

Pre-Publication Edition

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The Extent and Effect of Sex Tourism and Sexual Exploitation of Children on the Kenyan Coast



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A study conducted by UNICEF and Government of Kenya
Researched and Written by C. Sarah Jones

PRE-PUBLICATION EDITION

This edition has not been fully copy-edited and may contain some omissions and errors

The conclusions and recommendations in this report do not necessarily reflect the views of either the Government of Kenya or UNICEF

Table of Contents

Acknowledgements		iv
Executive Summary		v
Chapter 1	Background and Definitions	1
	1.1 Background	1
	1.2 Definitions	2
Chapter 2	Tourism, sex tourism and the economy	4
	2.1 Introduction	4
	2.2 Sex tourism and the global market	5
	2.3 The economy of Coast province	6
	2.4 Conclusion	8
Chapter 3	Prostitution, child sex work, gender and the law	9
	3.1 Introduction	9
	3.2 Prostitution and child sex work	10
	3.3 The law and child sexual exploitation	12
Chapter 4	Methodology	16
	4.1 Introduction	16
	4.2 Key Informant Interviews	17
	4.3 Enumeration of hotspots and hot spot mapping	19
	4.4 Focus Group Discussions	20
	4.5 Sex Worker Diaries	20
Chapter 5	Findings	22
	Introduction	22
	5.1 Key Informant Interviews	22
	5.1.1 Awareness of Child Sex Tourism	22
	5.1.2 Age of Initiation	23
	5.1.3 Understanding of CST	24
	5.1.4 Attitudes to Child Sex Tourism	25
	5.1.5 Process and Causes of Entry into CST	27
	5.1.6 Meeting places & location of sexual activity	28
	5.1.7 Perceptions of Price	30
	5.1.8 Numbers of Children Involved	31
	5.1.9 The Children and their Circumstances	33
	5.1.10 Living Arrangements	34
	5.1.11 Perceived Impact of Child Sex Tourism	34
	5.2 Sex Worker Diaries	35
	5.2.1 Venues of solicitation and sexual activity	35
	5.2.2 Client Type	35
	5.2.3 Nationality of Clients	36
	5.2.4 Type of Sexual Activity	37
	5.2.5 Condom Use	38
	5.3 Hot Spot Mapping	41

Chapter 6	Discussion of findings	44
	6.1 Strengths & weaknesses of the study and its methods	44
	6.2 First-hand Knowledge of CST	46
	6.3 Age of Initiation	47
	6.4 Age and Exploitation	47
	6.5 Acceptance and Approval of Child Sex Tourism	48
	6.6 Entry into Sex Work and Sex Tourism	51
	6.7 Points of Solicitation and Sexual Activity, Policing and Use of Public Areas	52
	6.8 Pricing and the Economics of Sex Tourism	53
	6.9 The Children and Their Circumstances	55
	6.10 Clients, Tourists and Risk Behaviour	57
	6.10.1 Nationality and Sexual Behaviour	57
	6.10.2 Nationality and Condom Use	58
Chapter 7	Recommendations	59
Chapter 8	Way forward	70
	8.1 Introduction	70
	8.2 District Action plans	70
	8.2.1 AAC-CSET sub-committee	71
	8.2.2 Draft Action Plan	71
	8.3 National Steering Committee – TOR	80
	8.3.1 Committee structure	80
	8.3.2 Purpose and objectives	80
Bibliography		83

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Acronyms

ACRWC	- African Charter on the Rights and Welfare of the Child
AIDS	- Acquired immunodeficiency syndrome
ANPPCAN	- African Network for the Prevention and Protection Against Child Abuse and Neglect
CBO	- Community-based organisation
CP	- Child prostitution
CRC	- Convention of the Rights of the Child
CSEC	- Commercial sexual exploitation of children
CSET	- Commercial sexual exploitation of children in tourism
CST	- Child sex tourism
CSW	- Commercial sex worker
DHSS	- Demographic Health Sentinel Survey
ECPAT	- End child prostitution and tourism
EPIK	- End Child Prostitution in Kenya
FGD	- Focus group discussion
FBO	- Faith-based organisation
GIS	- Global information system
GoK	- Government of Kenya
HIV	- Human immunodeficiency virus
IEC	- Information, Education, Communication
ILO	- International Labour Organisation
INGO	- International non-governmental organisation
IPEC	- International Program for the Elimination of Child Labour
KI	- Key informant
MSM	- Men who have sex with men
NGO	- Non-governmental organisation
PLWHA	- Persons living with HIV/AIDS
STI	- Sexually transmitted infection
TORs	- Terms of reference
TPU	- Tourist Police Unit
UN	- United Nations
UNICEF	- United Nations Children's Emergency Fund
UNCRC	- United Nations Convention on the Rights of the Child
VCT	- Voluntary counselling and testing

