

Commercial sexual exploitation of minors of age in 1990-2005: child prostitution in Casco Metropolitano de San José.

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Summary

This article analyzes the problem of commercial sexual exploitation of minors in the typification of child prostitution in the Casco Metropolitano of San José from a historical perspective. The objective of the research is to identify and explain how the confluence of economic, social and cultural factors converge in power relations that have led some minors to find themselves in situations of sexual exploitation, socially justified and tolerated by the predominant adult-centered patriarchal system. This research also studies the legal measures adopted by the Costa Rican State to combat this problem, and the incidence that these actions have had on the forms and spaces for the sexual commerce of girls and adolescents.

Abstract

This paper analyzes the problem of commercial sexual exploitation affecting minors, in the definition of child prostitution in the metropolitan center of San José, from a historical perspective. Its objective is to identify and explain how the confluence of economic, social and cultural factors converge in power relationships that have forced some minors to find themselves in situations of sexual exploitation, socially justified and tolerated by the adult-centered and patriarchal predominant system. It also studies the legal actions taken by the Costa Rican government to fight against this problem, and the effects that these actions have gotten in the different forms and spaces used for the children's and adolescents' sexual commerce.

Key words

Childhood, commercial sexual exploitation, child prostitution, gender, San José.

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1. Introduction

In our society there are trades and activities that, due to the dynamics inherent to them, make us discuss about the predominant double standards. One of these activities is the problem of commercial sexual exploitation (CSEC) of minors, whose conceptualization and forms of execution have changed not only with the passage of time, but also due to campaigns that have promoted the practice of programs to combat it in accordance with human rights declarations.

This issue needs to be addressed in the research and education agendas as a way of recognizing the need to implement actions to prevent and fight against this problem based on awareness and the search for equity. Therefore, the abysmal differences that exist between CSEC and the practice of prostitution must be recognized in order to break social representations that legitimize indifference towards this form of violation of human integrity.

Prostitution in itself is one of the professions that is most criticized, since it uses as a tool constant realities, as well as those that are highly stigmatized and repressed on a daily basis: the body and sexuality. The rejection of those who exercise or have exercised it lies in the fact that these people break the barriers of what is socially accepted as public in order to introduce into this sphere that which is more private, more proper. The weight of public opinion on this activity does not distinguish between ages, so that even today, children and adolescents in sexual exploitation usually receive the same labels and the same burden of responsibility given to adult sex workers is placed on them, so that adult-centric conceptions are maintained and the issue of child prostitution remains as an undeniable reality, but remains covered up.

For the purposes of this article, we study some of the dynamics related to the sexual exploitation of minors, i.e., the factors of incidence towards child prostitution, the sites of contact with the exploiters in the metropolitan area of the city of San Jose and the

measures adopted by the Costa Rican government to try to alleviate this problem. These 11

ms cannot be analyzed in isolation; rather, the related processes are

The study is based on the fact that these factors are inscribed within particular social, cultural and economic contexts which, when articulated, create a general panorama that allows for an understanding of the subject in question. Therefore, the aim is to learn about the conditions of childhood and the problem of child prostitution within the context of the economic crisis that affected our country during the first years of this decade.

For the nineties, from a comparative point of view, it provides a perspective on the characteristics of commercial sexual exploitation in an economic and social environment of change generated by the implementation of neoliberal policies and the gradual process of opening to the globalized market, which had been taking place since the creation of codes and laws to defend the rights of children, taking as a reference point the eighties in the actions of the State and other institutions linked to the fight against sexual exploitation.

The space to be worked on was circumscribed to the Casco Metropolitano, located within the canton of San José and comprising 4 of the 11 central districts: El Carmen, La Merced, Hospital and Cathedral, with a total extension of 9.47 km. ²In this area there is a range of actions that facilitate different forms of interaction between individuals, such as the provision of services, commercial movement and social transcendence that make it a site with a multiplicity of situations. The central canton and Casco Metropolitano Josefino (CMJ) are characterized for being one of the most dynamic regions of the country as it contains within its space: 1) a high percentage of central offices of state entities and state powers; 2) businesses, access and supply of services; 3) spaces for culture, recreation and, therefore, places with labor demand and supply, both formal and informal. In addition, for the purposes of this article, the constant presence of cases of commercial sexual exploitation of minors, since a significant percentage of the related activities have been concentrated there.

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2. What is commercial sexual exploitation of minors?

It is a form of psychological, physical and sexual abuse that is allowed under the principle of "commercial exchange". It is an illicit commercial activity in which the body and integrity of minors - those under 18 years of age - are commodified in exchange for payment in money or in kind, which obeys social practices typical of the patriarchal capitalist culture where there is an abuse of power towards these people, who due to historical or life conditions (Viquez, 1999) remain subordinated to an adult who views their body as an object to be sold or bought to satisfy his desires and sexual impulses and whose dividends remain either in the hands of the exploited children or in the hands of an intermediary.

With the Convention on the Rights of the Child held in 1989 in New York, United States, a global trend was structured that promoted the dissemination and defense of children's rights by unmasking acts that violated their integrity. In view of the global panorama and the increase in the number of children at social risk, the First World Congress Against Sexual Exploitation, held in Stockholm in 1996, was convened to seek coordinated action among the participating States, non-governmental organizations and international agencies to confront and prevent this form of abuse (Sorensen, 2002). At this meeting, four forms of sexual exploitation were identified: the sale of persons for sexual purposes, sex tourism, child and adolescent prostitution and child pornography. A request was also made to reduce the use of the generalized term child prostitution, since it legitimized the idea that those who were in this condition did so of their own free will, ignoring the power relations due to differences in age, economic position and gender that are mediated against abused children and adolescents, in addition to ignoring the existence of other forms of abuse; therefore, it is clarified that in this article the terms child prostitution and prostituted minors are used to refer specifically to this form of sexual exploitation.

As typified by the ESC, child prostitution is "the use of a person under 18 years of age in sexual activities, in exchange for remuneration or any other form of reward," in money or in kind (Sorensen, 2002, 28). This financial reward

may be to the benefit of the exploited minor, the intermediary or the client. In socio-cultural terms¹³,
me of the historically constructed ideological foundations of the

The main objective of this report is to show how the reproduction of mental patterns and behavior legitimize the continuity of the different forms of ESC, which are justified by unequal relationships promoted by a deeply rooted androcentric system and a tutelary perception of minors.

