

Costa Rica 2024 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Costa Rica during the year.

There were no credible reports of significant human rights abuses.

The government took credible steps to identify and punish officials who committed human rights abuses.

Section 1. Life

a. Extrajudicial Killings

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

b. Coercion in Population Control

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Section 2. Liberty

a. Freedom of the Press

The constitution provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members.

Courts upheld the government's obligation to provide journalists with timely access to information. On April 16, the Constitutional Chamber of the Supreme Court ordered the Presidential Office to deliver previously denied information to a media outlet within 10 days, emphasizing that the delayed response violated the right to access public information.

Physical Attacks, Imprisonment, and Pressure

There were no reports of violence against journalists. Some journalists and civil society organizations expressed concerns, however, that public comments by some officials might have contributed to increased online harassment of named journalists by government supporters.

Censorship by Governments, Military, Intelligence, or Police

Forces, Criminal Groups, or Armed Extremist or Rebel Groups

Some journalists, media outlets, and civil society organizations expressed concern that public exchanges between government officials and certain media entities contributed to a more cautious approach among reporters questioning the government on sensitive topics. On December 20, two state-owned companies chose to withdraw their advertising from the largest television station following the release of satirical videos that highlighted alleged government challenges in addressing various matters. The decision raised concern among some organizations, which viewed it as a potential attempt to use state funding to influence editorial content.

b. Worker Rights

Freedom of Association and Collective Bargaining

The law provided for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes, with restrictions. The law prohibited antiunion discrimination and provided for reinstatement of workers fired for union activity. Unions were required to register, and the law provided a deadline of 15 days for authorities to reply to a registration request. Unions were also required to register their collective bargaining agreements, with a double-approval system from both the Policy Commission for the Negotiation of Collective Bargaining Agreements and the Ministry of Labor. The law permitted foreign workers to join unions but

prohibited them from holding positions of authority within the unions, except for foreign workers who were married to citizens of the country and had legally resided in the country for at least five years.

The labor code stipulated that at least 50 percent of the workers in an enterprise were required to vote to support a strike. The law, however, added that even if there was no union at the enterprise or if the union lacked the support of 50 percent of the workforce, a strike could be initiated if 35 percent of the workers voted for a strike by secret ballot. The law restricted the right to strike for workers in sectors such as oil refining and port operations deemed essential services despite not being recognized as such under international standards. The law prohibited strikes by workers in nine essential public services and allowed employers to suspend the pay of essential public-service workers who were on strike.

The law also permitted two other types of worker organizations: “solidarity associations” and “permanent committees.” Solidarity associations were legal entities recognized by the constitution that had both management and employee membership and served primarily to administer funds for severance payments; the law prohibited solidarity associations from representing workers in collective bargaining or strikes. Permanent committees were enterprise-level bodies made up of three workers elected by secret ballot to negotiate “direct agreements” with employers but without recourse to a legal strike in the event negotiations were

unsatisfactory to workers. Labor groups criticized these two parallel worker groups as weaker alternatives to unions and ultimately undermining workers' right to organize.

The law required employers to initiate the bargaining process with a trade union if more than one-third of the total workforce, including union and nonunion members, requested collective bargaining, but the law also permitted direct bargaining agreements with nonunionized workers. The law established a scope of implementation and procedures for collective bargaining negotiations.

On February 9, the Committee of Experts on the Application of Conventions and Recommendations of the International Labor Organization (ILO) expressed concerns regarding the impact of the Public Employment and Strengthening of Public Finances laws for the negotiation of collective bargaining agreements.

The government did not consistently enforce applicable laws protecting freedom of association, collective bargaining, and the right to strike of workers. Delays to ratify collective bargaining agreements limited effective enforcement. Labor unions asserted the government sometimes delayed timely registration of collective bargaining agreements up to a year or more. Penalties were commensurate with those for other laws involving denials of individual rights, such as discrimination. Penalties were sometimes applied against violators. While the law established sanctions (fines and fees) for

infractions, only the judiciary had the authority to apply such sanctions.

Fines and fees were determined by the severity of the infraction and were based on the minimum wage. The law required labor claims to be processed within two years and set up a special summary procedure for discrimination claims. The law also provided labor union members with protections against discrimination based on labor affiliation and with protections via special expedited proceedings.

Freedom of association and collective bargaining were sometimes respected but weakened by the existence of solidarity associations and worker committees. Labor unions asserted employers sometimes required membership in a solidarity association as a condition for employment. Labor unions also asserted solidarity associations set up and controlled permanent committees at many workplaces, including unionized workplaces, and conducted negotiations and concluded direct agreements, thus displacing trade unions. To the extent solidarity associations and permanent committees displaced trade unions, labor unions alleged they also affected the independence of workers' organizations from employers' influence and infringed on the right to organize and bargain collectively. In recent years, the ILO reported an expansion of direct agreements between employers and nonunionized workers and noted its concern about the continued low number of collective bargaining agreements in the private sector when compared with the higher number of direct agreements with nonunionized workers.

In some instances, employers fired employees who attempted to unionize. There were reports some employers preferred “flexible,” or short-term, contracts, making it difficult for workers to organize and collectively bargain. Migrant workers in agriculture frequently were hired on short-term contracts through intermediaries (outsourcing), faced antiunion discrimination and problems in organizing, and were often more vulnerable to labor exploitation. Although migrant workers outside the agriculture sector were able to unionize, they were not able to participate as board members.

The ILO noted no trade unions operated in the country’s export-processing zones and identified the zones as a hostile environment for organizing. Labor unions asserted efforts by workers in export-processing zones to organize were met with illegal employment termination, threats, and intimidation, and stated that some employers maintained blacklists of workers identified as union activists.

