

**Human Rights
Centre for Theology and Religious Studies
Lund University**

**Supervisor: Rouzbeh Parsi
MRS300
2007**

CHILDREN FOR SALE

**Local NGOs and the law against Commercial Sexual Exploitation of
Children and Adolescents in Costa Rica**

BA thesis

By Rebecka Herdevall

Financed by SIDA through a Minor Field Study Scholarship

Abstract

Commercial sexual exploitation of Children and Adolescents (CSEC) is an increasing problem all over the world and especially in developing countries with growing tourist industries. In these countries CSEC and Child Sex Tourism have become two often closely connected problems. In Costa Rica there are many NGOs and governmental institutions working with these problems through prevention, attention and penalisation, but the cases have not decreased during the last years. Ten years ago there were no laws directed against CSEC, but in 1999 a reform of law 7899 in the Penal Code was carried out, creating the law against commercial sexual exploitation of minors. This law generated a new legal framework where no such law had previously existed and changed the conditions for everyone working with CSEC. Within the Costa Rican society there are power structures that influence the combat against CSEC – inequalities that exist between the government and the NGOs, tourists and locals, men and women as well as between the perpetrators and their victims. This thesis discusses the background to why the problems of CSEC exist in Costa Rica, what impact the law reform has had on the problems, the role of the local NGOs and the government in the fight against the problems and possible recommendations for the future.

Keywords: *Commercial Sexual Exploitation of Children and Adolescents (CSEC), Sexual Tourism, Costa Rica, NGOs.*

Acknowledgements

I would like to thank SIDA (Swedish International Development Aid) and Peter Kinlund at the Department of Human Geography at Stockholm University, for giving me the opportunity to realize my field trip to Costa Rica. I would also like to thank my supervisor Rouzbeh Parsi at Lund University and all the people in Costa Rica who has helped me with providing information, support and facilitating my stay, especially Nitzi, Kelly, Jeff and Matias Zeledon at *Go down to earth* who provided me with useful information and contacts. I am of course very grateful also to all my helpful and accommodating interviewees as listed in the back, who were willing to set aside time for me despite their often busy schedules. I am also grateful to Jennifer Alexander for proofreading my scholarship application, to Joanna Sivan for helping me at the end of the work and to Magnus Edlund for his great support and important feedback, both during my field work and writing process.

Table of contents

Abstract

Acknowledgements

List of abbreviations	5
1 Introduction.....	6
1.1 Question at Issue.....	7
1.2 Purpose.....	7
1.3 Definitions.....	8
1.4 Selection and Delimitation.....	10
1.5 Methodology.....	10
1.5.1 Previous Research and Literature.....	11
1.5.2 The Field Study	11
1.6 Theoretical Framework.....	12
2 Child Sex Tourism and Commercial Sexual Exploitation.....	14
2.1 Sex Tourism.....	14
2.1.1 The Child Sex Tourists and Exploiters.....	15
2.2 Commercial Sexual Exploitation	16
2.2.1 Personal Factors and Family Conditions.....	17
2.2.2 Poverty.....	18
2.2.3 Patriarchal Culture.....	18
3 The Case of Costa Rica.....	19
3.1 Human Rights and International Laws.....	20
3.2 Costa Rican Laws.....	21
3.2.1 The Reform of Law 7899.....	21
3.2.2 What makes effective laws against CSEC?	22
3.3 External Influences.....	24
3.4 The Perception of the People.....	25
3.5 The NGOs.....	26
3.5.1 Alianza por tus derechos.....	26
3.5.2 Construyendo Esperanzas.....	27
3.5.3 DNI.....	28
3.5.4 Fundación Paniamor.....	29
3.5.5 FUNDESIDA.....	30
3.5.6 OIT/IPEC.....	31
3.6 The Government and its Institutions.....	32
3.6.1 PANI.....	32
3.6.2 CONACOES.....	33
3.6.3 Legislative Assembly Deputies	34
3.6.4 Costa Rica Tourist Board.....	36
3.6.5 Prosecutor of the National Tribune of Justice.....	36
4 Conclusions.....	37
5 References.....	39
Appendix: Translations of quotes.....	44

List of Abbreviations

CONACOES	-	Comisión Nacional contra la explotación sexual commercial de niños, niñas y adolescents/ National Commission against the Sexual and Commercial Exploitation of Children and Adolescents
CRC	-	The United Nations Convention on the Rights of the Child
CSEC	-	Commercial Sexual Exploitation of Children and Adolescents
DNI	-	Defensa de niñas y niños internacional/ Defence for Children International
ECOSOC	-	United Nations Economic and Social Council
ECPAT	-	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
FUNDESIDA	-	Fundación para el Desarrollo de la Lucha contra el Sida/ Foundation for the development of the fight against AIDS
IAFA	-	Instituto sobre alcoholismo y farmacodependencia/ Institute on Alcohol and Drug Dependency
ICT	-	Instituto Costaricense de turismo/ Costa Rica Tourist Board
ILO/IPEC	-	International Labour Organisation/ International Programme for the Elimination of Child Labour
NGOs	-	Non Governmental Organisations
OCAM	-	Autoridades de Migración de Centroamérica/ The Center-American Migration Authorities.
OIT/ IPEC	-	Oficina Internacional del trabajo/ Programa internacional para la erradicación del trabajo infantil (see ILO/IPEC)
PANI	-	Patronato nacional de la infancia/ Costa Rica's Child Welfare Agency
UDHR	-	The United Nations Declaration of Human Rights
UNICEF	-	United Nations Children's Fund
UNWTO	-	The World Tourism Organization

1 Introduction

Costa Rica is a relatively wealthy country compared to most of its neighbours. The GNP per capita is higher and the average living standard is more elevated than that of for example Honduras, Nicaragua, Belize, Guatemala and El Salvador. Costa Rica is a democratic society and has been ruled by democratically elected presidents since 1949, when a new constitution was ratified and the military army abolished¹. Although the general Human Rights situation of the country is relatively satisfying in a regional context, a large part of the population still lives in poverty and social marginalisation. The criminality has increased during the last years and the gap between people's income has grown despite a decrease in poverty. The country has developed a social security system with free primary education and health care. Even though Costa Rica is a country on its way to become a developed country, there are still a lot of measures that must be taken² to put a stop to Human Rights violations such as the Commercial Sexual Exploitation of Children and Adolescents (CSEC). There is a wide network of Non Governmental Organisations (NGOs) in Costa Rica. Within the area of CSEC the NGOs fulfil an important role within the civil society; working with prevention of the crimes, penalisation of the perpetrators and attention of the victims.

Partly due to the relatively wealthy Costa Rican society, the country has developed a significant tourist industry which mainly attracts North Americans, but also Europeans and Asians. An expanding tourist industry in a developing country often results in a likewise expanding sex industry – involving adults and adolescents as well as children³. In August 1996, the Costa Rican government officially recognized the increasing problem of Commercial Sexual Exploitation of Children and Adolescents. They highlighted the need to take action and related the problems with the growing tourism industry⁴. This was the first step towards the law reform of 1999.

¹ Pérez-Brignoli 1989:115p.

² Internet 1, Utrikesdepartementet.

³ Claramunt 1999:10.

⁴ Claramunt 1999:10.

The *Código Penal de la República de Costa Rica* [Penal Code of the Republic of Costa Rica] was adopted in 1970 by law 4573. This was the only law protecting minors from sexual abuse before the reform, but the law did not include CSEC. When Law 7899 was implemented in the 1999 reform, it became the first law against commercial sexual exploitation of minors in Costa Rica. While adult prostitution in Costa Rica is legal, the law from 1999 considers all minors engaged in prostitution to be victims of abuse, and all persons facilitating this abuse to be offenders⁵. The reform is the biggest attempt in Costa Rica to create a new legal framework in order to prevent and combat sexual abuse and exploitation of children and adolescents⁶.

In the governmental elections of February 2006, the Social Democratic Party (PLN) replaced the Christian Democratic Party (PUSC), which had been in power since 1998. The change of government is relevant within the area of CSEC in Costa Rica, since the new government has started to give financial help to the poorest families, in order to let their children continue school⁷, but it is still too early to discern any major differences between the two governments⁸.

1.1 Question at Issue

The main question at issue for this thesis is:

1. What social factors are causing Commercial Sexual Exploitation of Children and Adolescents and how do the local NGOs in Costa Rica experience the effects of the new law from 1999? What other measures are required to diminish the Commercial Sexual Exploitation of Children and Adolescents in Costa Rica?

1.2 Purpose

Child exploitation is a serious violation of the rights of all boys, girls and adolescents⁹. Less than ten years ago the State institutions of Costa Rica did not make any effort to

⁵ Burke, Ducci & Maddulano 2005:12.

⁶ Internet 2, Universal Human Rights Index.

⁷ Interview 3, Miriam Fernandez.

⁸ Interview 8, Elizabeth Ballesteros.

⁹ Claramunt 1999:17.

protect and care for the victims of CSEC, help to prevent them from entering into prostitution nor encourage them to leave it¹⁰. Since then there has been a lot of progress in recognizing the problems, one of the most obvious being the reform of law 7899 in 1999, which recognized CSEC as a crime, amplified the penalty and sanctions against the perpetrators and considered all minors involved in CSEC victims¹¹.

One of the purposes with this thesis is to analyse what factors within a society that cause CSEC. These factors are important in order to evaluate the measures that have been taken to fight CSEC and to identify if these are enough to reduce the problems or if further actions are required. In the case of Costa Rica, the biggest measure taken against CSEC during the last years has been the law reform in 1999, creating the first law against CSEC in the country.