Executive Summary

The commercial sexual exploitation of children in coastal areas exposed in this report is a shocking violation of their rights, and a reflection of the profound risk potentially faced by all children in Kenya. Some ten to fifteen thousand girls living in coastal areas of Malindi, Mombasa, Kalifi and Diani are involved in casual sex work – up to 30% of all 12-18 year olds living in these areas. A further two to three thousand girls and boys are involved in full-time year round commercial activity. Many full-time child sex workers have migrated to the coast from other parts of the country, and have often been inaugurated into sex work before they arrive. The sexual exploitation of children is not limited to coastal areas or to tourists, but can be found in communities across Kenya. About one in ten children involved in sex work are initiated before they reach puberty.

The level and acceptance of sexual exploitation of children in coastal areas puts all children in Kenya at risk. It reflects a fundamental breakdown and corruption of families and communities, and a failure of the authorities to provide protection to children and to prosecute those responsible for promoting and profiting from child sex work. Tourists that exploit children are at the centre of a ring of corruption that involves many from the local community. Child sex workers are often compelled to deliver sexual services to Kenyans – beach boys, bar staff, waiters, and others – in order to access tourists. During the low tourist season, the local market for child sex workers keeps the system going.

The sexual exploitation of children therefore thrives because of the complicity of a broad section of the local community. While some children are driven into transactional sex because of poverty, the high level of acceptance of child sex work in coastal communities makes it relatively easy for children to drift into casual sex in exchange for no more than extra pocket money. Many younger girls reported that they begin in local bars to gain experience and money to allow them to buy clothes, accessories and hairstyles that will enable access to the tourist market.

Overall, 38% of the clients of child sex workers consulted for the survey were Kenyan. Tourists exploiting children for sex came from many countries, with the most common offenders coming from Italy (18%), Germany (14%) and Switzerland (12%).

Coastal communities are among the poorest in Kenya. The lucrative tourism industry has failed to deliver significant benefits and employment for host communities, and this has exacerbated and increased the vulnerability of children to sexual exploitation.

Child sex workers are not criminals. They are the victims of sexual exploitation. It is vital that the adult perpetrators and not the victims themselves are prosecuted for these crimes. At the same time, it must be recognized that the use of raids or the exclusion of children from certain public areas as the central plank of a reduction programme risks driving the activity underground, leading to greater marginalisation, increased risk of exploitation and even less protection.

The Kenyan government, civil society, the tourist industry, the broader private sector must urgently come together to prevent and end the sexual exploitation of children. The countries whose nationals are exploiting Kenyan children also have a key role to play in preventing these heinous crimes.

The study presents the following key findings:

1. Magnitude

- The study identified two distinct groups of children engaged in sex work: those who work as informal sex workers on a casual and ad hoc basis and those who engage in sex work as a full-time income generating activity.
- Children involved in sex work and sex tourism are not a homogeneous group. As many as 45% of children engaged in sex work with tourists are from outside coast province with large numbers coming from Eastern, Central and Western provinces.
- Sex workers include children whose basic needs cannot be met by family for reasons of unemployment, under-employment and loss of one or both parents. However, over 50% of child sex workers have parents in employment and are still attending school in the resort areas but would like to earn additional pocket money. However, as they operate within their own home communities they are usually discreet and careful not to be seen by older members of their communities.
- The population of children between 12 and 18 years of age in the districts under study, from education and KDHS survey data, is estimated to be approximately 100 -120,000 of which 60-65,000 are girls. Of that number, it is estimated that 40 – 50,000 live in and around the resort areas. From the various sources of data and triangulation, a conservative assessment of the involvement of girls in sex work and sex tourism is between 25% - 30%. In numerical terms that represents a figure of 10,000-15,000. However, the number of children engaging in sex tourism as a full-time year round commercial activity is much lower at a figure of 2,000 – 3,000.

