

Untouchable Gringos and 20 or 30 Girls:
the State, NGOS and the Costa Rican Sex Trade

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Introduction

On December 8, 2000, ABC's news magazine "20/20" aired a report on child sex tourism in Costa Rica. The piece, by journalists Brian Ross and David Scott, featured both a 15 year old working as a prostitute in the streets of San José and a local intermediary for a child prostitution ring being run by a U.S. citizen via cell phone from inside a Costa Rican prison. Perhaps most importantly, the report also quoted then President Miguel Angel Rodríguez reducing the problem to only "20 or 30 girls", as well as describing international attention to the issue as "disproportionate" and the result of muck raking by Bruce Harris, then director of Catholic NGO Casa Alianza (Jiménez, 2000; EFE, 2001). Despite his attempt to minimize the report, Rodríguez's comments had just the opposite effect, setting off a national and international firestorm of criticism that drew specific attention to the Costa Rican government's evasion of the problem and the general context of impunity for these crimes in the country. While there had been previous attempts by NGOs to draw attention to the reality of the commercial sexual exploitation of minors, which seemed to be increasing at an alarming rate, the "20/20" report provoked an important moment of crisis that forced the issue of child sex tourism not only into the public debate, but also into the discourse, policy and practice of the Costa Rican state.

This paper is based on fieldwork carried out between September 2006 and September 2007, and is thus a very preliminary attempt to begin thinking about NGOs and the state in relation to the sex trade in San José, Costa Rica. In what follows, I explore some of the ways that the Costa Rican government and international and local NGOs have attempted to address the issue of the commercial sexual exploitation of minors. I consider the consequences of this focus, arguing that the complex realities of the adult sex trade, especially sex tourism, are made invisible. By contrasting the muddled and contradictory policies toward adult sex work with state and NGO attention to the commercial sexual exploitation of minors, I argue that significant violations of the rights of migrant and local adult sex workers are routinely ignored. In addition, I suggest that the focus on child sexual exploitation and the almost complete lack of attention to the rights of adult sex workers is informed by the state's dependency on tourism. While the current migration law is seen by many critics as a draconian attempt to reduce the numbers of Nicaraguans in the country, tourists are given free reign and the sex trade among adults is ignored.

20 or 30 Girls?: State and NGO responses to the commercial sexual exploitation of minors

Documents from the Ministry of Public Security, now located in Costa Rica's national archive, demonstrate the seriousness with which the state viewed the "20/20" report. Investigators from the Sexual Crimes Unit (unsuccessfully) attempted to contact several of the women featured in the piece in order to verify the information that had "damaged Costa Rica so much at the national and international level" (National Archive, T80-2006-71). The ministry file also includes numerous indignant letters criticizing "the alarmist, tabloid style of the gringo press and its tendency to be silent about its own problems". Even more intriguing is correspondence between then Costa Rican ambassador to the U.S., Jaime Daremblum, and a Washington based attorney, in which

they discuss the need to get help from the local police in Costa Rica in order to locate the girls from the program and thus have “a basis for approaching ABC news” (National Archive, T80-2006-187). This correspondence suggests that the Costa Rican government, or at least its representative in Washington, considered some form of legal action against the network that aired the program, demonstrating just how deeply shaken the government was after ABC’s revelations.

One of the most visible early actions by the state followed a long established pattern of employing mass round ups to address the issue of prostitution. However, in this case the mass capture of young people found in the streets at night was designed primarily to neutralize international pressure and improve the country’s image (as was apparently agreed upon at the 5th ordinary session of the National Council on Children and Adolescents in 2000. See Defensoría, 2001: 370). Rather than specialized interventions to combat the commercial sexual exploitation of minors, the raids were undertaken primarily by the police in conjunction with a group of untrained volunteers from the Patronato Nacional de la Infancia, the country’s child protection agency (PANI). Both PANI and the Ministry of Public Security later claimed to be merely playing a supportive role for the other, and neither had a clear focus, goal, or budget for the operatives. The central aim seemed to be getting youth in the street out of the view of Costa Rican society (and, presumably, nosy foreign reporters). A scathing report in 2001 by the country’s ombud office, the Defensoría de los Habitantes, criticized the repressive nature of the round ups that involved forcing youths into custody while leaving their clients, or exploiters, untouched (Defensoría de los Habitantes, 2001: 371).

While the “20/20” report was arguably the crucial catalyst, the issue of the sexual exploitation of children for money had appeared on the agenda of several NGOs a number of years earlier. For example, PROCAL, a national NGO dedicated to defending the rights of women and minors, published a study in 1992 on “girl prostitutes” (as they were called then) after discovering that a significant number of residents in their shelters for adolescent girls were involved in commercial sexual exploitation. A follow up study two years later suggested a rapidly changing context in which new, clear links could be identified between commercial sexual exploitation of minors and organized networks, including tourist clients (Treguear, 1994). Paniamor, another national NGO that works to prevent all types of abuse of children and adolescents, began addressing the issue of commercial sexual exploitation after attending the 1996 First World Congress against the commercial sexual exploitation of minors in Stockholm. For the first time, it became clear that Costa Rica was internationally known as a sex tourism destination (Interview, Paniamor, 6 March 2006). As a result of this congress, in 1997 a group of twenty-two NGOs and several public institutions joined to form the National Commission against Commercial Sexual Exploitation (CONACOES), marking the first step in the institutionalization of this new attention to child sexual exploitation, including in tourism.