Childhood, as a stage of life and as a differentiated social group, began its process of conformation in Europe during the XV to XVII centuries, since infants were previously considered as miniature adults. The French historian Phillipe Ariès (1987) and Pérez (2009) pointed out these centuries - a period of growth and strengthening of the bourgeoisie - as the starting point in the structuring of the so-called "child sentiment" to a set of ideals that recognized the child as a being with physical conditions different from those of the adult, which brought about a slow transformation in the feelings and attitudes towards them (Satriano, 2008). In modernity, the child was perceived as an unfinished being, lacking, recognizing the need for shelter, protection and education, factors granted by the family where the father and mother were obliged to provide the necessary means or instruments for the infant's development.

Thus, this "feeling of infancy" in relation to childhood implies a new characterization, where dependence constitutes not only a difference with the adult, but also a subjection to the adult, since the child is lacking, in need of protection and incomplete. These faults can only be compensated by the adult who is an autonomous, independent and complete being (Carassai, 2004, 6, emphasis added).

This vision of the child as a dependent and unfinished person continued until the 20th century, when he or she was mentioned as a subject in the 1948 Universal Declaration of Human Rights. In 1989, the International Convention on the Rights of the Child was signed,

which specifies not only their rights, but also the duties of the State and the society in general with this group (Beloff, 1994). In turn, the adult becomes a mediator between the integral development of the child and the world, by educating him/her attentively and without blows, to be a subject and not an object, requiring care and protection. However, in spite of the transformations experienced in the concept of childhood and the creation of rights and laws for its protection, in many cases children have not ceased to be seen as passive actors, who remain under the guardianship and surveillance of adults, becoming one more element over which the adult exercises power and dominion, falling into an "adultcentrism".

The power and social consent given to men to dominate and establish the fields of action of boys, girls, adolescents and women is justified by **the** androcentric or patriarchal social system.

Patriarchy is the power of fathers, a family, social, ideological and political system through which men by force using direct pressure or by means of symbols, rites, traditions, laws, education, the popular imaginary or collective unconscious, forced maternity, obligatory heterosexuality, sexual division of labor and stolen history, determine what functions women can or cannot perform. In this system, the group, caste or class composed of women is always subordinate to the class or caste composed of men, although one or more women may have power (Facio and Camacho, 1993, 20).

This form of organization has become the axis of the spaces and functions assumed by each social subject, in such a way that it imposes an identity on women, boys and girls, who have become instruments that hierarchize the position of men. Thus "...ideology leads to assume as "natural" the co-existence of differentiated categories, assigning power to some over others: men-women; *adults-children*, rich and poor" (Treguear and Carro, 1994, 6. Italics added). Consequently, this

patriarchal and capitalist system based on asymmetrical relations between individuals¹⁵ s also contributed to the conceptualization of childhood as an object and passive consumer of The way in which adult authority over the infant is legitimized, based on the ideals of vulnerability, defenselessness and lack of autonomy.

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The adult-centered vision makes the use of the child's body for sexual purposes viable insofar as they are conceived as instruments. This instrumentalization is institutionalized through prostitution and commercial sexual exploitation; therefore, if we relate the patriarchal system to the capitalist economy, where any object or person under domination can be bought, the body is assimilated as an artifact that can be put up for sale, so that the corporeality of prostituted women and children acquires the character of merchandise. Prostitution is not only a way in which the privilege of adult men to use bodies as objects of exchange but also as merchandise for pleasure is concretized.

The causes that give rise to this form of human rights violation are expressed both in ideological principles, as described above, and in others of an economic nature.

- poverty, unemployment-, family -abandonment, segmentation-, social -abandonment, homelessness- and psychological -sexual abuse- that are presented as factors that place minors in situations of vulnerability. Although several of these items are recurrent in the life histories of those who have been sexually exploited, it is clear that despite the frequency of situations such as poverty, unemployment and sexual abuse, these will not always be present. That is, it is not possible to define *a line a priori* as causes, but the way in which some facts are mixed together create risk situations, so the particularities of each case must be taken into account.

In order to learn a little about how some of these factors have affected the lives of exploited young women, a comparative analysis of some of their elements -causes, spaces of interaction, laws- in the 1990s and 2005 is presented, in relation to some situations and measures developed since the 1980s.

3. A tour through the streets of Josephine: underage prostitutes in the 1980s

The problem of commercial sexual exploitation of minors has a long history (see Marín, 2005). However, the situation of abuse to which hundreds of children and adolescents were exposed began to be a strong issue in public opinion during the 1970s when national newspapers devoted several pages and reports to comment on the problem of child prostitution in both sexes. According to the articles, both girls and boys between the ages of 8 and 12 gathered in strategic places to wait for a client to approach, causing what they called a "social cancer" that endangered passersby (Zúñiga, 1971).

In 1974, the Ministry of Security carried out raids and patrols in the streets of Santa Fe in order to arrest young prostitutes. For example, in the newspaper *Coordina Acción* of August 31, 1974, it was reported that in a single night 35 women and 9 men had been captured who were roaming the streets "offering the services of their bodies". A total of 50 minors were estimated to be in this condition in downtown San José, located in different parts of the city (see Figure 1). Those arrested claimed that they obtained an average monthly income of 2,200 colones for fixed appointments with businessmen.

State actions, through raids and the creation of rehabilitation centers - such as Casa Esperanza, founded in 1974 - did not reduce the number of minors in this condition. Three years later, reports stated that at least 40% of the women in this trade were under 18 years of age, and that several 15-year-old girls "had had an intense sexual life due to the need to bring home money, since they are of limited resources" (Ovares, 1977).

At the beginning of the 1980s, the problem of street children was exacerbated by the economic crisis that began in 1978 and lasted until the first years of the following decade. The crisis had repercussions on children, such as abandonment and abuse, which increased in number, as well as the number of children running away from home.