2. Vulnerability of children involved in Child Sex Tourism (CST)

- More than half the girls engaged in full-time commercial sex work are living apart from family, parents and guardians.
- Of that group, the majority are living in communities of sex workers and sharing the rental of rooms between 4-6 girls.
- Of child sex workers from resort areas, 40% had lost one or both parents.

3. Widespread acceptance and approval of the practice of CST

- More than 75% of key informants¹ either accepted the practice of CST as normal and tolerable or actively approved of it. Only 20% saw the behaviour as immoral. Approval of the practice was associated with it bringing wealth and advantage to individual girls and their families and generating income that would benefit various sectors of the community.
- 59% of key informants thought boys involvement in sex tourism as beach boys, procurers and middlemen or engaging in sex work with tourists was acceptable.

3. Early initiation into transactional sex

¹ **Key informants** were drawn mostly from the tourism industry (hair/massage salon keepers, curio sellers, waiters, bar staff, beach boys etc.) but also including government staff, members of NGOs, parents, students, community leaders, and representatives of faith based organizations.

- All data sources indicated that more than 45% of girls involved in prostitution and child sex tourism began transactional sex for cash or for goods and favours between the ages of 12 and 13 years.
- More than 10% of girls begin transactional sex below 12 years of age.

4. Child sex tourism is intricately and closely linked to child prostitution

- 39% of the clients of child sex workers in the study were Kenyan men.
- Child sex workers provide sexual services to Kenyan hotel workers and beach boys in order to gain access to tourists.
- The existence of a local demand for child sex workers sustains the sex tourist market during low seasons or tourist market fluctuations.

5. Economics of child sex tourism

- Child sex tourism is highly lucrative and drives the informal and the commercial sex trade. The disparity between a family's capacity to generate goods and income and what can be earned in sex work feeds the domestic culture which encourages children to seek out tourists
- Average prices paid by tourists in each age category:

<12	-	1,000 -2000KSH
12-16	-	1,000 -2000KSH
16-18	-	2000 – 5,000KSH
- Price paid for anal intercourse ranges between 5,000 – 10,000KSH
- The daily rate of casual labour for a child is between 80 -120 KSh and for an adult 300-500 KSh

6. Clients and risk behaviour

- In the study sites, Italians, Germans and Swiss men rank as the top three clients of under-age female sex workers at 18%, 14% and 12% respectively. These three nationalities were significantly more active with under age girls than other nationalities. Ugandans and Tanzanians ranked fifth and sixth in the client group. British and Saudi Arabian men ranked seventh and eighth.
- Anal sex represented 12% of all sex acts but 30% of all sex acts with Italian men
- No condom was used during 32% of all penetrative sex acts and 42% of all acts of anal sex.
- Kenyans, Italians and Germans ranked as having the lowest condom use.

Recommendations

- The Kenyan government, civil society, the tourist industry and communities themselves must recognize that child prostitution is a widespread in Kenya. Swift, effective action backed by financial and human resources is urgently needed to ensure the protection of children and prosecution of adult perpetrators. Combating child sex tourism requires commitment of the community and overt condemnation and disapproval of the behaviour itself and not merely of the actors
- There must be a major shift in thinking and values away from punishing the child and his or her family and instead holding the people who engage in transactional sex with minors as accountable and responsible. This needs to be the starting point for developing a plan of action and for all communication campaigns.