The work of CONACOES includes promotion and prevention, attention to victims, and judicial reform. Indeed, one of the Commission’s most important projects was changing Costa Rica’s antiquated sexual crimes section of the Penal Code. With the new 1999 Law Against the Sexual Exploitation of Minors, law 7899, “dishonest abuses” were replaced with a much more detailed list of sexual crimes, including remunerated sexual relations. According to the former head of the public prosecutor’s Sexual Crimes Unit, the new law made a significant difference in the police and legal sectors’ ability to attack

the problem. The creation of new crime categories meant that the Unit, which had investigated very few of the complaints received previously and managed to prosecute even fewer, now has a much broader mandate to capture exploiters, an achievement that she credits to the work of CONACOES (Interview, Lilliam Gómez, 25 October 2006). The National Commission continues to meet several times a year to elaborate 5-year plans for action. However, its operations have been criticized by several NGOs due to the lack of concrete action on the part of the state to actually implement any of the recommended policies, a problem exacerbated by the fact that the Commission has no operating budget and often functions simply as the sum of activities being carried out by each individual NGO (Interview, PROCAL, 11 October 2006). In particular, several NGOs left the Commission in 2001 when their plan of action was suddenly replaced by a new plan that came straight from the Casa Presidencial of Miguel Angel Rodríguez. Rodríguez also announced the creation of a new office meant to establish a state response to the commercial sexual exploitation of minors, though he also mentioned once again that the problem had been “exaggerated” by NGOs. Many felt that Rodríguez had made a mockery of CONACOES’ autonomy and that the new office actually intended to slow down their work while still allowing the state to keep the appearance of addressing the problem (Interview, PROCAL, 11 October 2006).

CONACOES continues to work to coordinate efforts in the area of commercial sexual exploitation. In informal conversations, many NGO workers complained about having to attend CONACOES meetings, considering them a lot of talk accompanied by very little action, and a waste of their very stretched time. CONACOES is currently putting the finishing touches on a new national plan for the period 2006-2010. The aim with the new plan is to move away from the usual list of activities and projects being carried out by each member institution, toward a much more coordinated and articulated effort. New areas to be addressed, or areas already addressed but requiring more attention, include tourism, trafficking, and sexual exploitation of male children and adolescents. There is even talk of the possibility of a budget for CONACOES, a change that would potentially make a significant impact on the Commission’s ability to put concrete programs into action (CONACOES meeting, 7 June 2007).

Much of the public policy and practical efforts to combat the commercial sexual exploitation of minors has actually been as a result of prodding from the NGO sector, with significant financial and technical support from international organizations, in particular the ILO (Rodríguez 2003). Casa Alianza, the Latin American branch of the Catholic NGO Covenant House, under the direction of Bruce Harris, played a pivotal role early on with strategies to publicly shame the Costa Rican government that provoked the ire, and ultimately action, of many politicians. The aforementioned ambassador to the United States, Jaime Daremblum, reportedly even visited Sister Mary McGready, head of Covenant House in New York, in order to request that Harris be fired (Villalobos, 2001). Harris continued to force the Costa Rican government to take child sexual exploitation seriously until he was abruptly fired from his post due to the discovery of an affair with a 19 year old Honduran prostitute (Vizcaino, 2004).

While the Bruce Harris scandal effectively eliminated Casa Alianza in Costa Rica, Paniamor has been a leader in addressing the issue, and their Code of Conduct program, started in 2003, has been particularly successful in drawing attention to sexual exploitation by focusing on tourists. The Code essentially operates through informal

social control: businesses such as hotels sign the Code and receive workshops on how to identify and report child sexual exploitation. At a workshop I attended in May, participants were given statistics on trafficking and sex tourism in Latin America, newspaper articles about the sex trade in Costa Rica, and legal definitions from the Penal Code of various crimes against minors. Then participants, all employees at a local tour company, discussed their experiences and possible methods for dealing with customers looking to exploit children. Many of their comments echoed former President Rodríguez's indignation that Costa Rica be singled out as a sex tourism destination when "this doesn't happen just in Costa Rica, it's happening all over Central America and the Caribbean. Why is there so much publicity about Costa Rica if the other countries are the same?" (Code of Conduct workshop, Paniamor, 30 May 2006). Besides training workshops for all employees, participating businesses are expected to sign on in a public ceremony, display information about the Code, include a clause relating to the Code in all contracts with other tourism providers, and provide an annual report detailing all related activities (Interview, Paniamor, 17 May 2006). To date, one hundred and ninety businesses have signed the Code, which is widely recognized among NGOs and public institutions as a crucially important attempt to get the private sector involved and committed to fighting sexual exploitation. While there is of yet no method for measuring the success of the code or systematizing its' application, Paniamor is in the process of following up with signatories in order to assess the Code's implementation and create a 'best practices' document for future businesses that sign on (Interview, Paniamor, 17 May 2007).