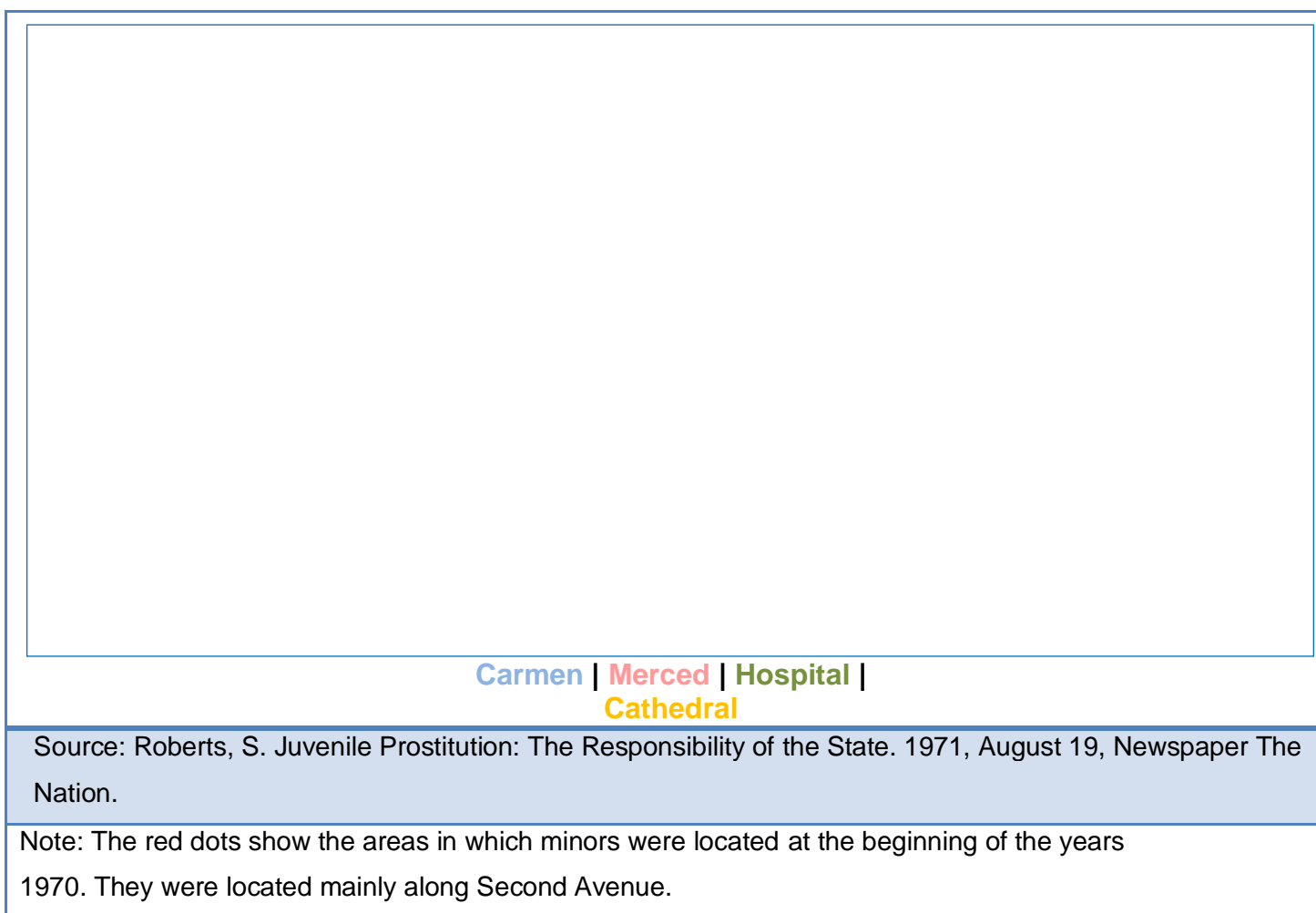
3,536 cases of

child abuse and neglect, 287 cases of wandering and 171 cases of runaways were reported in 1987. (Hoffman, 1987). The last two items were risk factors, since they were exposed to situations of sexual abuse, pimping and drug addiction, as happened in situations where girls reported missing were found in brothels and motels, according to Hoffman (1987).

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Figure 1.

Location of sexually exploited minors in the streets of Josefinas, between 1970 and 1980.



In the 1980s, newspapers claimed that there had been a decrease¹⁸ in child prostitution rates based on a study conducted by IDESPO on this trade in San José (Acuña, Denton and Naranjo, 1982, 16). This supposed decrease was explained by the possible fear of brothel and brothel owners of being accused of perversion (Afirmán, 1981), or by the greater access of adolescents to secondary education and better paying jobs (Desciende índice, 1981).

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However, among the data presented in this research, it is observed that out of 348 informants, most of them had an average age of 21 years, and 31% of the total sample had started prostitution before the age of majority (Acuña et. al, 1982, 34). In this context, according to information derived from the sources, the reasons that led several children and adolescents to be sexually exploited highlighted the disparities in power and their marginal status, creating situations that left them with few possibilities of opting for better life options, especially when, from childhood or adolescence, they had to find survival strategies, either to satisfy basic needs or to devise means of escape from unfavorable family situations. In addition, there was an interest in quick and easy money for clothing and drugs (Personal communication with C, 2010).

Thus, abandonment, family disintegration, "stree," sexual abuse, teenage pregnancy, the search for independence and socioeconomic conditions-particularly difficult in the 1980s, when unemployment rates for the first four years of the decade ranged between 6.8% and 9.3% in urban areas of the country and poverty increased by 22% (MIDEPLAN, 1995)-were presented as the main causes that placed several infants and young people in conditions of social vulnerability, creating triggering situations.

At this point, it is worth taking into account the influence of the economic context, since in our country since 1983 the Structural Adjustment Programs were implemented as a response to the demands of the international financing entities (the International Monetary Fund (IMF), the World Bank, the World Bank and the World Bank).

International Monetary Fund (World Bank), to provide loans to help alleviate the effects of the economic crisis that began in the 1970s, which generated transformations that had an impact on the way of life of several families. These provisions were based on the implementation of PAE I and II, in 1985 and 1989 respectively, which required changes in state budget expenditures and the application of certain measures such as the gradual decentralization of state functions and institutions -a process still in progress-, which included the reduction of the public sector, promotion of non-traditional exports and trade liberalization, increase in public service tariffs and the fixing of agricultural prices, among other measures that were also projected as factors of economic and social crisis throughout the decade. The application of these measures not only led to an increase in unemployment levels - as evidenced by the percentages presented in previous paragraphs - but also to a decrease in incentives for agricultural production, thus increasing the concentration of the population in urban areas, as a consequence of rural migration, the labor force that could not be absorbed by the labor supply.