- Because of the large number of children coming to the coast from other parts of the country to engage in sex work with tourists, Child Sex Tourism needs to be understood as a national and not just a local problem confined to the Coast province.
- Legal instruments must be reviewed to ensure third parties to the sexual exploitation of minors can be held responsible and accountable and the courts be given the power to enact costly penalties e.g. closing establishments, increased monitoring of long-term foreign tourists etc..
- The active involvement and commitment from Treasury, Ministry of Tourism, Ministry of Justice, Ministry of Home Affairs, and Ministry of Foreign Affairs and the Ministries of Education and Health are required for any reduction measures to carry weight and be sustainable. Particular efforts need to be addressed to training and accountability of police officers.
- The Government and its partners need to consider how and in what ways poverty reduction programmes can be stepped up in the areas which surround the key tourist strips. eg. target children and youth, creation of vocational training opportunities, greater role for youth in economic planning, increase availability of secondary school places, shifting training institutions such as Utalii and certain Government of Kenya offices from Nairobi to Coast Province, long-term funded school feeding programmes, etc.
- The Government needs to be clear about its own priorities and to recognise the inherent conflicts between the stated objective to substantially increase the numbers of tourists coming to Kenya and its commitment to assuring child rights and child protection.
- The Government should play a more active role in the global tourism arena including participating in global conferences on child sex tourism and paedophilia reviewing policies and strategic plans for tourism in Kenya to encourage the kinds of tourists and tourism that respects and supports local customs and values, and marketing Kenya to that specific market

Chapter One Background and Definitions

1.1 Background

Children's involvement in sex tourism on the Kenyan coast has been a concern for government and certain NGOs and a recurring issue in the press and the media for more than five years. In 2001, a report was prepared for UNICEF on sexual exploitation of children in the Eastern and Southern Africa region.² This report looked at the forms of sexual exploitation in the region and drew attention to the rising numbers of children involved in commercial sexual exploitation. One of the findings of this early report was the difficulty of planning interventions around commercial sexual exploitation of children (CSEC) because of a general lack of data and information. Kenya, at that point, had recently adopted a national plan of action on child sexual exploitation.

In 2002, ANPPCAN for ILO/IPEC prepared a report on best practices for addressing commercial sexual exploitation, and looked at some of the agencies in the country that were addressing sex exploitation issues.³ Neither of these reports describes the scale of children's involvement in sex tourism. The first report to look closely at the issues surrounding sex tourism was presented at a symposium in Norway in 2003.⁴ This report discussed the issues of sex tourism in general terms. The report was a useful contribution to the broad discussion of sex tourism and gender, but was not specific about child sexual exploitation.

It was in 2003 that the Government of Kenya, through the Ministry of Tourism and Information, reported on sexual exploitation of children in tourism (CSET) at a workshop on child protection. This was the first time that the Kenyan government had publicly admitted to CSET. However, the report again noted the lack of data on children's involvement, even as it noted that the problem seemed to be increasing.

The first study on commercial sexual exploitation of children was conducted by ANPPCAN. This study offered a rapid appraisal and situational analysis for the whole of Kenya. The study recognised that children's involvement in prostitution and sex tourism was both significant and overt.⁵ Of necessity, the study relied on second-hand reporting of a small sample of key informants and the observations of the researcher. The first rigorous study on child exploitation at the coast was conducted by Ramona Wong-Grünwald in 2005.⁶ This study was to look at the attitudes of individuals towards CSET.

² "Analysis of the Situation of Sexual Exploitation of Children in the Eastern and Southern Africa Region: The Vicious Cycle of Sexual Exploitation, HIV/AIDS, Vulnerability of Children and Violations of Children's Human Rights." Nairobi: *UNICEF*, 2001.

³ Onyango, Philista. Report of a Study on Good Practices Interventions Against CSEC in Kenya. ILO/IPEC, April 2002.

⁴ Omondi, Rose. "Gender and the Political Economy of Sex Tourism in Kenya's Coastal Resorts." Presented at the International Symposium/Doctorial Course on Feminist Perspective on Global Economic and Political Systems and Women's Struggle for Global Justice: Norway, September 2003.

⁵ Onyango, Philista. A Study on Commercial Sexual Exploitation of Children in Kenya. ANPPCANReport, 2004.

⁶ Wong-Grünwald, Ramona. *Commercial Sexual Exploitation of Children in Tourism: A Perception Analysis in Kenya*. Munich: University of Trier, July 2005.