Finally, FUNDESIDA is an NGO founded in 1990 that has traditionally focused on issues directly related to prevention and research of HIV/AIDS. However, since 1999 their attention has been directed at the commercial sexual exploitation of girls and female adolescents. Their current project works primarily with young women, providing group therapy sessions as well productive workshops designed to give the participants economic alternatives to prostitution. The current director, Miriam Fernández, is one of the few people working on this issue who also has experience with adults, having done a study of acceptance of the female condom among sex workers in the 1990s. When asked about the current focus on minors, she stated:

now that I work with adolescents, I've realized that it's the same story. Nothing has changed. These girls remind me so much of the adult women I worked with. The women are clear that [prostitution] is work. Personally, I don't agree that it's work. For me, it's a form of violence. That's why I call them "women in prostitution", because the power is always with the client. According to the women, they negotiate. But there's no negotiation. That's why it's not true that women have power, and why I can't consider it work (Interview, FUNDSIDA, 30 October 2006).

Miriam's comment seems to reveal at least a partial explanation for why NGOs and the state are so reluctant to address adult sex work, namely the ongoing debate, particularly

among feminists, about whether prostitution should be defined as violence or as work.¹ The lack of consensus around this issue is one reason why it may be easier to focus on minors: no matter what they actually tell us, by law minors are not able to make choices to participate in the sex trade and thus interventions to prevent their exploitation are straight forward and uncomplicated. This is also what allows Miriam to say:

When we bring the girls here, when we make contact with them, the first aspect that is very difficult is convincing them that this is not work. For them, it's a job, it's a way of making money. They don't consider it a violation of their very beings. With the population of girls that we have, none of them visualize sexual exploitation as exploitation. They see it as a way of making a living. A way of surviving. A way to bring money home. It's a form of abuse, but the adolescents believe they have power, the power to seduce an adult and get money out of him. We have to show them the way we look at it, as a misogynist adult abusing a girl (Interview, FUNDSIDA, 30 October 2006).

“La vida fácil”: State and NGO responses to adult sex work

One of the most obvious reasons for the focus on minors by NGOs and the state has to do with the legal context in Costa Rica. The country's penal code, reformed in 1999, as mentioned above, criminalizes remunerated sex with minors (article 160)², pimping and aggravated pimping (articles 169 and 170), and ‘ruffianism’ (living off the earnings of prostitution, article 171). In numerous interviews with NGO and state employees, I was told that Costa Rica's laws prosecuting the sexual exploitation of minors are strong, but still require more rigorous application, particularly outside of San José. Yet, what is most legally notable is that remunerated sex among consenting adults is not criminalized. Assuming that sex workers are over eighteen and working independently, their actions are not illegal. However, it is significant to note that the legal status of sex work was the source of significant confusion during my research, with numerous interviewees stating categorically that prostitution in Costa Rica is illegal. In general, most interviewees were reluctant to comment on adult sex work, creating a clear boundary between minors and adults. Despite the significant attention to the rights and protection of minors, the issue of adult prostitution remains somewhat confused, particularly with regard to the rights of sex workers.

The Costa Rican state has attempted to regulate prostitution in a variety of different ways throughout its history. Attention to prostitution in Costa Rica began in the

¹ This is a debate already long rehashed among feminists, see for example Barry 1995 and Jeffreys 1997 on prostitution as violence and Truong 1990 and Kempadoo 2004 on prostitution as work. The year I have spent talking with sex workers in San José about their lives has convinced me that it is strategic to theorize prostitution as work in order to support sex workers' struggles for better working conditions and the recognition of their human and labour rights.

² Non-remunerated sex with minors is, of course, also illegal, covered in article 161.

seventeenth century, as sex workers, the homeless, and the working classes faced increased vigilance in the name of public hygiene (Chacón Echeverría et al. 1993: 4). By the nineteenth century, prostitutes were thought of as delinquents, and in 1801 sex workers, described as vice-ridden, scandalous, and lazy, were expelled from the city of Alajuela and sent to the towns of Matina and Caldera where they were forced to perform domestic work for male prisoners working on road construction (Chacón Echeverría et al. 1993: 4). Diverse legal norms aimed at defining and regulating prostitution began to emerge starting in 1864, including lists of working prostitutes, sanitary registries, and police, health, and municipal records designed to facilitate the inspection and control of prostitutes (Marín 2006: 71). The 1875 Hygiene Law obliged prostitutes to submit to medical exams and a “health hospice” in San José was built in order to force the isolation of women with venereal diseases (Putnam 2002: 86). A “house of refuge” functioned as a space for the reform of women’s moral character, designed to shelter and reform prostitutes, “fallen women”, and young women deemed at risk of perversion (Chacón Echeverría et al. 1993: 4).