Another factor to consider in the forms of sexual exploitation is the level of exposure of young people in the workplace. The place chosen or imposed to offer services is a determining factor, since many of the interactions with partners and clients, as well as the fee to be charged, the schedules and the strategies used to avoid the authorities constitute forms of adaptation to the space, as was the case during the 1970s, since by the following decade it was possible to identify the spaces of interaction in the street, where the exploiter easily contacted the young people and there was a risk of abuse situations with the majority of them: the street, where the exploiter easily contacted the young people and where there was a greater risk of abuse; bars, discotheques and nightclubs, places where other forms of interaction could take place - consumption of alcoholic beverages, dancing, conversation -; fixed places, such as massage parlors, brothels, brothels; as well as telephone contacts. The fact that the latter were specific and closed spaces did not mean that basic hygiene requirements were always met or that situations of aggression occurred.

4. Some measures implemented by the State

As mentioned above, the social problems to which the underage population was exposed had not been adequately addressed by the State. Apart from the Children's Code of 1932 - under which the National Children's Board (PANI) was governed until 1996- and the Organic Law of Juvenile Guardianship Jurisdiction of 1964, prevention and care measures were very few, so actions implemented by state institutions were put in place. It is necessary to recognize the approach from which state authorities "captured" and "detained" youths, who "endangered bystanders" (Coordinan acción, 1974), as it was tutelary and punitive against the youths, since those who inflicted the law were the detainees; in other words, the crime was committed by the minor and not by the exploiting client.

In 1984 the delinquency prevention program was implemented, strengthened in 1986 with the creation of the Center for Admission, Diagnosis and Referral for the Care of Minors at Social Risk or Offenders, a place where the institutional commission for the care of children was created, formed by the Juvenile Court, PANI, the General Directorate of Social Adaptation, police agencies, IMAS and the Institute on Alcoholism and Drug Addiction (IAFA). All young people who were found by citizens, PANI or OIJ brigades wandering around downtown San José, in street vending or breaking the law were taken to this agency. Subsequently, a quick evaluation was made to relocate them in their homes, in a care center or refer them to the courts. These adolescents were treated at the institution as a population at high social risk.

In only two months, 286 minors were received, 79.3% of whom wandered in the metropolitan area, mainly during the night and early morning hours. Likewise, of this same number, 69.2% came from the San José Center (Monge, February 8, 1987), which shows the large number of abandoned children and children at social risk on the public streets.

5. Exploitation of Minors: Transformations and 21 outlook 1990-2005

Commercial Sexual

At the beginning of the 1990s, the crisis experienced during the 1980s had not completely left the Costa Rican reality; on the contrary, the direct consequences of the implementation of the SAPs were being felt aggressively in the most disadvantaged social sectors, from 64,485 poor families in 1989 to 88,376 in 1992 in the Central Region of the country (INEC, 2001-2008). On the other hand, economic diversification towards the industrial and service sectors, as well as the increase in foreign investment, involved the country in the dynamics of the global market, gradually generating cultural changes such as the consumer market, which later in the decade included the technology industry, producing mass access to the media with the greatest impact during this decade: television and the Internet.

According to Rafael Cuevas, in this period, rather than a crisis of the most traditional social values, what occurred was "an ideological change promoted by the transformations in the *material basis of society* (...) based on a being that is individualistic, consumerist and materialistic" (Cuevas, 2003, 36. Italics added) and any method, licit or illicit, can be used to maintain this condition. Likewise, the globalized and consumer society marginalizes entire social groups, such as children and adolescents, who continue to represent one of the sectors most vulnerable to different forms of exploitation, regardless of social class.

6. From the 1990s to 2005: Reasons for turning to child prostitution

The reasons that place young people in a situation of ESC during this period are similar to those found in previous decades. However, the methods and spaces of interaction, as well as cultural aspects linked to consumption, are presented as the most substantial changes. At the beginning of the 1990s, the print media resumed the publication of reports on the problem of child prostitution, an interest that originated from

of research conducted by Treguear and Carro (1994), who found that prostitution²² was one of the main sources of income for minors in

ambulation.

These studies and others carried out for UNICEF and Defense for Children International in the 2000s, as well as journalistic reports and interviews with officials related to the issue, provide data that reflect several aspects concerning the commercial sexual exploitation of minors and its causes. These are listed below:

1. Family nucleus and abandonment: Abandonment of a minor has several nuances, from the omission of basic care and attention, to the exclusion of family matters in which they deserve different treatment as part of the process of adaptation to new conditions. Studies have found that the ties with the nuclear family of prostituted children and adolescents tend to be quite weak. They are often marked by abusive relationships, such as abandonment, physical aggression and labor exploitation. This produces an emotional detachment from parental figures and the fading of the social nucleus, which hinders the process of endoculturation, that is, the intergenerational transmission of the conglomerate of principles of coexistence characteristic of the sociocultural group to which the family unit belongs (Camacho, 2002, 166).

For most of the young people in exploitation in the area under study, difficulties have arisen within their families that at some point have forced them to look for foster families and to escape from home, where it is even more difficult to establish relationships and formulate an appropriation of space.

On the other hand, once on the street, it is common for young people to find in other minors referents or peers with whom they can identify or form affective bonds, and represent a companion and role models, which is known as streetization. This is a process of appropriation of the spaces, lifestyles and economic, social and emotional dynamics of the people who develop their lives on the streets.

daily life on public roads, since they learn forms of interaction and action necessary for survival in an area with no real limits and with its own codes of behavior. The street child is integrated into this "parallel world" in which he/she has to learn to be independent and to form strategic alliances in order to obtain the means to live and satisfy his/her needs (Sanabria, 2002, p.10-13). It often also means early contact with addictive substances.

2. Physical and sexual abuse: In the cases of CSEC, several of the children have suffered physical abuse by people who represent authority figures within and outside the family. This permanent use of violence generates a progressive deterioration of bonds with people close to them, which is a trigger to run away from home when they do not find affection or someone to support them.

Regardless of gender, sexual abuse within and outside the family has also been a common experience. Many of those who go through an experience of sexual abuse manifest the consequences of this within their psychosocial development. This form of aggression during childhood and adolescence profoundly affects those who face it and can be expressed in self-destructive behaviors and altered views of sexuality and embodiment (Claramunt, 1998, p. 169).

3. Socioeconomic conditions: The condition of poverty is usually pointed out as an influential factor towards child prostitution. However, it has become known that this is not a determining factor, since boys and girls from more privileged economic strata can also be involved in sexual exploitation. In these cases, factors of low self-esteem, family disintegration and consumption have greater weight. During the 1990s, a significant percentage of prostituted minors came from marginal urban or rural areas where poverty was present. Thus, this activity was used as a means of generating income to meet the family's own needs, and could be mixed with other activities such as informal sales, domestic work or begging. The marginal status of several young women was a factor that pushed them out of the family nucleus; for example, in those who

came from other provinces and traveled to San José in search of better opportunities, because during the first half of the 1990s the rural regions of the country were experiencing a progressive process of impoverishment (Treguear and Carro, 1994, p. 21).