Another purpose with this thesis is to evaluate the results of this law and to study how the local NGOs and governmental institutions working with CSEC in Costa Rica experience the effects of the law. Within every society there are power structures which affect the people and institutions and generate inequality, marginalisation and oppression. This theory will be implemented on the Costa Rican society, to see how power structures between the NGOs, the victims, the exploiters, the government and the society affect the existence of the problems with CSEC. An evaluation of the new law and of the work of the NGOs and the government against CSEC is important in order to create the best possible protection for the Costa Rican children and adolescents and to prevent further sexual crimes against minors.

1.3 Definitions

The main topic of this research, *Commercial Sexual Exploitation of Children and Adolescents*, is defined as: the use of sexual services from persons under the age of 18 and an economic interchange or any other form of payment for the child, adolescent or commercial intermediary exist. The commercial sexual exploitation involving under-age persons also includes abuse of children and adolescents in sexual shows, child sex tourism, child trafficking and pornography. All forms of CSEC are severe violations of

¹⁰ Claramunt 1999:17.

¹¹ Internet 3. Asamblea legislativa de la republica de Costa Rica

the Human Rights as well as modern forms of slavery¹². CSEC is based on power inequality and it constitutes a crime in Costa Rica as well as in many other countries¹³.

Included in the CSEC is the phenomenon *child prostitution*, which is the main focus for this thesis within the area of CSEC. I have chosen not to use the term child prostitution in this thesis, because I, as most of my interviewees, believe that the term indicates that the children have chosen to become prostitutes, whilst CSEC indicates that the children are victims of a crime;

When referring to girls or adolescents who confront this type of situations, you talk about Commercial Sexual Exploitation and not about prostitution, due to the social connotation that this term includes. It also makes the allusion of that the person permits, decides or voluntarily chooses to prostitute herself. The contrary occurs with the under age persons who have been obligated or driven by external factors to enter this form of abuse, for which they can not be blamed¹⁴.

The *sexual exploiters* of children are: “those who take unfair advantage of some imbalance of power between themselves and a person under the age of 18 in order to sexually use them for either profit or personal pleasure.”¹⁵ They can be locals or foreigners, men or women, old or young, but are most frequently adult males¹⁶.

The term *child sex tourism* is not easily defined, and most tourists who fall into that specific category do not have sex as the main goal for their trip¹⁷. Neither do most ‘sex tourists’ consider themselves as such¹⁸. Despite this lack of consensus regarding a definition, I have chosen to define child sex tourism in this context as something that occurs when the exploiters are foreigners or tourists taking advantage of their stay in a region or country to carry out commercial sexual activities with persons under the age of 18 years¹⁹.

¹² OIT/IPEC 1.

¹³ Orozco, Umaña & Valverde 2003:41.

¹⁴ Orozco, Umaña & Valverde 2003:41. [Author’s translation].

¹⁵ O’Connell Davidson 2001:5.

¹⁶ O’Connell Davidson 2001:5.

¹⁷ Opperman 1998:14, O’Connell Davidson 2005: 126.

¹⁸ Opperman 1998: 11-12.

¹⁹ ILO/IPEC 2, 2004: 4.

1.4 Selection and Delimitation

I have delimited this thesis to consider the case of Costa Rica, which is not the country with the highest amount of either sexual tourists or victims of CSEC in the world, but still a country with serious problems of CSEC. Costa Rica is interesting to study because of the fundamental change in legal framework covering CSEC that was made in 1999. Costa Rican legislation is one of the most advanced in child protection²⁰. Costa Rica is also an interesting case because although it sometimes is called the *Switzerland of Central America*²¹, referring to the social security system, the democratic tradition and the relative wealthy civil society, there are many people living in poverty, which I believe might be one of the main explanations to the high amount of cases of CSEC in the country.

The majority of the victims of CSEC are between 9-17 years old. There are both female and male victims of CSEC in Costa Rica, although most of them are female and the majority of the NGOs concentrate their work on the female victims²². Child pornography and trafficking will not be discussed in this study, even though these concepts are included in the definition of CSEC. No victims have been interviewed, because of ethical aspects. Instead, I have chosen to let the people who decide and work for the elimination of CSEC, speak. I believe that helping and supporting the victims is extremely important, but that is not enough to eliminate the problem.

1.5 Methodology

This thesis is mainly based on a field work in Costa Rica, including interviews and conversations with representatives of six NGOs, government representatives and officials involved in CSEC. In addition, several books, reports and folders in Spanish, Swedish and English have been used. All translations into English of quotes in Spanish have been

²⁰ Internet 4, Save the Children Sweden.

²¹ Internet 5, InsideCostaRica.

²² The reason to that is probably because there are more female than male victims in the area of the capital, and that is where most of the NGOs work. In the Limon region in the east part of the country there are many boys involved with CSEC, but the work of the NGOs in that area is not as developed as in and around San José. Many NGOs are also operated by women who are working with a focus on gender structures.

made by me. The original quotes are found in Appendix. For the theory section the book *Social Theory, Power and Practice* by Jerry Tew has been central.

1.5.1 Previous Research and Literature

There are many books, articles and reports on CSEC, but not many on CSEC in Costa Rica, and even less on law 7899 and its effects. In general it seems to be more literature on CSEC in South East Asia than in Central America. Julia O'Connell Davidson is one of the experts on CSEC, and she has written several important books, articles and reports on the subject. It is not hard to find reports on CSEC from the World Congresses against the Sexual Exploitation of Children in 1996 and 2001 as well as reports from ECPAT, Save the Children, International Labour Organisation and other international organisations.

One of the most important Costa Rican writers I have found on the subject is María Cecilia Claramunt Montero, professor at the Psychological faculty, University of Costa Rica. Many NGOs follow her advices on ways to approach and direct psychological attention towards the victims of CSEC. During the last few years there seem to have been an increasing amount of students at University of Costa Rica writing their thesis and doctorates on CSEC. I draw the conclusion that the new legal framework has made the students more aware of the problems, and thus the amount of research has increased. Still, the only material I have found that critically discusses the law reform of 7899 is an article by Alexander Rodríguez in a Costa Rican medical magazine.

1.5.2 The Field Study

The field study has been conducted in San José, the capital of Costa Rica. The NGOs in the study are: Alianza por tus derechos [Alliance for your rights], Construyendo Esperanzas [Building hopes], DNI [Defence for Children International], Fundación Paniamor, FUNDESIDA [Foundation for the development of the fight against AIDS] and OIT/IPEC [International Labour Organisation/ International Programme for the Elimination of Child Labour]. These organisations work within the area of CSEC and have all been affected by the reform of law 7899. Along with these NGOs I have also interviewed members of the Costa Rican Legislative Assembly, a director of PANI

[Costa Rica's Child Welfare Agency], a prosecutor of the National Tribune of Justice and a member of the Costa Rica Tourist Board.

Everyone I interviewed during my field study was very helpful and friendly. All of them were women, and there seem to be almost exclusively women working within the area of CSEC in Costa Rica. All of the interviews were open interviews, held in Spanish and took between 30-60 minutes. No interviews are attached to the thesis in their fully length, but can be viewed upon request. Some of the main questions asked during the interviews were “How do you or your NGO work with CSEC?”, “Do you believe that the problem of CSEC has decreased or increased during the last years [since the reform]?”, “What do you think should be done about the problems?”, “Do you believe that the problem is given enough attention?” “Do you receive any help/support from the government [asked to the NGOs]?” and “How is your relation to the NGOs [asked to the government representatives]?” Since the interviews were open, all of the questions were followed by “follow-up”-questions and complemented by other questions suitable to the answer.

1.6 Theoretical Framework

The theoretical framework for this study is based on the concepts of power relations in society, such as the relations between children and adults, women and men, locals and tourists, as well as the relations between the Costa Rican government and the organisations. The power hierarchies which form the legal structure of a society, especially between the law-makers and the people affected by the law, make the theory of power relations relevant for this thesis.

Power is a complex concept that has many definitions. It is assumed that power is multi-directional; it can express itself in different situations in social relations and also multi-dimensional, i.e. that its expression can be that of a liberator, emancipator, creator or be oppressive and destructive²³. Social relations in society can be explained by how dominant groups oppress the daily life of subordinate groups by economic, ideological, political and emotional means. According to Iris Marion Young, there are five key forms of oppression: exploitation of labour or sexuality; marginalisation; cultural imperialism;

²³ CONACOES 2007:19.

powerlessness in relation to 'experts' and institutions; and outright violence or threatened use of force²⁴. All these forms of oppression can be implemented on the Costa Rican society: marginalisation – the poor in relation to the rest of the society; cultural imperialism – the attitude of the sexual tourists; powerlessness – the victims in relation to the NGOs as well as the NGOs in relation to the authorities; and the outright violence – the sexual crimes against the minors.

Another way of explaining power in social relations is by dividing power into four major groups: Protective Power (to safeguard vulnerable people), Cooperative Power (cooperation through commonality and difference), Oppressive Power (using the own position at the expense of others) and Collusive Power (getting together to exclude or suppress others)²⁵. Potential perpetrators abusing and exploiting children and adolescents often involve the collusive power by gathering information and sharing their experiences with other exploiters, while the protection of the children by the NGOs is a form of protective power. This protective power is usually necessary to get the minor out of CSEC, but it also contributes to further disempowerment among the minors. A cooperative power among the NGOs, between the NGOs and the government and between the NGOs and the minors would be the most efficient power to fight the problems with CSEC and to ensure the protection of children vulnerable to abuse or exploitation²⁶.

In Costa Rica the 'macho'-culture (the male as the clearly dominant sex) is prevalent. Claramunt explains the patriarchal power in relation to the Costa Rican society by stating that:

Incest, the sexual abuse of children, statutory rape, child pornography, and prostitution are reflections of patriarchal control. [...] The patriarchal model of male domination places the adult male at the center of all things; thus the interests and needs of women and children are subordinate to theirs. This model permeates family and work relationships as well as any that involves a man and a woman or a man and a child. Child prostitution reflects this same asymmetrical relationship.²⁷

²⁴ Tew 2002:38.