In 1894, the Law of Venereal Prophylaxis became the official basis of control of prostitution in Costa Rica, now defined as a trade, requiring all sex workers to register at a hygiene office either voluntarily or when compelled to do so by the police (Hayes, 2006: 21). The law also required women to have regular vaginal exams and allowed for the forced internment of women in the Venereal Prophylaxis Hospital if infected. Sex workers were to be fined or sentenced to a “house of reclusion” if exams were missed or for scandalous public behaviour. (Putnam 2002:87). Jailed prostitutes were taught cooking, sewing and cleaning by the Sisters of the Good Shepherd who ran the penal reform program (Hayes, 2006: 67). The law effectively divided prostitutes into public and clandestine categories, the former legally registered and working openly and the latter avoiding registration and usually combining prostitution with other economic activities (Marín 2005: 133). In practice, the authorities focused on punishing behaviour associated with prostitution, namely drunkenness, vagrancy, scandals, fights, venereal disease, and immoral conduct (Marín 2005: 135). The police began to treat all women considered to be of “doubtful honour” as prostitutes, especially concubines (women living with men without being married), single mothers, single women, and “queridas” (women living with married men) (Marín 2005: 136). Sex workers were thus the targets of medical discipline rather than direct judicial control. Police power was frequently abused and the system was severely backlogged with cases. However, Lara Putnam also makes the case that state regulation was ultimately relatively benign in practice: women had a great deal of control over the site and terms of their work, and many prostitutes, especially outside the central valley, did not bother to register and were not sanctioned (Putnam, 2002:110).

Despite a brief experiment at criminalizing prostitution via a new Sanitary Code in 1943, in 1949 the state returned its focus to the obligatory medical registry of all working prostitutes (Marín 2006: 111). The state’s anti-venereal program, run by the Ministry of Health, was divided into two sections in 1950: the central clinic treated the general public, while the annex clinic treated prostitutes (Interview, Alfredo Sanabria, 16 November 2006). The Ministry of Health, in conjunction with the police, regularly carried out sanitary raids that involved arriving in the red light district at night in military trucks (donated by the U.S. government after the second world war) and detaining all the women working in the vicinity, often up to 400 women at a time. They would be

unloaded in the patio of the Ministry of Health, where they spent most of the night lined up for vaginal and blood tests performed by nurses. The raids were also known as ‘penicillin rains’, because all the detained women were injected with penicillin and benedryl (in case of allergy) before they were released. Don Alfredo Sanabria, a social worker employed by the antivenereal section of the Ministry of Health for 50 years, notes that “during the raids no one ever complained. Never. But poor things, sometimes the sun would come up and they would still be there. In those days there was no such thing as human rights” (Interview, Alfredo Sanabria, 7 December 2006). Central to the policy was a document called a “carné”. Even when the numbers of mass raids began to diminish in the late 1960s and 70s (although more specific raids were still carried out regularly when cases of venereal disease were detected and connected to particular brothels), the state depended on the carné in order to ensure that sex workers were regularly tested for venereal diseases at the state anti-venereal clinic. The carnés were health cards and the women who carried them, along with Ministry of Health officials and the police, essentially considered them permission to participate in sex work. The card itself said nothing about prostitution; it simply included a list of appointment dates and test results. However the women used it to “convince their clients that they were fine. That was the problem. And of course, they could walk out the doors of the clinic, meet a client the same day and end up with gonorrhoea. So that was the problem, it was never a guarantee of anything. But it was called a health card, it was an official program of the state. Effectively it was the state providing authorization that the prostitutes were healthy” (Interview, Dr. Gisela Herrera, 23 October 2006).

During the 1980s, there was a general shift in Ministry policy. Rather than intervening directly with sex workers themselves, social workers from the anti-venereal department coordinated with the owners of businesses dedicated to prostitution using what they referred to as a role. The owner or administrator was in charge of keeping a list of the women who worked in their business, along with their national ID card numbers and the nicknames they used at work. The women turned over their carnés to the administrator after each appointment, so that when the Ministry of Health employees arrived for an inspection, they would simply compare the carnés and the roles in order to ensure that all the women working at that particular location were, as the Ministry called it, “in control” (Interview, Alfredo Sanabria, 7 December 2006).