Subsequently, in the 2000s, variations in the socioeconomic origin of exploited youth began to emerge, as studies indicated that there were adolescents belonging to the middle class who remained within the formal education system and who saw sexual services as an option to generate money, but also had a history of physical/sexual aggression or family disintegration (Bruna and Denkers, 2003, p.26; Gólcher, February, 2003). (Bruna and Denkers, 2003, p.26; Gólcher, February 23, 2003). In these cases, the incidence of child prostitution was more sporadic in nature, as it was resorted to as a means of obtaining money for defined objectives, so that they were more likely to remain in an in-and-out dynamic according to interests. It is important to remember that the economic position of minors did not prevent them from becoming involved in procuring and trafficking networks, since the risks are the same regardless of economic status.

4. Consumption of goods and drugs: The use of narcotics is present in all socioeconomic groups and may be the reason that leads minors to the streets and forces them to remain on the streets. The use of drugs, legal or illegal, is common among sexually exploited persons, but the path to their use is diverse. In some cases, minors come to the street after losing family and friendship ties as a result of their addiction and turn to prostitution as a means of obtaining narcotics. In other situations, the incursion into prostitution leads to its use as a means to support both the pace and the sensations experienced in abusive relationships.

In either case, children and adolescents find themselves in positions of double vulnerability that facilitate their objectification, as they enter a vicious circle in which drugs drive them to exploitation and vice versa (Treguear and Carro, 1997, 58). In

The profits that could be earned by young people in sexual exploitation were sometimes substantial; it was precisely this factor that often prevented minors from They were not willing to give up their income, especially when they came from marginal social groups, as Jorge Luis Vargas of the Salvation Army commented: "Many of them were never able to buy a pair of pants or other pleasures, so a high and quick income tempts them, without realizing the true meaning of entering this world" (Alvarado and Cantero, 2000).

Cases were also found in which the young people did not feel exploited; they considered that they received income for performing a job in the same way that any other job would pay dividends. In these situations it is common for the exploiter to present himself as a protective figure, a provider of profitable income, which has been an impediment in the legal prosecution of pimps, as some exploited minors have refused to testify in prosecutions for pimping (Vargas and Moya, 2004).

7. The environment: sites of contact with the client-exploiter

The measures that the State had begun to implement since the end of the 1980s to combat the sexual exploitation of minors, including patrols, mobilization of personnel in the streets and the creation of laws to support the protection of minors, were successful, at least in the public space of the Metropolitan Area. In response to this pressure, the spaces and ways in which the sexual market for boys and girls began to be managed changed, as new strategies have been devised that rely more heavily on communication technologies or are managed through networks that execute their movements more cautiously.

Thus, in the period from the 1990s to 2005, there is evidence of a gradual abandonment of the streets as a space for exploitation, a factor that could be interpreted as a positive change, but rather than being a sign of a gradual abandonment of the streets as a space for exploitation, it could be interpreted as a positive change, but rather than being a sign of a gradual abandonment of the streets as a space for exploitation, a factor that could be interpreted as a positive change.

The decrease in the number of cases of child prostitution is a symptom of the specialization that this city activity has undergone²⁶. iii

Based on these dynamics, several spaces have been recognized in which sexual exploitation activities are carried out, specifically related to the prostitution of minors, as follows

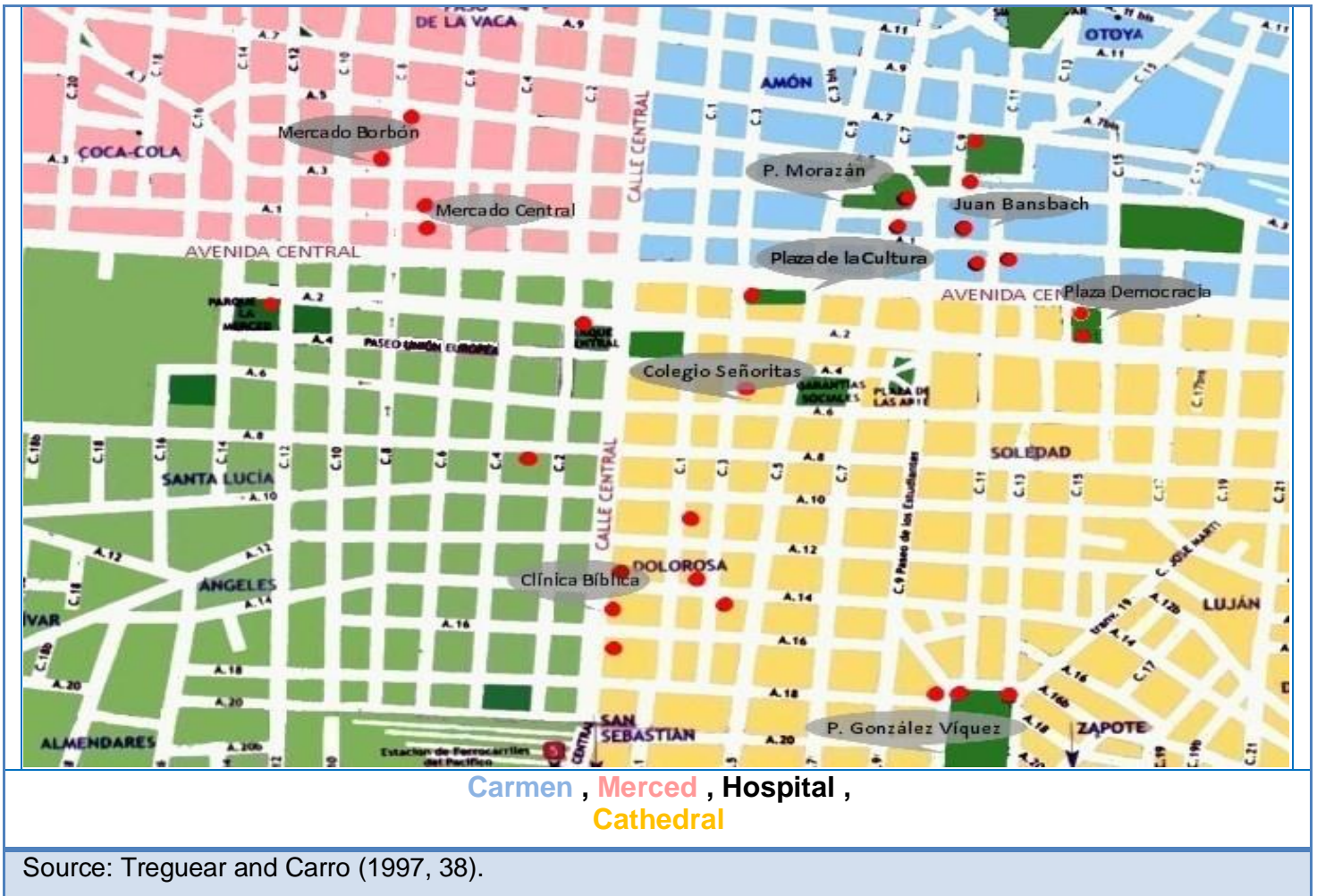
- A. The street. These are the areas where it is most feasible to locate minors in prostitution and, at the same time, the most difficult to confront. The street depersonalizes those who go about their daily work on its sidewalks, and at the same time stigmatizes them, since it:

In the particular case of children and adolescents at social risk on public streets, popular opinion tends to deprive them of their status as children and adolescents, in addition to visualizing them as uprooted people who not only do not live with anyone or belong anywhere, but do not experience any sense of belonging (Sanabria, 2002, p. 25).

A map showing the points where child prostitutes could be observed throughout this decade demonstrates that their presence was still a constant within the urban nighttime landscape by the 1990s (Figure 2). Of all the points indicated, there were some that were not only the areas of greatest recurrence, but also the most likely to find the client-prostitutes, for example, Parque Morazán - where minors of both sexes were found (Herrera, July 28, 2003), the vicinity of the Clínica Bíblica, the surroundings of the Central Market within the Red Zone, the corner of Juan Bausbach, and the vicinity of the Hotel del Rey. For Treguear and Carro, this large number of meeting points were signs that reconfirmed a sexual market that was no longer invisible and tacitly accepted.

Figure 2

Location of sexually exploited minors in the streets of San Jose in 1990.



In the mid-1990s, there was a transformation in the distribution of the spaces delimiting the sites where minors could be specifically contacted, perhaps in response to the high demand of this age group for sexual services. At the same time, as these fixed points were established in the capital, the profits obtained from this activity also increased, except in some cases in which the payment was usually a minimal amount, closer to alms than remuneration (Solórzano, 1990). The amount of money obtained by minors in

sexual exploitation could range from 5,000 colones per day in 1993 to 40,000 colones²⁸ in 1996, demonstrating specialized management of this activity (Vizcaíno and Ávalos, 1996).

Naturally, these values differed according to age and the place where the minors were located. Those who were inside the Red Zone earned less than those who stayed in the vicinity of the Hotel del Rey, for example, where foreigners or better-off nationals could be contacted.

This money could usually be used to meet basic needs and not to make provisions for the future. Just as it could contribute to food, clothing and a roof over the heads of a teenage girl and her child, it could be used to buy luxury goods or drugs.

In 2000, the media reported that PANI operatives had found 34 sexually exploited minors on the streets, amidst 144 others wandering the streets. The problem was still in the public areas of San José. Nevertheless, the sexual market strategy continued to transform. As mentioned above, police operations were taking some boys and girls off the streets, but they continued to be prostituted, changing the points where they could be found and entering private places such as brothels or massage parlors. Likewise, the use of differentiated spaces for women in relation to men in commercial sexual exploitation became evident.

In addition to the presence of girls in the streets, boys also appeared in well-defined public spaces in the capital. Figure 3 shows with light dots the places where underage men could be found, while the dark dots indicate the spaces where girls were located. In addition to the streets and parks, Internet cafés were often used as meeting areas for young people with their clients-exploiters (Bruna and Denkers, 2003, 33).

- B. Bars, brothels, massage parlors and hotels: Since the early 1990s, the²⁹ authorities had dismantled brothels, brothels hidden in bars and houses, and hotels. The latter could often be the intermediary, who contacted the young people by telephone to arrange an appointment with the client, or they were places with "fixed personnel" where the client only had to go. For example, in 1992 a press article reported a total of 100 raided sites in San José, where children and adolescents were sexually exploited (Moya, 1992). Most of the premises were hidden under the facades of small businesses or private homes.

As a consequence of the patrols in the capital and also in order to avoid the risks involved in street work, several minors opted to settle in brothels where they had to comply with a fixed schedule, following the suggestions of pimps who sought them out in public areas (Castro, 1998). Another means used to recruit young people was through newspaper advertisements; in these cases, it was very likely that they would never have contact with the street environment.

As stronger measures were applied to combat exploitation, different methods were also devised to offer services and remain undetected. Thus, unique codes have come to be used to identify each client and the entrance to new ones is only allowed by the recommendation of a recognized visitor. This guarantees clandestinity and reduces the chances of being located (Carvajal, 2004).

Figure 3

Location of sexually exploited minors in the streets of Josefinas, 2000-2005



C. Private sites and Internet: Child protection professionals remained alert in the second half of the 1990s, as the dimensions of child prostitution went beyond the search for means of survival and came closer to the patterns of an organized mafia, especially due to changes in the *modus operandi*. Gradually, fewer children and adolescents were found on the streets or in brothels, as the ways of promoting the sexual market with minors became more specialized, mainly using communication technologies and networks.

In order to avoid easy tracing of the pimp or handler, chains of

contact were organized in which people belonging to different trades participated, mainly in the service sector. Cab drivers, receptionists or hotel managers belonged to these groups, who contacted the client with those in charge of handling young people, avoiding their exposure and that of the pimp; for their part, the traffickers provided the client with catalogs with photographs (Mena, 1998). In this type of network, each party involved had to receive a payment for the contact made, so that the minor could receive a minimal amount of the total profit, which could still amount to as much as \$300 for each person involved in the contact network.

These organizations could also count on the participation of travel agencies involved in sex tourism that made agreements with the pimps prior to the traveler's arrival in the country. All these options available to the client, both national and foreign, confirmed to the authorities the existence of an organized mafia dedicated exclusively to the exploitation and trafficking of minors.

By 1999, the Internet had become one of the main and most efficient tools for the sale of sexual services, since it allowed to maintain the anonymity of the trafficker, the client and to obtain greater diffusion. The use of information technologies has also allowed the mafia to acquire a global character:

The world's criminal activities and mafia organizations have also become global and informational, providing the means for the stimulation of mental hyperactivity and forbidden desire, along with a whole form of illicit trade demanded by our societies, of the sophisticated armament of human bodies (Castells, 1999, 28).