²⁵ Tew 2002:166.

²⁶ Tew 2002:170.

²⁷ Claramunt 1999:22p.

The patriarchal culture as a contributing factor to the existence of CSEC will be discussed further on page 18.

In relationships between locals and tourists, almost always an inequality of power and economic status prevails. Julia O’Connell Davidson explains this:

Travel between and within affluent countries does not equip the tourist with the power to ‘harm or help’ the local people with whom they come into contact, but travel to poor countries does. [...] In the ‘Third World’, even ‘third-rate’ American/European tourists are kings and queens...²⁸

Many child exploiters justify their actions by saying that they are ‘doing charity’ or ‘helping the child out’²⁹. That point of view adds to the complexity of the relationship between tourists from affluent countries and locals in developing countries. ”In Thailand, as in other less developed countries, you will be considered a higher-status person with obligations to those less fortunate than yourself”³⁰. Although Costa Rica is steadily becoming a more developed country, there is still too much poverty and inequality between the tourists and the locals to ignore the importance of these power structures.

2 Child Sex Tourism and Commercial Sexual Exploitation

Before analysing the case of Costa Rica and what effects the reform of law 7899 has implied, I will first investigate the phenomenon of child sex tourism and commercial sexual exploitation on a general level, who the child sexual tourists and exploiters are and what factors contribute to the existence of CSEC in society.

2.1 Sex Tourism

Many poor countries view tourism as an important resource for the economy and they therefore invest in that sector. Some countries, usually the ones with a democratic society, gain from this investment and become more affluent. It has become common for

²⁸ O’Connell Davidson 2004.

²⁹ O’Connell Davidson 2004.

³⁰ O’Connell Davidson 2004.

privileged people from developed countries to spend their holiday in these areas, where the habitants do not have the means to travel themselves. In these cases the inequality between the tourists and the locals might result in circumstances when sexual child exploitation and sex tourism become closely connected³¹. According to Jeremy Seabrook, sex tourism is a consequence of globalization i.e. that privileged people can now easily move around the world. While tourism has become the largest industry on earth, the sexual tourist industry grows within it. The inequalities between countries, within a society and on family level make poor children and adolescents the most vulnerable to sexual tourism and hence to child sex tourism and CSEC³².

2.1.1 The Child Sex Tourists and Exploiters

Research shows that people are far more likely to get involved with various forms of sexual economic relations whilst on holiday than they are at home³³. On holiday, child sex tourists enter into sexually exploitative relationships with local children and adolescents. The majority of the sex tourists are heterosexual males, but there are also homosexual and paedophile, as well as female sex tourists. The age range from 18 to 80 years and the differences in nationality, ethnic origin and socio-economic background vary greatly³⁴. A study made by OIT/IPEC in 2004 about child sex exploiters in Central America shows that some men (and women) prefer young persons because they are easy to dominate and control. Many of the men in the study felt younger and more virile with young partners and felt empowered by being the experienced person in a position where they could demand and instruct³⁵.

There is a distinction between *circumstantial* and *preferential* offenders. The first term refers to “people who will have sexual relations with an under-age person if the opportunity presents itself, but who will not necessarily seek out such partners” while the other term refers to people “whose desires are explicitly focused upon children or those at or around the age of puberty”³⁶. This distinction is important since the first group

³¹ Rossel 1988:2pp.

³² Seabrook 2000:xi

³³ O’Connell Davidson 2001:13.

³⁴ O’Connell Davidson 1996.

³⁵ Salas & Campos 2004:156.

³⁶ Seabrook 2000:x.

includes people who pay more attention to campaigns and regulations against CSEC while the second group includes mentally disordered *paedophiles* whose sexual behaviour is not likely to be stopped by any campaign or law reform³⁷.

The idea that men have sexual ‘needs’ as opposed to women is wide-spread all over the world. Human sexual desire is based in emotional and physiological processes. The biologically based sexual ‘needs’ cannot directly explain prostitute-use, nor child exploitation, but men who suffer abuse and domination from other men may transfer their aggressive power to ‘softer’ targets such as women and children³⁸.

The exploiter in cases of CSEC might convince himself (or herself) that he is part of an economic exchange on a free market and that the power he exercises over the child is legitimate because if he does not exercise this power, somebody else will. There are therapeutic treatment programs in many countries to ‘cure’ those convicted of sexual crimes against children. Many of these programs have given good results, but there is still a lot more to develop before these treatment methods can be fully satisfactory³⁹.

In many countries the sex tourists are being monitored. In October 2002, OCAM (The Center-American Migration Authorities) built a database of the identities of the suspected foreigners as an attempt to prevent CSEC⁴⁰.

2.2 Commercial Sexual Exploitation

The explanation to why CSEC involves some people but not others includes a wide range of individual and social factors which affect not only the children and adolescents, but also their surrounding. The most important factors that can explain the existence of CSEC are personal factors such as family conditions, and social factors such as poverty and patriarchal culture⁴¹. The general attitude of the population and the legislative framework within a society are other factors that will be considered further on.

³⁷ Seabrook 2000:x.

³⁸ Tew 2002:50.

³⁹ O’Connell Davidson 2001:14.

⁴⁰ Burke, Ducci & Maddaluno 2005:21.

⁴¹ Claramunt 1999:10pp.

2.2.1 Personal Factors and Family Conditions

There are many personal factors that make children vulnerable to CSEC. These include dropping out of school, drug abuse⁴² and – what seems to be the case for most victims of CSEC – sexual abuse from an early age, normally by a family member or relative⁴³. Evidence has shown that children in all countries who are being, or have been, abused sexually, as well as children in war zones, refugee camps, prisons and street children are especially vulnerable to violent sexual abuse by strangers and CSEC⁴⁴. The self esteem of the minors who enter CSEC is usually low and the trust on adults even lower. The victims become even more vulnerable by the social stigma associated with prostitution⁴⁵.

There are poor parents who sell their children, some of them conscious and some oblivious of the destiny that awaits their children. There are also young girls and boys who take the step themselves, without the knowledge of their parents⁴⁶. Many victims' first exploiters were their father, grandfathers or uncles. This abuse within the walls of the home is commonly the introduction to CSEC. The children discover that they can receive money for the abuse if it is conducted somewhere else but home⁴⁷. It is important to remember that not all poor minors start a career as prostitutes; neither do all sexually abused children and adolescent get into CSEC.

In many Latin American countries it is not uncommon for the exploited child to maintain a relationship with his or her family, continue to live with family members and take on the burden as the family supporter. In the cases where the bonds to the family are cut, the victims are often bonded to their owner or employer (pimp) and the possibility to leave is extremely restricted⁴⁸.

⁴² Claramunt 1999:21.

⁴³ Claramunt 1999:25.

⁴⁴ O'Connell Davidson 1996:5.

⁴⁵ Masika 2002:46.

⁴⁶ Hindeberg 2005:20.

⁴⁷ Interview 9, Ana Helena Chacón.

⁴⁸ Masika 2002:46.

2.2.2 Poverty

Poverty is a social factor, but at the same time a very political issue. Poverty in combination with patriarchal power structures constitutes a big risk for women and children to become exposed to violence and different forms of abuse and exploitation⁴⁹.

How to conceptualize and define poverty is subject to much debate. One way of explaining poverty might imply a state of severe lack of income, while there is a much debated difference between poverty and inequality. Poverty is related to actual living conditions while inequalities are measured through relativity and are closely related to the power structures in every society. In democratic societies the state has the responsibility for improving the lives of the poor⁵⁰. CSEC undoubtedly includes an aspect of economy and market, where the sex and the bodies acquire a character of merchandise. That is also the way that many of the exploiters seem to look at the victims. As a Costa Rican man puts it: the value changes with how much you use it – just look at how a woman who no longer is a virgin is valued in the market of marriage⁵¹.

The poverty factor is important, since without the need of money, many victims of CSEC would not be in that situation. Even though CSEC is not considered a work form, in many cases it is converted into a way to obtain an income to support not only the children or adolescents, but in some cases also their family⁵².

2.2.3 Patriarchal culture

The patriarchate is an important factor in the analysis of why most abusers are men and why the society allows the abuse to happen. The patriarchal culture is expressed through power structures in every level of a society, and the abusers use this power to control people – in particular women and children⁵³. Involving notions of age, status and sexual orientation to the theory of patriarchy makes it more complex and closer to reality. Attributes such as physical strength, potency, heterosexual orientation and age can be as important as gender within a patriarchal hierarchy. In this way some women might get

⁴⁹ Hindeberg 2005:20.

⁵⁰ Gustafsson & Lindblom 1991:3p

⁵¹ Salas & Campos 2004:163.

⁵² Orozco, Umaña & Valverde 2003:42.

⁵³ Crejos 62,66

more power than disabled or homosexual males, but the heterosexual potent adult males will still be in the top of the societal hierarchy⁵⁴.

Most Latin American societies are culturally characterized by the *machismo*. In many patriarchal societies the machismo culture leads to oppressed and violated women, which may result in situations where the female children escape family violence and incest and enter CSEC⁵⁵.

3 The Case of Costa Rica

In Costa Rica, the existence of an organized criminal network offering children and adolescents to foreign and national tourists is well known. This network works through catalogues and internet pages describing the character of the minors. Maps and contact information to hotel and taxi services are also being provided by these networks⁵⁶. The criminal networks are not believed to have become fewer or to have decreased their activity since the reform of law 7899. According to several of the interviewees, the main part of the criminal organisation has moved underground but is still as active as before.

Most NGOs working with CSEC are based in San José, except for a few regional offices in different parts of the country. The governmental institution PANI has 33 regional offices around the country. There are many problematic areas in Costa Rica, but the efforts have been concentrated to the capital, which has made it possible for the problems to deepen in the coastal areas, where most tourists go⁵⁷.

