



Ministerio de Relaciones Exteriores y Culto
Dirección de Promoción Internacional

The Foreign Service

Prevents the commercial sexual exploitation of children and is committed to the fight for its eradication.



Commitments of the Foreign Service

The commercial sexual exploitation of children can be prevented and fought with the help from personnel of the Foreign Service. With this material, we would like to make you aware of this illegal activity and of what you can do for children at risk of being sexually exploited or of those already victims of this type of exploitation.

Your obligations and responsibilities are the following:

- Acknowledge that all persons under 18 years have the right to be protected, even if they have “consented” to being engaged in a practice that denigrates them (such as sexual exploitation), as this alleged consent is not valid when dealing with children.
- Become informed about and get training in the prevention of commercial sexual exploitation of children.
- Promote tourism that is free of commercial sexual exploitation, and inform tourists that in Costa Rica the use of underage people with sexual purposes is a crime punishable by prison.
- Take advantage of every chance as a diplomat to disseminate the efforts made by the country to eradicate this crime.
- Be alert to and detect possible cases of trafficking by paying attention to situations such as the following: an adult requesting a visa for a child or an adolescent to whom he/she is not related (if this person says he/she is a relative, the kinship has to be proven); any Costa Ricans requesting new passports, stating that theirs were stolen or lost; underage persons requesting visas to travel to the country because they received a letter of invitation (it is important to verify these).
- Cooperate and closely coordinate with the Costa Rican migration authorities. In case of suspicions, the consulates may issue a warning to the migration office and vice versa.

Protecting children is a duty of all the personnel of the Ministry of Foreign Affairs.

- Identify a contact person with INTERPOL in the corresponding jurisdiction, and closely coordinate with the local investigation bodies in order to give information, of those people suspected of being exploiting clients or traffickers.
- Know the local legislation and procedures to present the corresponding complaints.
- Carry out all those actions and procedures with competent public and private institutions, that assure the protection of underage persons who have been trafficked or sexually exploited.
- Prevent children from being revictimized with irrelevant questions or the use of inappropriate terms and actions that tend to place blame on them.

Sexual exploitation definition

The commercial sexual exploitation of children is the utilization of a child or an adolescent for sexual activities in exchange for retribution, whether economic or of any other kind. The International Labor Organization considers it a form of economic exploitation similar to forced labor and slavery.

The promoters of this illicit business and the “client”-exploiters use these children to:

- Have paid sex with them.
- Take photos of them that have sexual or erotic content.
- Film them to produce pornographic movies.
- Use them in sex shows.

This illegal activity takes several modes:

- **Local exploitation:** the “client”-exploiters are national citizens.
- **Sexual tourism:** the “client”-exploiters are tourists who arrive in the country with the purpose of taking advantage of their stay to become involved in this illicit activity.

What should be done when mass media publishes negative information about this issue in our country?

- Try to respond as soon as possible (no later than the following day).
- Send your response as a press release to the specific media organization that has broadcast the news and, if possible, set up an interview.
- Determine if it is appropriate for other media organizations to learn about your response--depending on the magnitude of the news and its repercussion on the country's image.
- Be alert and consult a guide with basic information in order to respond to the media about this issue.
- Emphasize the fact that Costa Rica prosecutes the commercial sexual exploitation of children.
- Be sure to mention the efforts made by the country (for instance, that some exploiters have been prosecuted).
- Look for and request information from the Promotion Directorate of the Ministry of Foreign Affairs and Culture. You may also use the following web page: www.ipecc.oit.or.cr/region/areas/esc

- **Exploitation via Internet:** the Internet is used to disseminate child pornography or to prepare the victim's encounter with the exploiter.
- **Human trafficking:** this refers to the transfer of a child or an adolescent from one area to another, from one country to another, for illicit purposes, such as commercial sexual exploitation.

The commercial sexual exploitation of children seriously violates their basic human rights.

Causes

The commercial sexual exploitation of children has its origin in several factors:

- **Culture:** unfortunately, in our culture, very often the abuse against children is legitimized and tolerated.
- **Gender:** our society has granted men supremacy over women and children, who become objects—merchandise—for which they can pay in order to have sex with them. Culturally, men's sexual needs are viewed as if they were instinctive and uncontrollable.
- **Economic:** the society in which we live—highly consumerist—makes it possible to acquire things and people by means of money.

There is a myth that they "are in it because they like it." This false belief only revictimizes them.

