecto Caribe

Asociación Red Viva América Latina

Casa Viva

Centro de Investigación y Promoción para América Central de Derechos Humanos (CIPAC)

Defensa de Niñas y Niños Internacional, DNI COSTA RICA

Fundameco

Grupo de Familiares y Amigos/as de la Diversidad Sexual

Hogar CREA Internacional

Hogar San Agustín

Hogar Sol

Hospicio de Huérfanos esperando respuesta

Mesa Nacional Indígena de Costa Rica (MNICR)

PANIAMOR

Parque de la Libertad

TRANSVIDA

Unión de Instituciones Privadas de Atención a la Niñez UNIPRIN

World Vision Costa Rica

Annex n° 5: Consulted Organizations

Aldeas Infantiles SOS

Asociación de Guías y Scouts de Costa Rica

Asociación Desarrollo Sostenible LGTBI CR

Asociación Internacional Familias por la Diversidad

Asociación Nacional de Empleados Públicos y Privados

Asociación Pro Sexología C. y V.

Asociación Proyecto Caribe, Centro de investigación y

Casa Luz

Casa Viva

Centro de Investigación y Promoción para América Central de Derechos Humanos (CIPAC)

Ciudad de los Niños

Cruz Roja Costarricense

Defensa de Niños y Niñas Internacional (DNI)

Derecho a una Familia

Fundación Acción Joven

Fundación Ciudad de los Niños

Fundación Parque la Libertad

FUNDAMECO

Hogar Bíblico Roble Alto

Hogar CREA adolescentes

Hogar Diurno

Hogar Divina Providencia

Hogar Infantil Blanca Flor

Hogar San Agustín

Hogar Sol

Hogarcito Infantil de Guápiles

Hospicio de Huérfanos

Mariano Juvenil

Mesa Nacional Indígena de CR

Pueblito Costa Rica

Red Viva Costa Rica

Renacer

SEPROJOVEN

TRANSVIDA

World Vision

# Annex 6. Experts Consulted

|  |  |  |  |
| --- | --- | --- | --- |
| **Nombre** | **Institución** | **Cargo** | **Sector laboral** |
| Andrea Guzmán González | Fundación Ciudad de los Niños | Trabajadora Social | Agua Caliente, Cartago |
| Alexandra Hutchinson | Instituto Mixto de Ayuda Social | Trabajadora Social | Nacional |
| Angélica Chinchilla | Ministerio de Ciencia, Tecnología y Telecomunicaciones | Gerente Sociedad Información Viceministerio de Telecomunicaciones | Nacional |
| Bárbara Holts Quirós | Independiente | Consultora. Tema de Personas con Discapacidad | Nacional |
| Deiby Porras Arias | ANEPJoven | Asesor | Nacional |
| Doris Arias | Poder Judicial | Magistrada | Nacional |
| Erick Lewis | Fiscalía Delitos Informáticos Poder Judicial | Jefe de la Sección de Delitos Informáticos del OIJ | Nacional |
| Eugenia Salazar | Fiscalía de Delitos Sexuales y Violencia de Género | Fiscal | Nacional |
| Francisco Madrigal Ballestero | Independiente | Consultor. Tema de Población LGBTI | Nacional |
| Maycol Alonso Morales Pita | Patronato Nacional de la Infancia | Promotor Social Oficina Local Talamanca (zona indígena) | Talamanca, Limón |
| Marisol Vidal Castillo | Universidad Nacional | Académica e investigadora temas de Pueblos Indígenas | Nacional |
| Milena Chacón Retana | Aldeas Infantiles SOS | Encargada de Abogacía | Nacional |
| Olga Cristina Badilla Huertas | MEP | Asesora Educación Religiosa | Cañas, Guanacaste |
| Orlando Vargas | Poder Judicial | Asesor legal, Sala Tercera | Nacional |
| Olman Alvarado Zapata | Asociación de Guías y Scouts de Costa Rica | Coordinador de Programa Educativo | Nacional |
| Rina Cáceres Gómez | Universidad de Costa Rica | Académico e investigador. Tema de Personas Afrodescendientes | Nacional |
| Rodolfo Vicente Salazar | Universidad Nacional | Académico e investigador. Temas Población Migrante | Nacional |
| Rolando Pérez | Instituto de Investigaciones Psicológicas | Investigador | Nacional |
| Rosibel Herrera Arias | Instituto Mixto de Ayuda Social | Coordinadora Nacional de los Procesos Socioeducativos | Nacional |
| Tatiana Mejía | Patronato Nacional de la Infancia | Coordinadora del Centro de Orientación e Información (COI) | Nacional |
| Source: COSECODENI, 2017. | | | |