The legal framework in a country influences the work of the NGOs, but it also influences the rest of the society in different ways. In Costa Rica the law reform in 1999 has made CSEC visible for the public and has awakened a new recognition within the government. The following part presents and discusses the possibilities within the international and national laws against CSEC in Costa Rica, analyses what makes

⁵⁴ Tew 2002:46.

⁵⁵ U.S. Department of Labor 1996: 33p.

⁵⁶ Trejos 2003:77.

⁵⁷ Interview 13, Andrea Morales Diaz.

effective laws against CSEC and discusses the influences from other countries, the public awareness and the results from the field study.

3.1 Human Rights and International Laws

The United Nations Declaration of Human Rights (UDHR) from 1948 and The United Nations Convention on the Rights of the Child (CRC) from 1989 are considered the most important international instruments in the struggle against CSEC. Both of them explicitly recognize the dignity and equality of all people. Throughout these conventions and other international laws in the area of the rights of the child prevails the assumption that the child has an ultimate and intrinsic value, which means that being a child gives you the right to all possible protection⁵⁸. The broad spectrum of international laws and extraterritorial legislation in the area of CSEC has been extended since the Stockholm World Congress against the Sexual Exploitation of Children in 1996 and the Second World Congress against the Sexual Exploitation of Children in Yokohama in 2001⁵⁹.

CRC consists of 54 articles describing the economic, social, cultural, and human rights of all children. The first article defines the child; every person in the world under the age of 18 years. Three articles involve the protection of children against CSEC; article 34, 35 and 36. Article 34 is one of the most important articles against CSEC and it provides for protection from ‘unlawful’ sexual activity. By so doing, it deliberately leaves to every State to determine what should be included in the word ‘unlawful’⁶⁰. This means that it is up to every country to decide what should and should not be included in the national application of the convention, as in law 7899 in Costa Rica.

The CRC was ratified by Costa Rica on August 21st 1990⁶¹. All the states ratifying the CRC have the obligation to use all possible means to protect every child against all forms of sexual abuse and sexual assault. Article 35 prohibits all selling and trafficking of children, and article 36 includes the protection of all other forms of abuse that can harm the child in any way. There are also two paragraphs about sexual tourism in the UN action programme against child trafficking, child prostitution and child

⁵⁸ Vendley 1996:11.

⁵⁹ Vendley 1996:11.

⁶⁰ O’Brian 1996:13.

⁶¹ OIT/IPEC 4.

pornography from 1992, where the fight against the sexual tourism is highlighted through prevention, legal means and the prohibition of promoting organised sexual trips with children⁶².

The national legislation on CSEC is normally directed to protect the State's own children and adolescents against nationals, while CSEC resulting from tourism and foreign visitors involves other jurisdictions as well. Several sending countries of sexual tourists have introduced legislation that makes it possible to punish the tourists exploiting children in other countries⁶³. In the writing of these extraterritorial laws, the territorial sovereignty was one of the first principles to reconsider when the sending country and the country where the crime is committed are not the same states⁶⁴. In these cases there are many difficulties in the prosecuting process to consider. Differences in language, legal systems, procedural requirements and the difficult process of bringing witnesses from abroad are some of the problems that might occur⁶⁵.

3.2 Costa Rican Laws

The next big step against CSEC in Costa Rica after the ratification of CRC was Convention 182 by International Labour Office, treating the worst forms of child work. It was ratified by Costa Rica in 2001. The Optional Protocol to the CRC on the sale of children, child prostitution and child pornography was ratified in 2002⁶⁶.

In 1998 *Código de la Niñez y la Adolescencia* [Code of Children and Young Persons] was created in Costa Rica. That is one of the most important domestic legal instruments for the general protection of the rights of children and adolescents in Costa Rica⁶⁷.

3.2.1 The Reform of Law 7899

In 1999 the reform of law 7899 included a reform of the articles: 156, 159, 160, 161, 162, 167, 168, 169, 170, 173 and 174 of Law 4573 in the Penal Code of the Republic of Costa

⁶² Jalakas 1995:14p.

⁶³ O'Briain 1996:17pp.

⁶⁴ Seabrook 2000:4.

⁶⁵ O'Briain 1996:17pp.

⁶⁶ OIT/IPEC 4.

⁶⁷ OIT/IPEC 3.

Rica from 1970. The reform was ratified by the legislative assembly of Costa Rica in 1999. The articles 156-162 include the prohibition of and punishment of violation, statutory rape, abuse, sexual relations with minors, compensated sexual relations with minors, sexual abuse against minors or incapables and sexual abuse against adults. The sentences for violating these laws vary between three and sixteen years of prison. The next section, articles 167-174 include corruption, pimping, trafficking of people and production and distribution of pornography⁶⁸.

The same year as the reform of law 7899 was carried out; a plan of action to combat the problems with CSEC was adopted in Costa Rica. In the concluding observations made by the Committee on the Rights of the Child from year 2000 the Committee “expresses its concern at the high incidence of commercial sexual exploitation of children in the State party [Costa Rica], apparently often related to sex tourism” but appreciates the measures taken⁶⁹.

The 1999 reform increased the public awareness of the problems, and actions in the area of protection and penalisation were made. Law enforcement officials were trained by the Ministry of Justice and by specialists from other governmental and non-governmental organisations. Specialized FBI agents also started to train the Costa Rican Police in investigation techniques for sexual tourism promoted on the Internet⁷⁰.

3.2.2 What makes effective laws against CSEC?

It is not an easy task to reform laws against CSEC so they become more effective. The legislators must first analyse the complete existing legal framework within the area through both national and international legislation. It is important that the criminalizing procedures and regulations facilitate the prosecution of the exploiters in every possible way and that the enforcement of the laws gets strong⁷¹. The most important ingredient in a law against CSEC is the criminalization of all acts that constitute CSEC and the decriminalization of the acts of the exploited children⁷².

⁶⁸ OIT/IPEC 3.

⁶⁹ Committee on the Rights of the Child 2000.

⁷⁰ ECPAT 2001-2002:21.

⁷¹ ECPAT 2001-2002:50.

⁷² ECPAT 2001-2002:50.

The effectiveness of the reformation of law 7899 has been criticised by Alexander Rodríguez, professor at University of Costa Rica. In his article “Análisis crítico de la Ley contra la explotación sexual en personas menores de edad” [Critical analysis of the Law against Sexual Exploitation of minors], he says that:

More law less rights, this is the axiom that we found in the law # 7899 of the 3rd of August, 1999. This political solution of immediate character has the purpose to silence the strong and growing accusation that the NGOs make about the sexual exploit of children in Costa Rica.⁷³

According to Rodríguez, the purpose of the legislative modification was to find an immediate political solution to the problems of CSEC, although the pressure to realize the reform came from the NGOs and not from the government. He does not think that this has been done in a satisfying way and accuses the law for being inefficient, with many shortages in the proportionality between sanction and crime⁷⁴.

When analysing this critic there are several interesting aspects. First, the power theory becomes visible in the political relations between the government and the NGOs: the government uses its power to find an immediate solution, but not necessarily a solution within a long-term perspective. Meanwhile, the NGOs do not possess this power, even though they get more affected by the reform since they are working directly with CSEC. Secondly, Rodríguez’s opinion of the rights as being less prioritised than the laws is noteworthy, since, if this is true, it might result in more focus on the punishment of the perpetrators than on the rights of the victims. If this accusation is well-founded, the power of the victim decreases. A more effective law should focus on the rights of the victims and on the rights of all children in risk of becoming victims. Still, even though the critic against the reform is both well-founded and noteworthy, the new law has come to serve as an important first instrument in the combat against CSEC.

⁷³ Rodríguez 2002.

⁷⁴ Rodríguez 2002.

3.3 External Influences

Costa Rica is the least affected country in Central America by the political and economic crises that have marked the rest of the region in the last decades. During this time USA has influenced Central America in politics, economies, conflicts and more recently: with tourists. In the 1980s Costa Rica was the second major recipient of aid from USA in the region⁷⁵. During my field study it became apparent that the North American influence on society still can be seen everywhere, and especially in San José, the capital. The North Americans are by far the biggest group of tourists in the country and some come there to stay. American malls, American food chains and real estate agencies selling properties to mainly North Americans are common.

Another country with major influences on the Costa Rican society is Nicaragua. Immigrants from Nicaragua are the biggest group of immigrants in the country and most of them are individuals in search for employment in non-skill occupations. Many of the Nicaraguan immigrants are willing to perform duties no longer acceptable to the majority of the Costa Rican people and some immigrants become victims of CSEC. The presence of the increasing numbers of immigrants from Nicaragua has also resulted in organised immigration of sex workers (both adults and minors) and trafficking of people, due to the demand from the sexual tourists in Costa Rica.⁷⁶.

When analysing the situation of the foreigners, you easily note that most of the North American immigrants and tourists in Costa Rica are wealthy compared to the locals. The power structures become clear – money creates power. The more money the foreigners possess, the more they are able to buy objects, services and even children. This is a major problem in the fight against CSEC, since many Costa Ricans are dependent on the money the North American bring. The Nicaraguan immigrants create the opposite situation. Most of them are poor and soon find themselves in the lowest level of the hierarchy of society, and hence run a bigger risk of becoming victims than perpetrators.

⁷⁵ García 1988:10, 132.

⁷⁶ García, Barahona, Castro & Gomáriz 2001:72p.

3.4 The Perception of the People

One of the myths that seem to exist regarding CSEC is that foreign tourists have created this problem. In fact, the problems of CSEC correspond primarily to the demands of local sex exploiters and not to international tourists. This means that an important explanation of the problem is to be found within the society, where factors (such as the earlier mentioned poverty and patriarchal culture) contribute to the public tolerance of these crimes⁷⁷.