There is on going confusion as to when the carné stopped being used, or at least when its’ meaning shifted. Dr. Gisela Herrera, head of the Ministry’s Department for the Control of AIDS from 1987 to 2001, claims that it was not until 1998 when the carné became an appointment card only, that included the disclaimer that “the person carrying this card is in control but this does not guarantee that they are free of STDs or HIV”. While the initial plan was to get rid of the card altogether, in workshops done with the sex workers who used the clinic’s services, the women asked to continue using the carné for their own protection. “They told us, ‘I need identification, it’s the only thing that saves me when the police arrest me and ask for money. I show them my carné and that I’m in control’. So we kept the cards, but changed the focus.” (Interview, Dr. Gisela Herrera, 23 October 2006). Dr. Gloria Terwes, current coordinator of the Unit for the Control of AIDS and STDs, run since 2002 by the Costa Rican social security system instead of the Ministry of Health, states that STD checks ceased to be obligatory for sex workers in Costa Rica as early as 1989, marking the end of the use of the carnés as health

cards. Dr. Terwes claims that the change came as a result of a successful constitutional court challenge to mandatory HIV testing. As a result, “in 1989, the Ministry announced that the carné would no longer exist as it had, but that sex workers were still expected to submit to systematic testing for the early detection of STDs. So the carné disappeared. Just like that. The carné only ever told you if you were infected or not, it never said ‘go out and prostitute yourself’. But the carné disappeared. The raids disappeared. And the Ministry’s night time visits to brothels disappeared too.” (Interview, Dr. Gloria Terwes, 8 December 2006).

It is clear that there is a great deal of confusion surrounding the role of the Costa Rican state in regulating sex work, and questions about the carné in particular seem to elicit a wide variety of confused responses even from within the state. In addition to the above contradictory comments from two doctors intimately linked to the Ministry’s programs, in an interview at the Defensoría de los Habitantes, an employee stated that while police cannot demand to see the carné, health inspectors can (Interview, Laura Fernández, 10 March 2006). At the legislative assembly, I was informed that the carné is optional, and that it provides proof that sex workers are disease free (Interview, Rolando González, 13 March 2006). What is absolutely clear is that the carné has played a disciplinary role: demanding to see women’s carnés became part of a long tradition of police harassment that has been common practice for decades, though never legally sanctioned. While the carné was never a form of official state regulation, police, brothel owners and even Ministry of Health officials all treated it as proof of eligibility to work.

The ILO, the IOM and Paniamor have been involved in police training in order to prevent the revictimization of minors reporting commercial sexual exploitation. The U.S. and UK governments have both contributed significant amounts of money and training hours in preparing the Costa Rican justice system to better investigate and prosecute sexual crimes against children. However, only the Defensoría, a state institution with significant moral authority but no legal jurisdiction, has attended to the rights of adult sex workers. Every Defensoría annual report between 1999 and 2007 includes some discussion of police harassment and detention of sex workers, either women or ‘travestis’.³ The Defensoría’s reports highlight the illegal nature of police actions, as well as the sexism inherent in the fact that men who benefit from sex work (namely clients, hotel owners, and taxi drivers) do not face social stigma or arbitrary detention. The Defensoría has worked with police to clear up misunderstandings about what is legal and illegal (for example, many police officers seemed to genuinely believe they were correct to detain women simply for being in the streets at night) and has sent frequent ‘reminders’ to police stations and the Ministry of Public Security that sex work is not illegal and that arbitrary detention is. In 2001 and 2002 the Defensoría opened files in response to complaints from sex workers about illegal detention. In both cases, the Defensoría strongly denounced police action as illegal and a form of social control over women, calling for increased communication between police and sex workers as well as

³ ‘Travesti’ literally translates to ‘transvestite’ in English. While this word is still regularly used in Costa Rica, I am reluctant to use its literal translation in English as ‘transvestite’ has largely been replaced with the umbrella term ‘transgender’ in academic, NGO, and queer political discourses. For this reason, I prefer to leave ‘travesti’ in Spanish.

disciplinary action against the police officers involved (Defensoría de los Habitantes, 2002: 836; 2001: 226).

The 2004-2005 annual report takes a new position in the context of ongoing police harassment, calling for the increased regulation of sex work in order to clarify rights and responsibilities and reduce confrontation between police and sex workers. The lack of a clear legal framework, the report argues, puts sex workers at risk from pimps, clients, and police (Defensoría de los Habitantes, 2005: 147). During 2006 and 2007, the Defensoría undertook a qualitative study of the living and working conditions of sex workers in the red light district, as well as their relationships with public institutions and NGOs. While the study's final conclusions have yet to be released, the 2006-2007 report included a brief discussion of the marginalization, stigma, and invisibility of this group of sex workers, in particular with relation to public institutions (Defensoría de los Habitantes, 2007: 114).

The Defensoría remains the only public institution with an interest in discussing the realities of adult sex work in Costa Rica. In two meetings set up by the Defensoría in order to discuss their study with feminists working at a variety of public institutions, NGOs, and international organizations, there was a great deal of reluctance to address the issue in any way. In particular, most women who spoke were unwilling to accept that prostitution is work, with one stating that "it doesn't matter what sex workers say, I know that prostitution is violence" (Defensoría meeting, 12 June 2007). Despite the insistence that women from La Sala, an NGO run by sex workers discussed below, that they want and need rights as workers, the general consensus seemed to be that feminists should support a vague set of undefined rights for sex workers, but definitely not labour rights (Defensoría meeting, 12 June 2007).