The study focussed on the perceptions of key informants drawn from tourist sector management, government, and women's groups, with the broad objective of assessing the understanding of the ECPAT Code of Conduct and the willingness of stakeholders to implement the Code. One of the findings of the study was that there was a perception that enacting the Code might be regarded as anti-tourism, and that the government would need the support of a number of different agencies and stakeholders if it were to play a key role in implementing the ECPAT Code of Conduct.

The study covered in this report was commissioned by UNICEF for the Government of Kenya to support the Government's initiatives around the ECPAT Code of Conduct. Studies of children's involvement in sex tourism have been conducted with ECPAT's support in Thailand, India, and Sri Lanka. This study benefited from the valuable lessons learned from those surveys.

The Kenyan reports and studies conducted elsewhere have a common recognition and understanding that studying children's sexual behaviour and children's exploitation is problematic for an array of socioeconomic and political reasons. Whatever the context, children who engage in transactional sex (whether forced to do so or not), are a hard-to-reach population – difficult to quantify and to analyse.

The second common theme is the recognition of chronic poverty as a cause and reason for children's engagement. All of the studies and reports recognise the inadequacy of legal instruments and the unwillingness of most governments to come out strongly against CSET for fear of destabilising the tourist market. Finally, there is little in these reports about the children themselves in these tourist areas and the context in which they live.

1.2 Definitions

This report employs a variety of different terminologies in its discussions of aspects of child sexual exploitation, sex work and sex tourism. There have been concerted efforts by UN and non-governmental agencies to develop and to agree upon definitions that refer to sexual abuse and exploitation of children. While there is now greater shared understanding of the many terms used, certain definitions which are generally useful do not always capture either the complexity of the activity or the actors that they attempt to describe. Importantly, child sex tourism has been defined and redefined for the purpose of ensuring uniformity of understanding between countries which will in turn allow for better national legislation and greater protection of minors.

The commercial exploitation of children is addressed in the CRC but the Convention is further strengthened by the Optional Protocol Article 10 which commits signatories to “take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.”

In January 2005, the subgroup against Sexual Exploitation of Children, NGO Group for the Convention on the Rights of the Child defined child sex tourism as:

“the commercial exploitation of children by men or women who travel from one place to another usually from a richer country to one less developed, and there engage in sexual acts with children, defined as anyone under the age of 18”⁷.

However, the subgroup insisted that this general definition should not restrict understanding to “tourism organized specifically around commercial exploitation or simply stress the prior intention of the traveler: it needs to cover situational exploiters as well as the variety of legal and illegal business operations that contribute to tourism industries within which children are sexually exploited”⁸

The work of the Subgroup has thus broadened the definition of child sex tourism and recognizes that ‘sex tourists’ are not exclusively holiday-makers but also business people, transport workers, and military personnel. It also recognizes that **sex tourists are not necessarily foreigners but also those persons who can be away from home in their own country.**

The study is primarily concerned with children who are exploited and not with the exploiters or clients i.e. the supply rather than the demand side of the sex tourism equation. However, to understand how systems of child prostitution and child sex tourism operate in Kenya this report does address the broader issues, as well as looking at the activity and its actors and stakeholders from a number of perspectives. In approaching issues around child sex tourism from a range of perspectives, this report hopes to challenge prevailing attitudes which hold children - individual girls and boys - responsible for their own exploitation.

The first part of the report includes discussions of the tourist industry in relation to the local economy and how sex tourism, rather than being an isolated and outlawed activity, is integrated into the local economies and communities; how children’s sexual exploitation and particularly girl’s involvement in prostitution and sex tourism can be regarded as a manifestation of gender inequities common to the local communities and to other parts of the country; and a consideration of the legal instruments that currently exist and to what extent these are effective in offering children protection from exploitation by tourists and by families and others. This is followed by the findings of the study itself and a discussion of the findings.

⁷ *Semantics or Substance* Subgroup Against Sexual Exploitation of Children, NGO Group for the Convention on the Rights of the Child

⁸ Ibid

Chapter Two - Tourism, sex tourism and the economy

2.1 Introduction

In the findings and discussion to follow, much is made of the push factors which bring children into prostitution and sex tourism. However, the key 'pull' factor is, of course, tourism itself. An understanding of sex tourism and child sexual exploitation in Kenya is incomplete without a close analysis of Kenya's tourist market and global tourism.