In June-September 2005 OIT/IPEC, together with CID-Gallup Latin America, investigated the social tolerance of the population regarding CSEC in Central America, Panama and the Dominican Republic. In total, 8767 persons were questioned, with a level of confidence of 95%⁷⁸. In this investigation, the results for Costa Rica are; 95% of the population know that it is a crime to have sex with anyone under the age of 18, 71% of the population say that they would denounce the “client” if he/she had been involved in CSEC and the majority of the population consider the main causes of CSEC to be poverty of the minor’s family and the moral values of the minor’s family⁷⁹.

Especially noteworthy in this investigation by OIT/IPEC is the question “According to you, who has the principal responsibility to detain the Commercial Sexual Exploitation of minors?” In all of the countries asked, including Costa Rica, the majority of the population answered “the minor and his or her family”. Only a small percentage believed that the government or the ‘client’ have this responsibility⁸⁰. Hence the predominant view of the Costa Rican population is that CSEC is a private matter that should be solved by the victims themselves, with help from their families. In other words, the public responsibility is neglected and the task to detain CSEC is not being viewed as something that involves the whole society, nor is it being viewed as a multi-causal and complex matter that needs the involvement of adults, children, men, women, victims and perpetrators as well as governmental institutions, NGOs and other parts of the civil

⁷⁷ OIT/IPEC 1.

⁷⁸ OIT/IPEC 4.

⁷⁹ This percentage is higher than all of the other countries in the region, as compared to Nicaragua, where only 46% of the population would denounce the “client”, Honduras 43%, Panama 24%, El Salvador 30%, Guatemala 31% and the Dominican Republic 35%.

⁸⁰ In Costa Rica: 62% believe that the minor and the family has this responsibility, 8% the “client”, 14% the government and 16% did not know or did not answer.

society⁸¹. This general view of CSEC as being a private matter is a major problem when trying to obtain data about CSEC in Costa Rica, since the information is not easily made public due to shame, denial and covertness⁸².

3.5 The NGOs

NGOs are often viewed as being the ‘conscience of the government’ and have many times stepped in where governments have failed to take action⁸³. There are more than ten NGOs in Costa Rica working with the problems of CSEC, either as their primary focal point or indirectly. Most of the NGOs are private and specialized in something specific. Some of them focus on the attention of the victims, while others work with the legal regulations or with prevention. For my interviews I have chosen six NGOs that cover these three areas of work in the area of CSEC. It is important to note that before the reform of law 7899 there were not by far as many NGOs in Costa Rica working with problems related to CSEC as today. The extended laws developed a broader spectrum of NGOs as well as an increased private interest.

3.5.1 Alianza por tus derechos [Alliance for your rights]

Alianza por tus derechos is an NGO working with different kinds of violations of the rights of the child, including abuse, rape and CSEC. The work consists of prevention through TV campaigns, psychological attention to the victims and denunciation of the exploiters. Alianza por tus derechos provides psychological one-to-one attention to the victims; girls in the age of 5-15 years. Rocio Rodriguez Garcia, the executive director, believes that the problem of CSEC is growing, although it has become more hidden during the last years [since 1999]. Poverty, bad self esteem among the children, and the families in need of an income are the causes to the problems. She does not believe that the state is doing enough against the problems. All the NGO’s financial means come from private donations and organisations abroad⁸⁴.

⁸¹ OIT/IPEC 4.

⁸² U.S. Department of Labor 1996: 34p.

⁸³ Masika 2002:61.

⁸⁴ Interview 4, Rocio Rodriguez Garcia.

According to Rocio, the legal system is not efficient enough to deal with the problems of CSEC, and that is why the problem still persists. The police do not have the power to interfere unless someone has already reported the suspect, something that is a major problem⁸⁵. Apart from that, the lack of information is also severe, especially since the Catholic Church does not allow the schools to provide sexual education⁸⁶.

During our talk Rocio is interrupted by a television journalist who interviews her about a priest who has abused several children sexually and was able to escape to the neighbouring countries, protected by the Catholic Church. Rocio condemns the priest, but it is not easy for her to turn against the Catholic Church since it has a lot of power in the Costa Rican society. The Catholic Church is important for many Costa Ricans, and the laws are adjusted to the moral values of the Church⁸⁷.

3.5.2 Construyendo Esperanzas [Building Hopes]

Construyendo Esperanzas is an NGO that provides attention to girls with drug problems. Many times the drug addiction goes hand in hand with CSEC and abuse in the family. *Construyendo Esperanzas* take care of girls who either come there voluntarily, forced by family members or through a legal decision from an institution such as IAFA, Institute on Alcohol and Drug Dependency, a specialized drug and technical coordination centre in San José. The girls at *Construyendo Esperanzas* receive medical attention, therapy, and courses in how to start a small company so they can make money in other ways than CSEC⁸⁸.

According to director Patricia Madrigal, the problem of CSEC is neither bigger nor smaller than before the law reform, only more hidden because of higher awareness from the campaigns that have been made. She also believes that the collaboration between the different NGOs could be much better than it is today. Most of *Construyendo*

⁸⁵ An example from Rocio Rodriguez Garcia: A 13-year old girl goes into a hotel room with an older man. The police see them and suspect CSEC so they brake into the room. They see the girl standing naked on the floor and the man in his underwear. He says to the police that he was about to teach the girl the word of the bible. No other proof exists and the girl agrees, so the police cannot do anything. The man reports the policemen and gets them fired.

⁸⁶ Interview 4, Rocio Rodriguez Garcia.

⁸⁷ I.e. are all abortions illegal, even if the pregnant girl is ten years old and has been victim of CSEC or other forms of abuse.

⁸⁸ Interview 5, Patricia Madrigal.

Esperanzas' financial resources are donations from abroad⁸⁹, but they have severe financial problems at the moment and not enough resources. Some of the employees at the NGO have been forced to work without a salary during the last months in order to prevent the organisation from closing down⁹⁰. According to Patricia, the new government has promised to do more than the previous did, but so far this has not been realised. She believes that the NGOs that work with prevention receive more financial help than the NGOs working with attention and the relationship between the NGOs are more competitive than cooperative⁹¹.

The lack of financial recourses from the state can be viewed in a power perspective, since the government chooses not to step in and help the NGO, even though the work of the NGO is said to be in the interest of the government.

3.5.3 DNI [Defence for Children International]

DNI is an international NGO that operates in many countries all over the world and has a consultative status before ECOSOC, Council of Europe and UNICEF⁹². *DNI* works with prevention and campaigns against any violation of the rights of the child. According to Nora Bruna Vásquez, child exploitation is a very big problem in Costa Rica, and the government does not care enough. The Educational, Health and Child Attention sectors of the state care, but do not have enough recourses. The people working with CSEC are few but active. Even if the NGOs cooperate, they have to find their own sources of economic means, which is not always easy⁹³. According to Nora, CSEC is not a form of child labour, because the children are being used and become victims, not labourers. CSEC exists in all levels of society, even among well educated, and not only because of poverty. The amount of national people abusing children is bigger than the amount of foreign tourists doing the same, but the international sex tourism is still a big problem. Her main point is that there seem to be a lot of talking about the problems, but not enough action⁹⁴.

⁸⁹ Interview 5, Patricia Madrigal.

⁹⁰ Madrigal, Patricia. Discussion in the CONACOES sub-commission of attention.

⁹¹ Interview 5, Patricia Madrigal.

⁹² Internet 6, *DNI*.

⁹³ Interview 2, Nora Bruna Vásquez.

⁹⁴ Interview 2, Nora Bruna Vásquez.

DNI organises workshops in the neighbouring countries, except for in Guatemala where the Human Rights situation is too instable and the recognition of the CSEC problems hardly exists. Compared to Guatemala, the law reform of 7899 in Costa Rica has been a major progress. The worst crimes against children and adolescents connected to CSEC occur in Guatemala and not in Costa Rica in the same extent⁹⁵.

3.5.4 Fundación Paniamor

Fundación Paniamor is a private NGO that was created in 1987 and mainly works with the prevention of CSEC through campaigns. These campaigns consist of posters in the airport and on the streets with the message ‘say no to sexual tourism and sexual exploitation of children’. Fundación Paniamor also drives the campaign “Code of Conduct”, with the aim to get taxi drivers, hotel workers, travel agencies and tour operators to sign a contract that binds them to work actively against CSEC and to say no to tourists asking them for help to find children for their sexual needs. The campaign has proved successful and many companies have signed the Code of Conduct. According to coordinator Maria Teresa Guillén Corvera more and more people become aware of that CSEC is illegal, which drives up the price the exploiters have to pay to obtain information⁹⁶.

Fundación Paniamor works closely with the tourist sectors and the members of parliament, as well as with other NGOs. According to Nidia Zuñiga and Maria Teresa, most members of parliament want to be politically correct, but some of them are not as positive towards the work against CSEC as they pretend. About ten years ago the government denied that the problem of CSEC existed. Now, since the reform of the law in 1999, people are more aware, especially thanks to ECPAT, UNWTO (The World Tourism Organization) and the NGOs. According to Nidia and Maria Teresa you do not see young girls on the streets of San José anymore, but there is still a big problem. The pimps find other ways to work, and they do not stop as long as it is a lucrative business⁹⁷.

⁹⁵ Interview 2, Nora Bruna Vásquez.

⁹⁶ Interview 1, Maria Teresa Guillén Corvera.

⁹⁷ Interview 1, Nidia Zuñiga & Maria Teresa Guillén Corvera.

Fundación Paniamor's campaigns and preventive work did not exist in the same extent before the reform of law 7899. The reform has not only contributed to make people aware of the existence of CSEC and that it is illegal, it has also facilitated the way the NGO can reach out to the public. These steps are important, although there are no proves of that the problems have decreased.