The question of the current state of sex workers' labour rights in Costa Rica was another issue that was difficult to unravel, even at the Ministry of Labour. Olga Umaña, Director of Legal Affairs, told me that work is supposed to be about personal growth, attaining a certain social status, and improving quality of life, implying that prostitution cannot be defined this way. When I suggested that there are many other types of work that also do not fit that description, she agreed, but said that at least those other types of work are "decent". The problem with prostitution, from her perspective, is that prostitutes "don't know how to do anything, they don't like to do anything. They don't want to pick coffee. They get used to making a lot of money very easily" (Interview, Olga Umaña, 23 February 2007). Also at the Ministry of Labour, a work place inspector stated confidently that sex workers do not have labour rights because prostitution is illegal (Interview, Jimmy Rojas, 23 February 2007).

As should already be relatively evident, services available to sex workers in Costa Rica are minimal. The previously mentioned Unit for the Control of AIDS and STDs run by the state social security scheme provides free STD testing, as well as treatment and prevention methods. The focus is entirely medical in nature, and does not provide any other type of support or services. While the current coordinator, Dr. Terwes, claims that the clinic also provides regular outreach into the community, there was absolutely no evidence of this in the eight months I spent visiting the clinic regularly, a fact confirmed

by other clinic employees. In addition to the clinic, there are two NGOs that work with adult sex workers, Fundación Rahab and La Sala.⁴

Fundación Rahab is an NGO founded in 1997 as a result of the executive director's religious conversion (Interview, Mariliana Morales, 9 March 2006). The evangelical Christian slant is evident in the organization's work, which includes a strong religious component. Fundación Rahab is the only organization in Costa Rica that is focused on getting women out of prostitution through finding alternative means of economic survival. Programs run for two years, beginning with an extensive interview and home visit, meant to include the entire family. The first year of the program involves intensive individual psychological support and group workshops on topics such as gender, self-esteem, family, and health. The second year is dedicated to job training, either in sewing, baking, or computers at the Fundación Rahab office, or with external collaborators (such as the Instituto Nacional de Aprendizaje, a well regarded state-run training and education institution which offers training in a wide variety of areas).⁵ Fundación Rahab also offers a micro business program that provides small loans so women can start their own businesses.

Renouncing sex work is not a pre-requisite for joining the program, though there is significant pressure on women to leave prostitution as soon as possible. Once they are given an economic alternative during the second year, however, they are expected to leave sex work. The language used at Fundación Rahab reflects its religious orientation (for example, they talk about women 'falling' back into prostitution), and women are rewarded for "paying the price" of leaving sex work (which for many, means living in extreme poverty) with access to resources. For example, during my year of participant observation at Rahab, the foundation was allotted a number of houses through the state public housing initiative. However, only women who had given up prostitution were eligible to receive a home, effectively excluding, and making an example of, the one woman in that particular group who admitted that she was still working in the sex trade. She had not "paid the price", or made a significant enough sacrifice to be considered worthy of further assistance. Fundación Rahab relies on a large network of collaborators who donate health care, legal aid, training, food, and clothing for program participants. Specific donors, such as the ILO and the U.S. Department of State, fund specific projects. Beyond this, however, it was almost impossible to get a straight answer about how Fundación Rahab's daily operations are funded (for example, the large house they occupy, the huge new building they are currently constructing, and the salaries of five paid employees). The executive director would only say that they receive minimal support from a number of churches and that they pray at the start of every work day for what they need, which God delivers. Fundación Rahab is undoubtedly providing much needed support for sex workers, particularly for those who are looking for help getting

⁴ I visited Fundación Rahab and La Sala at least weekly during a year of fieldwork in San José, Costa Rica, from September 2006 until September 2007. I observed and participated in workshops, chatted informally, did formal interviews, and drank a lot of coffee with the women involved in both projects.

⁵ It is worth noting the similarities between the traditionally feminine skills training offered at Rahab and what was offered to prostitute inmates by the Sisters of the Good Shepherd in the 19th century.

out of the industry. However, given that this is the only existing program of its kind in Costa Rica, its religious focus is worrying.

La Sala has been operating since 1993, although the project closed down for over a year in 2000 due to serious funding problems. La Sala is currently funded for six months of the year by IMAS (Instituto Mixto de Ayuda Social, the state-run institute for social welfare) and receives some funding from a small Dutch women's organization (Interview, Nubia Ordóñez, 14 March 2006). However, making ends meet is a constant struggle for La Sala. During the year that I visited them regularly, their water was cut several times and their office was robbed five times due to the insecure nature of the neighbourhood and the building where they are located. A coordinator and five volunteers, all former or active sex workers, run the organization. Their office opens from 10am to 1pm, providing a space for sex workers to drink coffee, socialize, and relax. Through a social service program requirement for undergraduate students at the University of Costa Rica, La Sala also offers periodic workshops and training put on by students in areas such as self-esteem, psychological support, massage, baking, dancing, and financial management, as well as celebrations of important dates such as Mother's Day, Christmas, and La Sala's anniversary.