Consequences

Children who are sexually exploited suffer greatly and the consequences are devastating:

- **Physical:** they suffer from early, unwanted pregnancies; physical harm and injury; and sexually transmitted diseases, including HIV-AIDS.
- **Emotional:** they lose their self-esteem, resort to suicide attempts or other forms of self-mutilation, have guilty feelings, and suffer from depression.
- **Social:** they are stigmatized, humiliated, and marginalized. They are victimized twice since, in addition to being exploited, society tends to blame them and to reject or ignore them.

Risk factors

Sexually exploited children's lives are not easy. They do not have, as believed, a "happy life." In fact, their personal histories are marked by domestic sexual abuse, domestic violence, poverty, drug and alcohol abuse, exclusion from schooling, labor exploitation, and a violent community environment.

All these situations, known as risk or vulnerability factors, make children prone to be victimized by sexual exploiters, who are sometimes organized in true criminal networks.

National Commission against the Commercial Sexual Exploitation of Children

In 1996, the National Commission against the Commercial Sexual Exploitation of Children (abbreviated as CONACOES in Spanish) was created. This is a special task force of the National Council for Children, coordinated by the National Children's Bureau (PANI). CONACOES is composed of an important number of public entities, private organizations, and international cooperation agencies, and its mission is to promote and strengthen inter-institutional, inter-sectorial, and interdisciplinary coordination and cooperation in order to confront this problem from an integral perspective.

Risk factors are not the cause of the problem. Although they live in a difficult context, they would not be victims of commercial sexual exploitation if it were not for unscrupulous adults who take advantage of their situation.

Criminal Law in Costa Rica

In Costa Rica, the commercial sexual exploitation of children is a crime. In 1999, a law that penalizes both the pimps (those who promote the commercial sexual exploitation of children) and the "client"-exploiters (those who pay in order to have sex with children), as well as those who profit from this activity, was passed. The law sets penalties of up to 16 years in prison. This law also penalizes the following crimes: pimping, trafficking of persons, and the manufacture and distribution of child pornography. To date, it has been possible to prosecute a significant number of pimps and to dismantle networks of sexual exploiters.

Additional efforts

In addition to the abovementioned efforts, in Costa Rica several interesting studies on this issue have been carried out, and guidelines for the care and detection of victims have been created. Preventive campaigns are constantly launched and codes of conduct for the tourism sector and for taxi drivers have been issued. Several bills have been presented with the aim of providing more protection for children. Specialized inspectors offices have been set up as well as a network to link these offices and the police authorities. Multiple related sectors (police, judicial officials, the tourism and educational sectors, migration officials, and cab drivers, among others) have received training.

Child trafficking: A crime that deserves more attention

Child trafficking for commercial sexual exploitation deserves special attention as the Costa Rica Foreign Service plays a fundamental role in the prevention of these cases, since it is in the consulates and embassies where potential cases of trafficking may be detected.

Trafficking means transferring a person from one area to another or from one country to another for the following purposes: commercial sexual exploitation, labor exploitation (in agricultural work, at assembly plant factories, or as domestic workers), servile marriage, illegal adoptions, and organ sales, among others.

This crime is usually confused with smuggling (the illicit transfer of migrants), also known as “coyotaje.” Although both practices constitute commercial operations with human beings, the main differences between them are the following:

Erroneously, many trafficking cases in which there is an illegal crossing of borders are handled as coyotaje, ignoring the exploitation that the victims have been subjected to, the protection to which they are entitled, and the crime committed against them.

Differences between Smuggling (“Coyotaje”) and Trafficking

Smuggling (“Coyotaje”)

- 1 The frontier is crossed illegally.
- 2 The transfer does not necessarily have the purpose of exploiting the person.
- 3 Forged documents and illegal procedures are used.
- 4 The transferred person gives his/her consent, although sometimes doing so under false promises.
- 5 Borders are always crossed.
- 6 It is a crime against the State (both the state of origin and the state of destination).
- 7 Freedom is not restricted (usually, the deal ends upon crossing the border).

Trafficking

- 1 The transfer may be legal or illegal.
- 2 The transfer takes place with exploitation purposes (sexual, labor, organ sales, among others).
- 3 Forged documents are not necessarily used.
- 4 There is no consent, but rather deceit and coercion are used, especially when dealing with children and adolescents.
- 5 Trafficking may also be internal (from one region to another in the same country).
- 6 It is a crime against the person (his/her rights are infringed).
- 7 There is restriction of movement (the person remains locked up or under surveillance).

SOURCE: International Organization for Migration (IOM).