3.5.5 FUNDESIDA [Foundation for developing the fight against aids]

FUNDESIDA is the oldest NGO still working in Costa Rica and it primarily works with victims and people at risk of aids, but the last seven years it has focused mainly on a project of attention and prevention of CSEC. *FUNDESIDA* only works with exploited girls, even though there are also many male victims, according to Miriam Fernandez, the representative of *FUNDESIDA*. *FUNDESIDA* primarily works with giving attention to the victims, but also with prevention of the problems. The girls learn how to make money in other ways than selling their bodies. *FUNDESIDA* provides free healthcare to the girls and contacts the family of the victim. Sometimes the mother forbids the daughter to come to *FUNDESIDA*, since the family is too dependent on the money the girl makes through CSEC.⁹⁸

All *FUNDESIDA*'s economic resources come from UNICEF. According to Miriam, the state does not help the NGO. It is more the other way around, i.e. if the authorities find a case of CSEC, they ask *FUNDESIDA* to take over. Still, the new government has started to give financial support to some of the poorest families with a child in school, so that he or she can continue to study even after age 15. The problem of CSEC in Costa Rica has, according to Miriam, not decreased during the last years, it is only more hidden. The campaigns against CSEC scare many men from openly trying to find girls, but the campaigns have not prevented the exploiters from using other ways to find what they are looking for. According to Miriam, the new laws are not enough. The main problem is that many of the exploiters do not get reported, because it is often difficult to find proof and the girls are usually too scared to report the crime. Miriam suspects that there are many more girls involved in CSEC than they know of⁹⁹.

⁹⁸ Interview 3, Miriam Fernandez.

⁹⁹ Interview 3, Miriam Fernandez.

th The reform of law 7899 had recently been carried out seven years ago, when the NGO started to concentrate its work primarily on CSEC. Before 1999 it was difficult for all NGOs to work with CSEC, because of lack of governmental and legal support. Now it is easier to work with the problems, but harder to find the victims.

3.5.6 OIT/IPEC [International Labour Organisation/ International Programme for the Elimination of Child Labour]

OIT is the Central American organ of the International Labour Organisation and *IPEC* is its International Programme for the Elimination of Child Labour. During the last five years OIT/IPEC has been working with attention, prevention, sensibility, strengthening institutions etc. in the area of CSEC in Latin America and the Caribbean¹⁰⁰.

The problems of CSEC in the Central American region are increasing and the situation is similar between the countries. Costa Rica has the biggest problem of international sex tourism and as mentioned before, Guatemala is the only country in the region without any laws against CSEC. In Costa Rica, the new government is more interested in doing something about the problems than the previous, according to Adriana Hidalgo, legal expert in the area of CSEC within OIT/IPEC. The new government provides the organisation with personnel, but the financial means come from the UN. The reason why the International Labour Organisation deals with the problem of CSEC is not because it is considered a profession, but because it is considered a problem equivalent to slavery, child soldiers and trafficking of persons, which are areas of high priority to OIT/IPEC¹⁰¹.

According to Adriana, the problem of CSEC has not decreased during the last years, but it is not as visible as before the law reform. OIT/IPEC also focuses on the media and their influence, and has realized a project together with the national school of journalism. A big problem according to Adriana is that media only focuses on the problems and not on all the hard work that many people dedicate to do something about

¹⁰⁰ Interview 6, Virginia Elizondo.

¹⁰¹ Interview 7, Adriana Hidalgo.

the problems. Adriana also believes that the sending countries of child sex tourists should do much more about the problems, not only the receiving countries¹⁰².

3.6 The Government and its Institutions

The Costa Rica government is run by three traditional powers; the executive (the President and the cabinet) the legislative (Legislative Assembly) and the judicial (the Supreme Court of Justice). There are four main political parties; PLN (Social democratic), PAC (reformist), ML (libertarian) and PUSC (Christian democratic). Elections are held every fourth year and the president has to be over 30 years old, Costa Rican by birth and can only serve one period in his or her lifetime. Last election, on February 5th 2006, the sitting president Oscar Arias Sánchez (PLN) and the legislative assembly composed by 57 deputies were elected¹⁰³.

The Costa Rican government has made efforts towards the attention of CSEC through its primary institution in this area, PANI, but it is still clear that most of the action and intervention have been made by NGOs. They are the ones who have recognized the existence of the exploitation and the ones who have covered for the unsatisfying response of the State¹⁰⁴.

3.6.1 PANI [Costa Rica's Child Welfare Agency]

PANI forms an important part of the Political Constitution of Costa Rica together with the University of Costa Rica and the Social Insurance Office. The Political Constitution is the most fundamental authority in Costa Rica and PANI is in charge of the protection of mothers and minors. PANI is directly subordinated the government and the President. PANI coordinates actions for protection, prevention and promotion and provides victims with attention. The executive president and directors of PANI are nominated by the government¹⁰⁵.

The budget for PANI by the new government is more generous than the previous budget. According to director Yalena de la Cruz, this means that the children are a

¹⁰² Interview 7, Adriana Hidalgo.

¹⁰³ Internet 7, Wikipedia.

¹⁰⁴ Orozco, Umaña & Valverde 2003:29p.

¹⁰⁵ Interview 12, Yalena de la Cruz.

priority for the new government. The problems with education, prevention and early detection among young people are considered important to deal with¹⁰⁶.

Yalena is not sure whether the amount of cases of CSEC have increased or decreased since the law reform, but she suspects that there has not been any major change in either direction, but that the cases might be more hidden than before 1999. The solution is a fight against poverty, which is the first priority. Linked to that, there has to be a fight against children and adolescents dropping out of school. Yalena also believes that the sexual tourism is a big problem in Costa Rica and she does not want the sex tourists in the country. If no one would want the sex tourists in Costa Rica, there would not be any, but unfortunately there are people who benefit from them, such as the drug vendors and the pimps. The relations between PANI and the NGOs are good and they cooperate through campaigns and other efforts to combat the CSEC¹⁰⁷.

3.6.2 CONACOES [National Commission against the Sexual and Commercial Exploitation of Children and Adolescents]

CONACOES, National Commission against the Sexual and Commercial Exploitation of Children and Adolescents, consist of representatives from various NGOs, public institutions and University of Costa Rica who participate in the monthly meetings to coordinate actions directed toward the elimination of CSEC in Costa Rica¹⁰⁸. *CONACOES* was created in 1996 and its power was strengthen in 2002 when it got an office within PANI. The first National Action Plan against CSEC was adopted in 1998. It was then subdivided into six areas: policies, law, law enforcement, research, prevention and rehabilitation, and *CONACOES* was in charge of its implementation and monitoring¹⁰⁹. During April-June 2007 *CONACOES* created a new national plan to eliminate the CSEC in Costa Rica in the years 2008-2010, with the goal to:

establish the necessary guidance to augment the effectiveness of the State actions in the area of prevention, attention and control of the CSEC, and the defence and protection of the rights of its victims.¹¹⁰

¹⁰⁶ Interview 12, Yalena de la Cruz.

¹⁰⁷ Interview 12, Yalena de la Cruz.

¹⁰⁸ OIT/IPEC 4.

¹⁰⁹ Burke, Ducci & Maddaluno 2005:19.

¹¹⁰ *CONACOES* 2007:5. [Author's translation].

This plan includes the evaluation of the previous national plans (1998 and 2002-2006), the recommendations to the country from UNICEF and ECPAT international and the systematization of the results. The plan has recently been presented to the government for an approval in the plenary¹¹¹. The plan also condemns the tolerance which is institutionalised in the society and which shows itself through structural violence against women and children and through the commercial sexual relations, pornographic consume and trafficking. All these offences prove the existence of an adult centred sexual gender inequality that legitimate the use of sex as an instrument to practice and obtain power¹¹².

CONACOES is a commission of important value, since it is composed by both NGOs and government representatives. Thus, apart from the mission to create and evaluate the national plans against CSEC, it could have the function to build cooperation networks which could help overcoming the power inequalities between the different actors working with CSEC. However, so far I believe that CONACOES is more of a discussion forum, but hopefully in the long run it will play a more important role within the fight against CSEC¹¹³.

3.6.3 Legislative Assembly Deputies

Ana Helena Chacón and Andrea Morales Diaz are two of the most active representatives of the Costa Rican government in the struggle against CSEC. They are both Legislative Assembly deputies but from two different political parties. Ana Helena Chacón used to work as the Vice Minister of the Social Security department, where she also worked in the area of CSEC. As a deputy in the Parliament for the Christian Democratic Party she presents projects and proposals about stricter punishment for persons guilty of CSEC. New changes of the laws are also being taken up for discussion in the plenary sessions. According to Ana the problem of CSEC is bigger than before, but the immunity is smaller, which means that there are more instruments to sanction and more perpetrators in prison. Ana points out that the government, together with NGOs, has initiated aggressive campaigns against the problems during the last years, like the posters in the

¹¹¹ CONACOES 2007:6p.

¹¹² CONACOES 2007:16.

¹¹³ Own observations from the discussion in the CONACOES sub-commission on attention.

airport, which have made people more aware of the problems. She believes that the campaigns help, but they are not enough. What is needed are thousands of actions against the poverty, because the poverty makes the abused girls and boys more vulnerable¹¹⁴.

Ana does not believe that there is any fear of the tourism to decrease as a result of the campaigns, because the majority of the tourism is a sane one and only a small percentage of the 1, 5 millions of the tourists who enter the country every year come there to abuse. The consciousness has to involve foreigners as well as nationals since the exploitation is not only caused by foreigners, but also by national tourists from different regions within the country¹¹⁵.