Kenya, like many developing countries, embraced international tourism as a means of accelerating economic growth. It was seen for many years both as supporting economic development and as a dependable source of foreign earnings. There were thought to be many benefits at local, regional and national level. Tourism would bring resources to communities because, unlike most economic activity,

“the consumption of tourism products occurs at the place of production (the destination) it has, through its various possible linkages and associations with other industries (i.e., transport, agriculture, fishery, forestry, construction, handicrafts), potential multiplier effects on the local, regional and national economy.”⁹

However, closer analysis and evaluation of tourism in Kenya suggests that far from bringing revenue into areas, tourism actually drains resources from the host communities. It is estimated that as much as two-thirds of tourist revenue returns to foreign-owned tour companies and airlines¹⁰. In addition, commodities such as food and other products are frequently imported into the areas, albeit from other parts of Kenya. As a result, only very insignificant amounts of the revenues from tourism trickle down to the local communities and populations who, if they are employed, are usually in servile and low-paying jobs, and bear most of the negative social and environmental impacts of tourism development. Most do not have any regular employment. Excluding Mombasa District, less than 13% of the population is in wage labour, with only 6.2% in wage labour in Kilifi. The host populations clearly derive little direct or indirect benefit from tourism.

In recent years, the little revenue that was trickling back to local businesses and the communities has been reduced by more and more hotels and tour operators offering all-inclusive package holidays to tourists. The all-inclusive package means that the tourist pays in advance for a holiday which includes all meals, beverages, trips and internal flights, etc. Hence, the tourist does not expect, and is not obliged, to spend any money at his/her destination point and the tourist dollar is unlikely to reach the grassroots. The effect is felt by the communities and by hoteliers. Industry respondents reported being increasingly squeezed by international tour operators to offer more for less. This was particularly true during the lean years from 2002-2005 when a decrease in tourists to the region forced hotels to offer more and more competitive pricing in order to secure

⁹ John Akama: **The Efficacy of Tourism as a Tool For Economic Development in Kenya**

¹⁰ Ibid.

business from international operators. From their perspective, the only way for hotels to recoup on their “losses” was to keep tourists within the hotels i.e. shops, salons, nightclubs and entertainment all within the hotel compounds.

The Government and the Ministry of Tourism have a million tourists a year as a major goal, although this goal has yet to be reached. However, increasing evidence from research conducted in Kenya in the last decade suggests that, as the situation stands at present, this brings no benefit to Kenya, its economy and Kenyans. As Akama notes: “the success of tourism development ought not be measured just in terms of increased numbers of tourist arrivals and gross tourism revenues, but should also be evaluated according to how the industry is integrated into local and regional economy, and how the industry benefits local communities at the grassroots level.”¹¹

2.2 Sex tourism and the global market

Tourism is now one of the largest global industries. This means that the sector wields immense economic power and influence and, as a result, also exerts political influence. Thus, it is important to understand how and in what ways the influence of the global industry affects local economies and shapes the behaviour of tourists and the host populations. Despite the scale of global tourism, the market is volatile and unstable as Kenya well understands: social, political and economic change in countries of origin and destination of tourists affect consumer choices of destination and can also shape the market itself – these can have either positive or negative effects on the local tourist sector and the behaviours of the local populations. The contradiction for host governments, particularly those highly dependent on tourism and the foreign exchange that it brings, is that while recognising that certain kinds of tourism and tourist behaviour are not necessarily acceptable, appropriate or even legal, to exert control on the sector and tourists might jeopardise a lucrative market.

Sex represents an important tourist attraction in many countries, either very explicitly, as in the case of Thailand and Amsterdam, or more covertly, as in a number of Asian and African countries. For most people, travel and sex are frequently linked, even among those travelling in their own countries. This is even truer for the holiday maker:

“Sex is widely understood to be part of the tourist experience, and whether with other tourists, with local ‘holiday romances’, or with sex workers, many people expect to have more sex whilst on vacation.”¹²

However, while this is understood and the research shows this to be universal¹³, it goes largely unacknowledged, i.e. at the individual level, as well as at the level of tourist marketing; few admit that this is a key component of holiday making.