In this way, the number of offers available on the sex market is progressively exhausting its validity, this bombardment also stimulates the creation of new desires that are constantly nourishing the sex trade. Within this dynamic of

In terms of supply and demand, minors continue to represent an extra
raction,
perhaps increased by illegality. In the case of minors in exploitation, this method of
The fact that they remain anonymous, which could prevent them from being socially
stigmatized, as opposed to those who were on the streets.

In an interview with PANI officials, they assured that there has also been a relocation of spaces within which sexual exploitation is promoted to places such as brothels, bars or brothels that have been under the scrutiny of child protection institutions since the 1980s. Condominiums, luxury residences, estates or apartments are places where these types of activities are being carried out, as they are areas with limited access that maintain privacy. This situation has made the work of the authorities more difficult, since normally those who provide minors for this type of meetings are no longer independent traffickers, but are people who belong to "networks of networks"; that is, they work with several intermediaries in different sectors of the market and are not only dedicated to promoting child prostitution, but also human trafficking, child pornography and even drug trafficking.

8. From child prostitution to sexual exploitation of minors. The reaction of the State and the implementation of legal measures.

The country has adopted several international treaties on human rights, complementing the principles set forth in the Political Constitution with respect to the dignity and physical integrity of all Costa Ricans. In 1990, Costa Rica ratified the Convention on the Rights of the Child, in which the States committed themselves to implement the principles set forth. Unlike the 1959 Declaration of the Rights of the Child, which did not have legal force, the convention does, since it was formulated as a legal instrument, as shown below:

The Convention on the Rights of the Child (1990).

This agreement was formulated by the United Nations (UN) in 1989 to fill the gap that existed around the rights of minors, ratified in our country in 1990, which was presented as a boost for those working on behalf of children and adolescents because its guiding principle allows demanding change in the policies of care and treatment of minors, legally conceived for the first time as an active subject, with rights and duties of their own.

The defense of children in situations of sexual exploitation presents several articles that seek to guarantee their well-being; thus, Article 11, paragraph 1, urges States to take measures to combat the illicit transfer and non-return of children abroad. In order to protect the physical integrity of the child, Article 19, paragraph 1 calls on

States Parties shall take appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (UN, 1989).

Following these principles, Article 32 calls for recognition of the right to be protected from economic exploitation and from performing any work that is likely to be hazardous or to be harmful to physical, mental, spiritual, moral or social health or development. Finally, Article 34 demands protection against all forms of this crime and sexual abuse, including prostitution, pornography or any sexual practice with minors. It also sets forth the need and commitment of nations to take measures for the recovery, care and attention of those who have been subjected to any form of physical or sexual abuse or practices that violate their integrity (UN, 1989, articles 38 and 39).

Code of Childhood and Adolescence (1998)

Under Law 7739 of February 6, 1998, the Costa Rican State created the Childhood and Adolescence Code, which replaced the 1932 Childhood Code. This new law was formulated with the intention of breaking with the conception of the child as a passive subject and contemplated among its articles the principles of the right to integrity, honor and image so that any form of physical, sexual, mental abuse or exploitation that violates these principles can be punished. It is important to mention that this law also created the Council for Children and Adolescents and the Protective Boards (Article 169).

Specific laws against Commercial Sexual Exploitation of Minors (CSEC)

International concern about the increase in cases of child prostitution and other forms of sexual exploitation led representatives of government agencies and several NGOs to participate in the First World Congress against Sexual Exploitation held in Stockholm, Sweden in 1996. In this activity, the participating entities committed themselves to the search for joint actions to fight for the eradication of this problem (Sorensen, 2002, 27).

It was also requested the disclosure of the term Commercial Sexual Exploitation to refer to child prostitution and pornography, sexual tourism and human trafficking, all of which were typified under this concept. The change was originated as a fundamental part of the process of pointing out any of these acts as crimes executed *by* the client and the trafficker, not by the minor who is in a position of subordination and disadvantage. This is mainly due to the fact that the expression "child prostitution" implies that it is a criminal practice executed at will, in the same way that a person of legal age would do it; in addition, prostitution is a crime executed by the person who performs it.

In order to institutionalize this fight, the National Commission against Commercial Sexual Exploitation (CONACOES) was created, which in 1999 led to the approval of the Law against Commercial Sexual Exploitation (CONACOES).

7899 against the ESC of minors focused on reforms made to the Penal Code. Articles 156 on Rape, 159 on Statutory Rape, now qualified as sexual relations with minors; 167 and 168 on Corruption and aggravated corruption; 169 and 170 on Pimping and 171 and 172, referring to ruffianism and trafficking in persons respectively, were modified. The articles contained terms that could be arbitrarily interpreted - honest woman, corrupt minor - and that hindered the judicial process, as well as notable contradictions between the ages of the persons who were considered victims (Penal Code, 1975, 54-58; Penal Code, 2000). With the reforms made, any type of forced and remunerated sexual contact with minors was considered punishable, since previously only "carnal access" was mentioned.

Finally, the crimes of paid sexual intercourse with minors -Art. 160 (formerly Aggravated Statutory Rape), sexual abuse of minors and incapable persons -Art. 161 (formerly Sexual Abuse), sexual abuse of adults in Article 162 and, finally, the manufacture or production of pornography and its dissemination were included for the first time in Articles 173 and 174 (July 7, 1999, Law No. 7899).

In 2007, Law 8590 for the Strengthening of the Fight against Sexual Exploitation of Minors was enacted, in which the penalties were increased. Any person with any degree of consanguinity or guardianship was contemplated as a criminal offense, different forms of executing sexual crimes were included and the Possession of Child Pornography was included as a punishable act (August 30, 2007. Law No. 8590).

Other measures taken by the State

A) Raids and raids

Faced with the alarming increase, or revelation of cases of sexual exploitation of children and adolescents in the nineties, the police forces were organized through the White Cross of the Ministry of Public Security and the Miscellaneous Crimes Unit of the Judicial Investigation Agency (OIJ) to carry out raids in various places in the city of San José with the aim of dismantling brothels, bars or massage parlors where minors were working. These operations were carried out in the streets and parks where minors were found, who in theory were taken to their homes or referred to PANI shelters. The operations in the streets, already in 1996, the officials of the program of Integral Attention to Minors at Social Risk promoted by PANI, began night tours not only identifying the risk areas, but also the children in wandering, who were treated little by little until they gained their trust and thus offered them help (Mena, 1997).