Andrea Morales Diaz from the reformist party believes that the sitting president has showed interest in combating CSEC and that this government is more interested in results than the previous government. Still, the problem has not decreased and there is a lot that has to be done. Andrea believes that there are many problems with CSEC, but that they have made efforts which in some ways have managed to decrease the problems, at least in the capital. The next step is to regionalize these efforts so they can reach the other provinces. The laws are one way to deal with the problems, but programs of help to minors at risk are as important, to give them the opportunity to get an education and to go on living in another way¹¹⁶.

Andrea believes that too many sex tourists enter the country. Unfortunately the country has been promoted in that way in web pages.

There are many sexual tourists. I believe it is obvious, it is evident. Many tourists come to the country to hurt us in this way, maybe with the mentality that they do not do it in their country but that they can do it in a country where it supposedly is legal, right? But we have been emphatic by declaring that this is not legal here, that this is not a paradise where they can come to have sexual relations with minors without any problem, and thus in this sense we have made efforts¹¹⁷.

Personally, Andrea has a very good relation to the NGOs in the area of CSEC and she always calls them to consult them about things, because they work with this every day.

¹¹⁴ Interview 9, Ana Helena Chacón.

¹¹⁵ Interview 9, Ana Helena Chacón.

¹¹⁶ Interview 13, Andrea Morales Diaz.

¹¹⁷ Interview 13, Andrea Morales Diaz. [Author's translation].

Working very closely with the NGOs and meeting with them is a good way to achieve things and get things done¹¹⁸.

3.6.4 Costa Rica Tourist Board

Costa Rica Tourist Board (ICT) is part of the government. The minister of tourism is the president of ICT and he or she attends a period of four years. ICT cooperates with PANI, Fundación Paniamor and other organizations in campaigns like the Code of Conduct or the posters at the airport. According to Susana Orozco, one of the representatives of ICT, there is a concern within the government that the campaigns are too aggressive and will scare tourists away, but it is more important for the country to get rid of the stamp as a sexual tourist destination. For most tourists Costa Rica is famous for its nature, and that is what ICT is trying to promote¹¹⁹.

Susana Orozco believes that the problem with CSEC in Costa Rica is severe and has increased during the last years, but the laws in Costa Rica are better and cover more than those of Nicaragua, Guatemala and Mexico. She believes that the best way to deal with the problems of CSEC is by strengthening the laws even more and fighting the poverty. There are more nationals than tourists involved with CSEC, which means that the attitude among the people has to change. ICT indirectly cooperate with the sending countries of sexual tourists through UNWTO. According to Susana the money and interest from the government is enough to deal with the problems of CSEC, but she does not believe that it is possible to diminish the problems completely¹²⁰.

3.6.5 Prosecutor of the National Tribune of Justice

In 1998, when the legislative reform of law 7899 was being processed the National Tribune of Justice was divided into departments that specialized in certain areas and made it possible to become an expert. The department of sexual crimes was created, as well as the Unity for Sexual Exploitation in the Ministry of Public Security¹²¹. Eugenia Salazar Eligondio is a national prosecutor at the department of sexual crimes. She is specialized in investigations of CSEC, pornography and pimping. Many of the laws

¹¹⁸ Interview 13, Andrea Morales Diaz.

¹¹⁹ Interview 11, Susana Osozco.

¹²⁰ Interview 11, Susana Osozco.

¹²¹ Internet 8, Instituto nacional de las mujeres.

against these kinds of crimes were modified or created in the 1999 reform. Before that, pimping was still legal and there were no sanctions against the exploiters.¹²²

During the first years after the new law had been introduced 1998-2004 the reports of CSEC crimes increased. When the law was introduced, people took the opportunity to use it, which explains the high frequency of reports during the first years. Investigations were initialized and the press got interested and made the perpetrators public. The citizens started to become aware of that CSEC is a crime of which the punishment is several years in prison. The result was a decrease of the visible cases in the streets¹²³.

According to Eugenia, the politicians are not really interested in dealing with the problems of CSEC – they only want to get reelected. She believes that the laws are effective, but does not decrease the problems, because a new law or a reform of a law is not the solution. Instead, a fight against the social problems such as poverty, children with drug abuse and children dropping out of school, is needed. Today too many Costa Ricans live in the margins of the society¹²⁴.

4 Conclusions

It has been shown in many developing countries that state authorities have neither the resources nor the time to monitor suspected cases of CSEC. Child-care NGOs should in no way replace these authorities, but they are very valuable because of their capability to care for the children, detect the cases of CSEC and gather evidence in order to bring the cases to court¹²⁵. When the Costa Rican government carried out the reform in 1999 and created the law against Commercial Sexual Exploitation of Children and Adolescents in Costa Rica, it was a huge recognition of the problem that had never before been presented. The will to protect children was gaining ground among the authorities, and the conditions to make the laws effective were favourable, since the political environment and democratic tradition of the society were relatively stable.

¹²² Interview 10, Eugenia Salazar Eligondio.

¹²³ Interview 10, Eugenia Salazar Eligondio.

¹²⁴ Interview 10, Eugenia Salazar Eligondio.

¹²⁵ O'Brian 1996:23.

During my field study it became clear that many important changes followed the reform of the law, e.g. more people started to report suspected CSEC crimes, more perpetrators were punished and the attention in media increased, which made more people aware of the problems. Despite these positive effects of the law reform; the results of my interviews show that the problems have not decreased since 1999. Why do the problems remain despite the efforts that have been made?

First, it is important to keep in mind that the problems with CSEC have been existent in Costa Rica for many decades, which means that it might take more than nine years to change this pattern in society. In accordance with the theory of this thesis, it is not enough to change the legal framework to decrease the problems. What really needs to be done is for the power structures to change into a cooperative power. Imbalances in power structures are one of the most fundamental reasons to why the problems of CSEC exist and persist.

Without hierarchical inequalities in society, sexual exploitation would not occur¹²⁶. Therefore, before the CSEC will decrease, there has to be a change in the structural inequalities in the Costa Rican society. As long as there are inequalities in power between the government and the NGOs as well as between the NGOs, a unanimous fight against the CSEC is not possible. Cooperation between adults working against the problem is a must to achieve anything in the struggle against CSEC. The public awareness of the problems of CSEC has to grow even more through campaigns, education and governmental recognition, to challenge the prejudice and deep-rooted beliefs about sexuality, gender, childhood, prostitution and exploitation.

According to O'Connell Davidson, the violation of children's rights through CSEC should not be separated from other Human Rights¹²⁷. I agree and believe that since they serve the same purpose – to protect individuals, the actions against CSEC should be included in more general questions of the state about poverty, social exclusion, child labour, gender issues, welfare policies, tourist development, migration processes, health education and economical measures. I also agree with O'Connell Davidson¹²⁸ that the private sector has some responsibility to protect the rights of the children and adolescents,

¹²⁶ Save the Children 2001:11.

¹²⁷ O'Connell Davidson 2001:35.

¹²⁸ O'Connell Davidson 2001:35.

although I do not believe that it is the responsibility of the private companies to provide sustainable economic alternatives to CSEC.

The results of my interviews show that the NGOs, as well as the government officials, agree that the effects of the new law have not been enough to decrease the problems. Efforts to strengthen and enforce the laws against CSEC must be balanced by measures which influence and gradually change the whole ambience in which sex exploiters go unpunished. The NGO representatives are unanimous in stating that to be able to achieve such measures, serious investments have to be undertaken. More resources have to be committed to the struggle, but even more importantly – these resources have to be better allocated if the problem with CSEC is ever going to diminish.

To summarize, the reform of the law has been important to increase the awareness of the problems, which is important but does not create any long-term effects until the economy is strong and the poverty reduced. According to the NGO representatives the practical effects of the law reform have been small, since the problems have gone underground and become less visible than before the reform. Still, the reform was an important statement from the government to show that they are serious in the fight against CSEC and that they want to contribute to strengthen the legal security for children. If society does not value the nation's children highly and demand that the law is enforced in their pure interests, then the laws, no matter how strict, will never be effective.

5 References

Burke, Alicia; Ducci, Stefania & Maddaluno, Giuseppina, 2005. *Trafficking in Minors for Commercial Sexual Exploitation: Costa Rica*. Action Programme against Trafficking in Minors for Sexual Purposes, desk review. UN Interregional Crime and Justice Research Institute, Torino, Italy.

Claramunt, María Cecilia, 1999. *Sexual Exploitation in Costa Rica: Analysis of the critical path to prostitution for boys, girls and adolescents*. UNICEF, Costa Rica.

Committee on the Rights of the Child, 23rd session Feb. 2000. *Consideration of reports submitted by States Parties under article 44 of the Convention. Concluding observations of the Committee on the Rights of the Child: Costa Rica*. United Nations, CRC/C/15/Add.117.

CONACOES, 2007. *Propuesta plan nacional para la erradicación de la explotación sexual comercial de niños, niñas y adolescentes 2008-2010*. San José, Costa Rica.

CONACOES 2, 2002-2007. *Borrador para revisión, corrección y aporte. Sistema nacional de atención a las personas menores de edad femininas y masculinas atrapadas en situaciones de explotación sexual comercial*. San José, Costa Rica.

ECPAT, 2001-2002. *Report on the Implementation of the Agenda for Action against the Commercial Sexual Exploitation of Children*.

García, Rigoberto (ed.), 1988. *Central America: Crisis and Possibilities*. Institute of Latin American Studies, Monograph No 16, Stockholm.

García, Ana Isabel; Barahona, Manuel; Castro, Carlos & Gomáriz, Enrique, 2001. *Costa Rica: Female Labour Migrants and Trafficking in Women and Children*. GENPROM Working Paper No.2. Gender Promotion Programme, International Labour Office Geneva.

Gustafsson, Björn & Lindblom, Mats, 1991. *Poverty as Inefficiency of the Welfare State. A Cross Country Comparison*. Department of Economics, Gothenburg University.