¹¹ John Akama

¹² J.O’Connell Davidson 2004

¹³ J.O’Connell Davidson 2004 cites Oppermann 1998; Clift and Carter, 2000; Ryan and Hall, 2001

In fact, there is a body of literature which argues that sex tourism, far from being deviant behaviour is “*a form of behaviour quite consistent with the motivations that underlie much of tourism*”¹⁴. This presents a real challenge to agencies both governmental and non-governmental wanting to limit sex tourism, but not wanting to disturb the tourist *status quo*. European and North American tourists have psychological and emotional needs that they expect to be met when travelling to “exotic” locations which include: exploring the unknown, excitement, novelty, variety, of recapturing youth and of acting out fantasies of being powerful¹⁵. Therefore, many tourists arrive in Kenya with either a conscious or an unconscious desire to engage in sexual activity with the local population – not necessarily with a plan or an expectation of finding sex workers.

Travel agencies and tour operators in Europe and North America as well as in Kenya are fully aware of this desire. Marketing of ‘exotic’ beach locations such as the Kenyan coast often includes photographs of young men and women in scanty ethnic dress. There is a subliminal message to the tourist that these men and women are also available and part of the holiday package.

Another component of the expectation and the desires of a portion of the tourist and traveller market is the desire for ‘risk-taking’ and new thrills. Seeking out a man or woman - or child - for sex from another nationality or culture in an unknown place represents the thrill element in the holiday¹⁶. The tourist’s expectation of increased sexual activity, combined with a desire to indulge in riskier behaviour than he would indulge in his home country means that he is more inclined to proposition a child, demand sexual services that he would not normally expect and, very importantly, not use a condom.

2.3 The economy of Coast province

In three of the four districts under study, tourism and its associated sub-sectors represent the major economic activity within the formal sector. Formal employment opportunities outside of the tourist industry and government are few. There are a very few companies e.g. Bamburi Cement, and Tiomin mining, who employ or will employ people in any significant numbers. Most people are employed in the informal sector, mainly in agriculture.

Agriculture and agricultural processing, along with tourism, provide the bulk of direct and indirect private sector employment in Coastal province, but the agricultural sector has been affected by several years of severe drought. Most of the farming is small scale in nature with average land sizes of 10 acres. Work on larger farms is mainly seasonal casual labour.

Fishing offers potential for earnings, particular since the adoption of the “Exclusive Economic Zone” which extends 200 nautical miles seaward, but the sector is under-

¹⁴ Chris Ryan and Rachel Kinder 1996

¹⁵ Ibid. Reasons given by men for seeking out sex workers while on vacation

¹⁶ Ibid

resourced with weak marketing systems. Local fishermen use dugout canoes and small motorised boats for fishing, which confines fishing to the shallow waters and thus limits the growth of the sector.

Significant to any discussion of the coastal economy is the high proportion of constituencies in the province that rank in the lower half of the national poverty table. Table 1 shows the household livelihoods in relation to employment sector. Excluding Mombasa District, less than 13% of the population is in wage labour, with only 6.2% in wage labour in Kilifi. This raises important questions as to the contribution of the tourist sector in creating jobs and opportunities.

Table 2 gives comparative socio-economic indicators for the four districts. Excluding Mombasa, more than half the population in the three districts live in absolute poverty, with Kilifi and Malindi having levels of poverty greater than 65%. It can be easily argued from these figures that the host populations are deriving little direct or indirect benefit from tourism.

Table 1: Sectoral contribution to household income

Sectoral contribution to Household income	Mombasa	Kilifi	Malindi	Kwale
Agriculture	1%	80.60%	20.30%	80.60%
Wage employment	60%	6.20%	12.80%	8.60%
Urban self employment	24.40%	11.40%	14.40%	6.20%
Rural self employment	<1%	1.85%	37.25%	1.85%
Others	14.60%	<1%	15.25%	
Population unemployed	189,246	231,978	41,423	81,498