Forced or Compulsory Labor

See the Department of State’s annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acceptable Work Conditions

Wage and Hour Laws

The law provided for minimum wage for all sectors. The wage council of the Ministry of Labor set the minimum wage scale for the public and private sectors twice a year. Monthly minimum wages were above the official poverty line, although some observers asserted they were insufficient to meet basic needs. National minimum wages applied to all workers. The law set workday hours, overtime remuneration, days of rest, and annual vacation rights. Workers were entitled to one day of rest after six consecutive days of work and to annual paid vacations, except in the agricultural sector. The law provided for workers to be paid for overtime work at a rate 50 percent above their stipulated wage or salary. The labor code stipulated the workday could not exceed 12 hours and the work week could not exceed 48 hours, except in the agricultural sector when there was “imminent risk of harm...to the harvest,” work could not be suspended, and workers could not be substituted. There was no statutory prohibition against compulsory overtime.

Occupational Safety and Health

The Ministry of Labor National Council of Occupational Health and Safety was a tripartite occupational safety and health (OSH) standards regulatory authority with government, employer, and employee representation. OSH

standards were appropriate for the main industries in the country, and OSH experts proactively identified unsafe conditions, in addition to responding to workers' complaints.

The responsibility for identifying unsafe situations remained with Ministry of Labor OSH experts and not the worker. Workers could remove themselves from situations that endangered health or safety without jeopardizing their employment. According to the Ministry of Labor, this was a responsibility shared by the employer and employee. The law required the employer to grant OSH officers access to workplaces and also authorized workers to seek assistance from appropriate authorities (OSH or labor inspectors) for noncompliance with OSH workplace standards.

There were reports agricultural workers, particularly migrant laborers in the pineapple industry, worked in unsafe conditions, including exposure to hazardous chemicals without proper training or equipment.

Wage, Hour, and OSH Enforcement

The government effectively enforced minimum wage and overtime laws mainly in the urban and formal sector. Penalties were commensurate with those for similar crimes, such as fraud or negligence. Penalties were regularly applied against violators. The Ministry of Labor generally enforced minimum wages, overtime, and OSH laws effectively in the San José area but less effectively in rural areas, particularly where large numbers of migrants

were employed, and in the large informal sector. The ministry publicly recognized that many workers, including in the formal sector and the agricultural sector, received less than the minimum wage.

The Ministry of Labor's Inspection Directorate was responsible for labor inspection, in collaboration with the Social Security Agency and the National Insurance Institute. The directorate employed labor inspectors, who investigated all types of labor violations. The number of labor inspectors was insufficient to enforce compliance. According to the Ministry of Labor, inspections occurred both in response to complaints and at the initiative of inspectors. The directorate stated it could visit any employer, formal or informal, and inspections were supposed to be unannounced. Observers, however, reported instances where inspectors informed employers prior to conducting an inspection.

The Ministry of Labor generally addressed complaints by sending inspection teams to investigate and coordinate follow-up actions. As with other labor laws, inspectors could not fine or sanction employers who did not comply with laws on acceptable conditions of work; rather, they investigated and referred noncompliance results to labor courts. The process of fining companies or compelling employers to pay back wages or overtime was habitually subject to lengthy delays.

Observers expressed concern regarding exploitative working conditions in fisheries, small businesses, and agricultural activities. Unions also reported

systematic violations of labor rights and provisions concerning working conditions, overtime, and wages in the export-processing zones. Labor unions reported overtime pay violations, such as nonpayment of wages and mandatory overtime, were common in the private sector, particularly in export-processing zones and the agriculture sector. Observers expressed concerns the pineapple industry generally established long working hours for employees, who were constantly exposed to chemicals; additionally, adequate measures were not taken to protect workers or inform them of the consequences of pesticide use.

Approximately 38 percent of the workforce operated in the informal economy, according to government estimates. The government generally did not enforce labor laws in the informal sector. On May 21, the National Assembly amended the law to reduce by 50 percent the immigration fee foreign workers had to pay to enter and stay in the country. This initiative sought to promote the formalization of migrant agricultural workers who came to the country for nine months or less.

c. Disappearance and Abduction

Disappearance

There were no reports of enforced disappearances by or on behalf of government authorities.

Prolonged Detention without Charges

The constitution prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

d. Violations in Religious Freedom

See the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

e. Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Section 3. Security of the Person

a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibited such practices, and there were no credible reports government officials employed them.

b. Protection of Children

Child Labor

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

Child Marriage

The minimum legal age of marriage was 18, and child marriage was prohibited. The government effectively enforced the law.

c. Protection to Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Provision of First Asylum

The law provided for the granting of asylum or refugee status, and the government had an established system for providing protection to refugees. The law required authorities to process the claims within three months of receipt. Authorities provided appointments to file asylum claims on the same day or within a few weeks of application. The Migration Authority Refugee Unit, within the Directorate General of Immigration and Nationality,

was overburdened by the high number of persons requesting asylum or refugee status since 2018, with the majority originating from Nicaragua. The government sought international support to bolster the Migration Authority's capacity.

On June 14, the government issued an executive order that eliminated barriers to the asylum system, reversing regulations introduced in 2022 that tightened the asylum system, such as requirements that asylum seekers apply within 30 days of their arrival to the country and that they could not transit a third "safe country" en route to Costa Rica.

Resettlement

The government implemented a Protection Transfer Arrangement in coordination with UNHCR and the International Organization for Migration for refugee resettlement in third countries. For those obtaining refugee status, the government was committed to their local integration both legally and socially and to facilitating their naturalization process.

d. Acts of Antisemitism and Antisemitic Incitement

The Jewish Zionist Center estimated there were approximately 2,500 Jews in the country. There were a few reports of antisemitic comments on social media.

For further information on incidents in the country of antisemitism, whether

or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, please see the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.