Hindeberg, Barbro, 2005. *Sexuell exploatering av barn i Sverige*. Stiftelsen Allmänna Barnhuset & Socialdepartementet.

IDESPO, 2005. *Perspectivas Ciudadanas – Pobreza y desigualdad social en Costa Rica*. Nr 23, June 2005.

ILO/ IPEC 2, 2004. Folder. *Basic Information on the commercial sexual exploitation of children and adolescents, Central America, Panama and the Dominican Republic*. Costa Rica.

Jalakas, Inger, 1995. *Bara barn – om sexturism och slaveri*. Utbildningsförlaget breviskolan, Stockholm.

Masika, Rachel (ed.), 2002. *Gender, Trafficking, and Slavery*. Oxfam GB, Oxford.

O'Briain, Muireann, 1996. *The International Legal Framework and Current National Legislative and Enforcement Responses*. ECPAT, for the World Congress against Sexual Exploitation of Children, Stockholm 27-31 August 1996.

O'Connell Davidson, Julia, 1996. *The Sex Exploiter*. World Congress against Sexual Exploitation of Children, Stockholm 27-31 August 1996.

O'Connell Davidson, Julia, 2001. *The Sex Exploiter*. Second World Congress against Sexual Exploitation of Children, Yokohama December 2001.

O'Connell Davidson, Julia, 2004. *Child sex tourism: an anomalous form of movement?* Journal of Contemporary European Studies, Vol. 12, Issue 1 April 2004 , pages 31 – 46.

O'Connell Davidson, Julia, 2005. *Children in the global sex trade*. Cambridge: Polity.

Opperman, Martin, 1998. *Sex tourism and prostitution: aspects of leisure, recreation, and work*. New York, N.Y.: Cognizant Communications Corporation.

OIT/ IPEC 1. Folder, *Explotación Sexual Comercial de Personas Menores de Edad en Costa Rica*. Coordinación Subregional para Centroamérica, Panamá y República Dominicana.

OIT/IPEC 3, 2006. *Compendio de legislación para penalizar la explotación sexual comercial de Personas Menores de Edad en Centroamérica, Panamá y República Dominicana*.

OIT/IPEC 4, 2006. Folder, *Tolerancia Social en la población frente al comercio sexual con personas menores de edad en Centroamérica, Panamá y República Dominicana*.

Orozco Irola, Gabriela; Umaña Barrientos, Pamela & Valverde Zumbado, Yesenia, 2003. *Intervención de las Organizaciones Privadas Productoras de Servicios Sociales ante la Explotación Sexual Comercial en Mujeres Adolescentes*. Thesis in Social Work, University of Costa Rica.

Pérez- Brignoli, Hector, 1989. *A brief history of Central America*. University of California Press Ltd.

Radtke, H. Lorraine & Stam, Henderikus, J. 1994. *Power/Gender – Social Relations in Theory and Practice*, SAGE Publications, New Delhi, Thousand Oaks & London.

Rodríguez, Alexander, 2002. *Análisis crítico de la Ley contra la explotación sexual en personas menores de edad*. Medicina legal de Costa Rica, v.19 nr.1 Heredia, march 2002.

Rossel, Pierre (Ed.), 1988. *Tourism: Manufacturing the Exotic*. IWGIA, Copenhagen.

Salas Calvo, José Manuel & Campus Guadamuz, Álvaro, 2004. *Explotación sexual comercial y masculinidad: un estudio regional cualitativo con hombres de la población general*. OIT/IPEC.

Save the Children, 2001. *From Acknowledgement to Action: A call for worldwide long-term commitments to free children from Sexual Exploitation and Abuse*. Position Paper for The Second World Congress against Commercial Sexual Exploitation of Children in Yokohama, Japan 17-20 December 2001.

Seabrook, Jeremy, 2000. *No Hiding Place: Child Sex Tourism and the Role of Extraterritorial Legislation*. Zed Books in association with ECPAT Europe Law Enforcement Group, Amsterdam.

Tew, Jerry, 2002. *Social Theory, Power and Practice*. Palgrave Macmillan, New York.

Trejos Downing, Grace, 2003. *Explotación sexual comercial de niños, niñas y adolescentes*. Universidad de Costa Rica, San José.

U.S. Department of Labor, 1996. *Forced Labor: The Prostitution of Children*. Bureau of International Labor Affairs, Symposium Proceedings.

Vendley, William F, 1996. *Social Values and the Commercial Sexual Exploitation of Children*. World Conference on Religion and Peace for the World Congress against Commercial Sexual Exploitation of Children, Stockholm 27-31 August 1996.

Internet

1. Utrikesdepartementet:

http://www.manskligarattigheter.gov.se/dynamaster/file_archive/050120/2b6d59bf70e6cd9204ed2e83655b4b21/costarica_04.pdf. 05/08/2007.

2. Universal Human Rights Index:

<http://www.universalhumanrightsindex.org/hrsearch/search.do?accessType=search&symbol=CRC/C/15/ADD.117&orderBy=relevance&lang=en>. 07/08/2007.

3. Asamblea legislativa de la republica de Costa Rica:

http://www.inamu.go.cr/derechos/proyectos/proyecto14_549.doc. 12/08/2007.

4. Save the Children Sweden: http://www.scslat.org/news/eng/noticias.php?_cod_211. 17/08/2007.

5. InsideCostaRica: <http://insidecostarica.com/editorial/editorial-04-10-10.htm>. 15/08/2007.

6. DNI. http://www.dnicostarica.org/?page_id=5. 30/05/2007.

7. Wikipedia: http://es.wikipedia.org/wiki/Pol%C3%ADtica_de_Costa_Rica. 03/07/2007

8. Instituto nacional de las mujeres: <http://www.inamu.go.cr/acciones/violencia-de-genero/explotacion.php>. 22/07/2007.

Interviews

1. Nidia Zuñiga and Maria Teresa Guillén Corvera, coordinators of the Code of Conduct, Fundación Paniamor, San José 9/04/2007.
2. Nora Bruna Vásquez, consultant, DNI, San José 13/04/2007.
3. Miriam Fernandez, FUNDESIDA, San José 18/04/2007.
4. Rocio Rodriguez Garcia, executive director, Alianza por tus derechos, San José 19/04/2007.
5. Patricia Madrigal, director, Construyendo Esperanzas, San José 20/04/2007.
6. Virginia Elizondo, official of the sub-regional project against Commercial Sexual Exploitation, OIT/IPEC, San José 24/04/2007.
7. Adriana Hidalgo, legal expert, OIT/IPEC, San José 24/04/2007.
8. Elizabeth Ballesterro, PANI and director of CONACOES, San José, 2/05/2007.
9. Ana Helena Chacón, minister of the Costa Rican parliament for Partido Unidad Social Cristiana, San José region 16/05/2007.
10. Eugenia Salazar Elizondo, prosecutor of the National tribune of Justice, specialized in sexual crimes, San José 17/05/2007.
11. Susana Osozco, ICT, San José 21/05/2007.
12. Yalena de la Cruz, joint director of PANI, specialist of Public health, San José 23/05/2007.
13. Andrea Morales Díaz, minister of the Costa Rican parliament for Partido Acción Ciudadana, San José 24/05/2007.

Other forms of Field study

1. Participation and small talk with victims making costume jewellery, Construyendo Esperanzas, San José 23/04/2007.
2. Conference on “Plan nacional para la erradicación de la explotación comercial de niños, niñas y adolescentes 2007-2010” with the sub-commissions, CONACOES-OIT, San José 27/04/2007
3. Discussion in the CONACOES sub-commission of attention, pre-work of the “Plan nacional”, San José 31/05/2007.

Appendix: Translation of Quotes

The following translations of the quotes are made by the writer of this thesis.

Translation page 9: When referring to girls or adolescents who confront this type of situations, you talk about Commercial Sexual Exploitation and not about prostitution, due to the social connotation that this term includes. It also makes the allusion of that the person permits, decides or voluntarily chooses to prostitute her self. The contrary occurs with the under age persons who have been obligated or driven by external factors to enter this form of abuse, for which they can not be blamed.

Original quote: Al hacer referencia a niñas o adolescentes que enfrentan este tipo de situaciones, se habla de explotación sexual comercial y no de prostitución, debido a la connotación social que conlleva este término. El mismo hace alusión a que la persona permite, decide o elige voluntariamente el prostituirse. Caso contrario sucede con las personas menores de edad quienes han sido obligadas o impulsadas por factores externos a iniciarse en esta forma de abuso, por lo que no pueden ser culpadas.

Translation page 33: establish the necessary guidance to augment the effectiveness of the State actions in the area of prevention, attention and control of the CSEC, and the defence and protection of the rights of its victims.

Original quote: establecer las orientaciones necesarias para incrementar la efectividad de la acción Estatal en el ámbito de la prevención, atención y control de la ESCNNA, y la defensa y protección de los derechos de sus víctimas.

Translation page 35: There are many sexual tourists. I believe it is obvious, it is evident. Many tourists come to the country to hurt us in this way, maybe with the mentality that they do not do it in their country but that they can do it in a country where it supposedly is legal, right? But we have been emphatic by declaring that this is not legal here, that this is not a paradise where they can come to have sexual relations with minors without any problem, and thus in this sense we have made efforts.

Original quote: Hay una cantidad de turistas sexuales. Yo creo que eso es obvio, es evidente. Muchísimos turistas vienen al país a hacernos ese daño, quizás con la mentalidad de que no lo están haciendo en su país y que pueden hacerlo en un país donde supuestamente sea legal, ¿verdad? Pero nosotros hemos sido enfáticos en aclarar que esto no es legal aquí, que este no es un paraíso donde pueden venir y tener relaciones sexuales con menores de edad, sin que haya ningún problema y pues en este sentido hemos hecho los esfuerzos.