These types of operations continued throughout the decade and up to date; but now there is the presence of officials from the Ombudsman's Office supervising the work, providing support and attention to minors, in addition to the Public Prosecutor's Office and the Municipality of San José. To support these efforts, the Sexual Crimes Prosecutor's Office was created in 1999 with functions extended to the OIJ, dedicated exclusively to investigating and prosecuting cases of domestic violence, exploitation and sexual abuse. In only its first six months of existence, it received 112 complaints of prostitution of minors (Villalobos, 1999), arrested 30 exploiters, 13 foreigners and 17 nationals (Calderón, 2000), and helped prosecute 66 people for CSEC of minors from the year of its creation to 2004.

The operations succeeded in dismantling several brothels or undercover brothels in which children and adolescents were found; by 2006 there were already 280 brothels.

operations in nightclubs, bars, canteens and brothels, but this measure, rather than37
minating sexual exploitation, pushed traffickers to devise new strategies to continue
The PANI authorities recognized that the problem was taking on greater dimensions in places
such as Jacó in Puntarenas (Ávalos, 2007).

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B) Creation of the National Commission against Commercial Sexual Exploitation of Children and Adolescents (CONACOES).

In 1997, following the guidelines set forth at the Stockholm Congress, a union of governmental entities and NGOs was created to form CONACOES, which would become a permanent dependency of the National Council for Childhood and Adolescence. This commission was not created as an operational entity, but as the guiding axis of policies in the fight against CSEC, i.e., it is responsible for coordinating the technical aspects of the different frameworks for action, including planning, implementation of care or assistance plans, monitoring and follow-up of inter-institutional actions. By 2010, this commission was made up of 20 public institutions, whose permanence and collaboration is mandatory, as well as 19 non-governmental organizations, which could join or leave the program according to their interests and work objectives (Ballesteros, 2010).

Although the entity was formulated with the intention of creating a front with common objectives and work plans, it was not until 2008 that the State approved a specific budget for CONACOES, which had not been able to execute actions in coordination with the various NGOs that were part of it due to a lack of capital, so it has not been possible to measure or quantify results, since for 11 years each organization devised plans on its own. These problems of lack of coordination resulted in 2001 in several NGOs that were members of

This commission left, as they argued that efficient
tions were not being carried out³⁸
amírez, 2001).

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In 2010, the Second Plan against CSEC was developed, which created a pilot plan for the application of preventive measures ranging from raising awareness among the population and direct attention to minors at social risk. This work has been implemented in six strategic points of the country: Pavas in San José; Aguirre and Corredores in the province of Puntarenas; Santa Cruz in Guanacaste; Los Chiles in Alajuela and Limón Centro (Ballesteros, 2010), sites where cases of child prostitution have been found.

C) Tourism Sector

Sex tourism in Costa Rica is an inescapable reality. In response to the constant complaints about the lack of actions to combat this problem, the Costa Rican Tourism Institute, together with PANI, the Ministry of Public Security and the Public Prosecutor's Office have employed various strategies; for example, in 2001, a training program was implemented for hotel sector employees to prevent minors from entering hotels as companions, and fundraising among foreign tourists was encouraged to implement more actions. Among these actions, cab drivers, hotel businesses, restaurants, and car rental companies, among others, were encouraged to sign a Code of Conduct committing themselves to combating child prostitution (Gutiérrez, 2001; Oviedo, 2004; Zúñiga, 2004).

Around 2005, a strong campaign circulated on the Internet, the press, billboards and television informing foreigners that it is a punishable offense to have sexual relations with children and adolescents here. An investment of \$40,000 was made for this project (Gutiérrez, 2005).

9. Conclusions

The commercial sexual exploitation of minors, like any other social phenomenon, remains immersed in the economic and cultural dynamics of the country as a latent reality, and the changes that these spheres experience are factors that have promoted transformations in the ways in which this activity unfolds. However, the existence of this problem is denied by the indifference and tolerance shown in broad social sectors that remain with their eyes closed to this violation of human rights.

During the 1970s and 1980s, it could be said that the public recognition of child prostitution was experienced, the issue came to the surface due to the increase of cases of abandonment, as well as of minors wandering on public streets, partly as an indirect consequence of the economic crisis and family conflicts.

The government had little influence on the prevention of child prostitution, since the legal formulations in force during those years denied the rights of children and adolescents, prioritizing protectionist and moralizing attention over prevention and recognition of the needs of affected minors. Since the 1990s, the Costa Rican legal framework has succeeded in typifying various forms of commercial sexual exploitation as criminal acts with heavy penalties, including child pornography and trafficking in persons within the Penal Code, thus strengthening the legal system. However, the resources directed by the State towards direct care and prevention programs have been insufficient, since effective methods have not yet been integrated in the fight to get minors off the streets; in turn, there is a strong lack of coordination between entities and a lack of interest on the part of governments in strengthening care and prevention programs.

The implementation of measures for the eradication of this problem in the country has generated as a direct effect the creation of networks and new methods to carry out the activity, since it is increasingly moving in clandestine spaces, difficult to track by the police.

Therefore, the number of young people exploited in the streets of Josefina is not precisely a positive indicator, since they have been mobilized to other regions or to other countries. spaces.

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Despite the weaknesses that may be present in state management as public officials involved in the struggle, this is not a problem whose responsibilities can be placed entirely on state institutions, but is a problem that concerns society as a whole.

As for the causes, there are economic, psychological, family and cultural reasons. Situations such as family disintegration or abandonment, as well as a history of sexual abuse, prevent the child from having an adequate psychosocial development, since these experiences have short- and long-term effects that mark conceptions of gender roles, interpersonal relationships, and perceptions of one's own body and sexuality.

Minors are still not conceived by society as a whole as subjects of rights, despite the fact that policies and laws have been created that encourage the means to protect and defend children from the different forms of violence they face on a daily basis.

As a final reflection, we insist on the need to try to implement awareness-raising measures throughout the population, because beyond the interest and capabilities of state institutions and NGOs, everyone as citizens must assume responsibility for this type of situation. Children continue to be punished with violence in the same way that young people are still seen in parks waiting to be approached by a man or being escorted by foreigners and it is ignored. There are means to file complaints for ESC of minors and they should be used, we need to stop reacting with indifference, which perpetuates violence and marginalization.

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