La Sala's users live in situations of extreme poverty and social marginalization; most are over 40 years old and make only 1000 colones per client (around US\$2, at 2007 exchange rates). In this context, one of La Sala's most important achievements has been to secure state social security for the women considered 'indigents' (a definition that La Sala is quite willing to stretch to fit as many of its participants as possible). They are also currently attempting to obtain state pensions for some of the older women. The fact that La Sala is run both by and for sex workers is extremely significant, and its philosophy that sex workers must be respected and their rights guaranteed is certainly important and unique in Costa Rica and links La Sala to a broader movement for sex workers rights around the world. However, given the precarious financial situation of La Sala, the services currently offered are minimal and the organization struggles to be able to open its doors each day.

Both of these NGOs are providing much needed support to adult sex workers. However, one of the features of the sex trade in San José is the relatively clear spatial separation of each area where prostitution is concentrated. This observation was confirmed by the coordinator of La Sala, who pointed out that while the red light district where La Sala is located is in fact quite close to the sex tourist zone, Gringo Gulch (about ten city blocks), there is almost no cross over in terms of sex workers or clients. La Sala and Fundación Rahab provide services for sex workers in their respective surrounding areas (Fundación Rahab is located in the "pink light district" and has a slightly broader reach in terms of its users), but neither has experience working with women from the sex tourism industry. All of my interviews confirmed that there are currently no programs or institutions specifically aimed at meeting the needs of sex workers who work in Gringo Gulch, the area of San José characterized by a high concentration of foreign owned and frequented bars, casinos, restaurants, and hotels.

Fundación Rahab's philosophy of rescue and salvation prevents it from working on behalf of sex workers' rights, while La Sala's on going financial woes make anything beyond opening and providing coffee extremely difficult at the moment. Despite the importance given to the presence of minors in the sex trade, the experiences and realities

of adult women seem to be both unknown and unimportant to the very NGOs and public institutions that work so hard on behalf of minors. At a meeting in 2006, I was told that Paniamor has no official position of adult prostitution, as their mandate as an organization is to work on behalf of children and adolescents (Interview, Paniamor, 6 March 2006). In a later interview, however, I was told that while the country's current legislation frames the organization's actions, Paniamor recognizes the arbitrary nature of choosing eighteen as a cut off age, and they are not in favour of the "sexual exploitation" of adults either. They found the recent Swedish legislation that criminalizes the clients of prostitutes interesting and might potentially support a similar initiative in Costa Rica (Interview, Paniamor, 17 May 2007). A representative of the ILO also stated that the focus on minors is because "it's a crime. We could consider what happens with adults to be the same, but there is no law that obliges us to protect adults" (Interview, Adriana Hidalgo, 13 March 2006). The research and development officer at CANATUR, a private organization for tourism businesses, stated emphatically that all prostitution in Costa Rica should be criminalized in order to end the commercial sexual exploitation of minors and put a stop to sex tourism all together (Interview, Marcela Rojas, 8 March 2006).

Overall, there is a long and ongoing history of both harassment and invisibility of adult sex workers in Costa Rica. In the context of very public efforts to address the commercial sexual exploitation of minors, the silence around adult sex work in Costa Rica is deafening. On the one hand, NGOs argue that they are simply following the law in Costa Rica, as if the decriminalized nature of adult sex work makes it untouchable or a non-issue. On the other hand, it is difficult to expect that sex workers rights will be respected and defended if so many public employees believe that prostitution in Costa Rica is illegal. This lack of clarity is compounded by the stigma that continues to surround adult sex work in Costa Rican society. Time and time again, public employees referred to sex work as "la vida fácil", stating that sex workers should be picking coffee,⁶ or as a "un mal necesario", implying that prostitution prevents violence against "regular", "decent" women, while simultaneously causing the sexual abuse of children. The violence experienced by sex workers on the job remains, of course, unacknowledged.

Untouchable Gringos and Violent Nicas: Immigration and Tourism

Before concluding, I want to briefly suggest that it is crucial to consider this reality within the context of differential state and public attitudes toward different types of migrants. Since the 1980s, Costa Rica has been receiving vast numbers of migrants from a wide variety of countries and as a result of very divergent circumstances. The two largest groups of migrants are from Nicaragua and the U.S. These two groups include both temporary and permanent migrants, though their social demographic profiles and reasons for arriving in Costa Rica are decidedly distinct. The response on the part of the Costa Rican society to these two groups has also been markedly different: while Nicaraguan immigrants have faced ongoing and occasionally violent xenophobia, U.S. tourists and ex-pats have been welcomed with open arms and tax breaks.

⁶ A badly paid, difficult job now largely occupied by Nicaraguan immigrants and indigenous people. See Corella and Mediavilla, 2006.

The Instituto Costarricense de Turismo (ICT) was formed in 1955, but most tourism during the 1960s and 1970s was academic travel by foreign biologists (Evans 1999:219). The importance of tourism increased dramatically through the 1980s and 1990s as part of the structural adjustment of the Costa Rican economy. The most recent available statistics from the ICT indicate that in 2005, 1 679 051 tourists visited Costa Rica, of which 758 124 were from the United States and 86 906 were Canadian (ICT, 2005: 9). The country's tourism earnings for 2005 were US\$1 569 900 000, a figure even more impressive if compared to the next most important income earners, coffee, at US\$232.7 million, and bananas at US\$481.8 million (ICT, 2005: 47). While the law designed to entice U.S. retirees to Costa Rica was passed back in 1971, more recent legislation in the 1980s and 1990s, supported by the International Monetary Fund, allowed tax exemptions and profit repatriations for transnational corporations operating in the tourism sector (Willis, 2002: 139). Tax, importation, and credit incentives were created to encourage foreign and national investment in tourism, though multinational corporate interests received most of the benefits (Robinson, 2003: 195). Tourists, needless to say, play a crucial role in Costa Rica's economy.

The study of Nicaraguan migration to Costa Rica is relatively new, and while Costa Rica's national mythology of white settlement has made race an often difficult issue to address, Costa Rican racism against Nicaraguan immigrants is only beginning to be explored. Carlos Sandoval's important book on the subject explores media representations of Nicaraguans in Costa Rica, highlighting the "threat" that dark skinned, uneducated, violent Nicaraguans are imagined to pose to whiter, more peaceful, and better educated Costa Ricans. In this context, the word "Nica" has become virtually synonymous with immigrant and criminal (Sandoval, 2002). The current immigration law, which came into effect on August 11, 2006, has been criticized by academics, the Catholic Church, the Defensoría, and even the UN High Commission on Refugees as highly repressive and in violation of a multitude of human rights (see for example Venegas, 2005). While even the current director of immigration, Mario Zamora, calls the law "regressive" and "impossible to implement" (Murillo, 2006) and the congress is in the process of putting together another, presumably less repressive, law (Fallas, 2007), it was created and passed in the first place due to a climate of xenophobia specifically aimed at "Nicas". Communities with concentrations of people of Nicaraguan descent, such as La Carpio, have faced massive police raids to determine the immigration status of community members that have included worrying human rights violations (Brenes-Motoya et al. 2007).

Alternately, attitudes toward and treatment of tourists in Costa Rica have generally been benevolent, or at the very least tolerant. An opinion piece in the daily newspaper *La Nación* entitled "No descuidemos el turismo", discusses the importance of tourism and urges that "lo que debemos hacer es cumplir de la mejor forma con lo que ofrecemos" (Villalobos, 2007). While sex workers have long faced police harassment in Costa Rica, particularly surrounding the use of the Ministry of Health's carné as explored above, a new wave of repression has started recently but this time carried out by immigration police and targeting foreign sex workers. In the last year, there have been two raids per month directed at foreign sex workers in San José alone. What is most significant, however, is what an immigration police officer told me off the record, namely that during the raids the police only check the immigration status of sex workers, never of

the multitude of sex tourists who also populate the hotels where the raids are concentrated. When I asked him why, the officer responded “if we arrest a gringo, the embassy bothers us a lot. The gringos are untouchable” (Anonymous interview, immigration police, 21 February 2007).

Conclusion

Within the context of increasing dependency on tourism and a growing service sector dominated by women, sex tourism in Costa Rica has emerged as a major new industry during the last two decades. However, since the mid-1990s, and particularly after the news report by “20/20” in 2000, Costa Rica has found itself in the uncomfortable position of having to respond to increasing international attention to child sex tourism. My intention in this paper is certainly not to suggest that there is anything inherently misguided or wrong in working to address the commercial sexual exploitation of minors, clearly a serious problem in Costa Rica and deserving of state and NGO attention and resources. What I have tried to suggest here is simply that this is not the ONLY issue worthy of state and NGO consideration, and that the focus on this particular problem has been at the expense of addressing the much more complex and contradictory realities of the adult sex trade in Costa Rica, particularly for tourism. The focus on children is easier precisely because a victim can be identified that meets our criteria of who is a victim.⁷ The discomfort around addressing the participation of adult women in the sex trade does seem to reflect the by now decades old debate among feminists about whether prostitution is violence or work. This is exemplified in the above example of the insistence on the part of the women from La Sala that they are workers, and the resistance from feminists at the Defensoría meeting to recognize the need for labour rights for sex workers. Focusing on minors allows NGOs and the state to avoid this debate, as minors are legally considered unable to make the choice to participate freely in the sex trade. Thus the uncomfortable questions about why women, as well as minors, end up in the sex trade in Costa Rica, a country often considered an example of development and democracy in Latin America, can go unanswered and even unasked. The Costa Rican government, along with local and international NGOs, are able to continue to sit on the fence in terms of adult women’s participation in the sex trade, thus exempting themselves from having to address the labour and human rights abuses faced by women working in the trade or the structural conditions that lead them there in the first place, while still reaping the benefits of a thriving tourism economy.

⁷ This notion may also be considered deeply problematic. Though I lack the space to address this issue here, see O’Connell Davidson, 2005 for a brave attempt to tackle this subject.

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