Table 2 Socio-economic indicators by district

Socio-Economic indicators	Mombasa	Kilifi	Malindi	Kwale
Total no. of households	183,540	90,311	52,165	92,594
Average household size (persons)	4	6.6	5.8	5.3
No. of female headed households	47,043	14,296	7,511	29,352
No. of child headed households	Not available	Not available	Not available	162
Children needing special protection	8,893	26,104	56,880	6553
Absolute poverty (no. & %)	217,402 (38.32 %)	398,445 (66.8%)	198,120 (65.9%)	273,554(51%)

It seems that not only are the assumptions that tourism would improve the standard of living of the local population not proven, but tourism may, in fact, be a cause of impoverishment. Unchecked purchasing and development of land that could be used for subsistence farming, for example, has a direct effect on household livelihood security.

2.4 Conclusion

What is critical for the Government of Kenya from the above discussion is the fact that there are, for very different reasons, the pre-conditions in place for sex tourism and sexual exploitation to thrive:

- weak local economies,
- insufficient leakage of tourist receipts in to those economies,
- high levels of household poverty and unemployment and
- the high turnover of tourists who see a beach holiday in an exotic locale as being incomplete without sexual encounters with the local population.

The sexual transaction between tourist and sex worker (professional or not) is the meeting point of different needs.

Chapter Three - Prostitution, child sex work, gender and the law

3.1 Introduction

Transactional sex, the rendering of sexual services in exchange for money, food or other payment in kind, is well understood to play a major role in community and household economies in the region. Studies conducted in sub-Saharan Africa on transactional sex and HIV/AIDS have noted different forms of transactional sex, and researchers use a variety of terms to delineate the different types and categories, such as survival sex and informal sex. These definitions or categories expand our understanding of the complex field of sex work and help to confront some of the prejudices and misconceptions that are common regarding why women and girls engage in transactional sex.

‘Informal sex’ is used here to cover the number of forms of transactional sex which are common in the region but are distinct from what is understood as commercial sex work. Janet Maia Wojcicki uses the term where “sex can be exchanged for drinks, food, or a non-specific amount of money, and the sex-for-money relationship can be for one night or more long-lasting.”¹⁷ Within this category are the “sugar daddy” relationship described in studies conducted in Uganda and Cameroon, where young girls have relationships with older men in exchange for school fees, rent, money for clothes etc. What separates informal sex work from what is understood by commercial sex work is that the work “is viewed as functional and economically instrumental.”¹⁸

In Kenya and the region, the practice of informal sex has a long history:

“...large numbers of Bahaya women have been migrating to urban areas throughout East Africa to practice informal sex work since the 1930s, and have built houses for themselves, bought land, paid school fees, repaid bride-wealth... Haya women who practiced wazi wazi prostitution in Nairobi helped buttress their fathers’ suffering finances during the depression and were seen as dutiful daughters. ...other Kenyan women migrated to Nairobi during the 1920s, practiced informal sex work and became household heads and independent property owners.”¹⁹

In what appears to be true for many parts of the region and for periods of history, informal sex was not stigmatised where there was economic necessity and benefits accrued to family. Researchers cite different marital arrangements which allowed for multiple partners at different periods in countries such as Zaire and Nigeria. There are

¹⁷ Wojcicki, Janet Maia. “Commercial Sex Work or *Ukuphanda*?: Sex-For-Money Exchange in Soweto and Hammanskraal Area, South Africa.” *Culture, Medicine, and Psychiatry* 26 (2002): 339-370.

¹⁸ Ibid

¹⁹ Kaijage, 1971 and White, 1991 as cited by Wojcicki 2002

other examples where to be an ‘outside wife’ i.e. not formally married, offers greater economic security than to be an ‘inside wife’ and formally married.²⁰

For readers of this report, the value of looking at the general perceptions and the history of commercial and informal sex work in Kenya is that it helps frame any debate around prostitution and child prostitution in particular. The notion of “good wife” and “bad prostitute” is not helpful either for understanding sex work in Kenya or for proposing solutions.

3.2 Prostitution and child sex work

An important distinction is made here between the history and forms of sex work in which women and girls in the country engage, and a discussion of prostitution itself as a trade in women and children. The global sex trade which includes prostitution, child prostitution and various forms of pornography is now said to worth US\$ 54 billion a year. In the face of the immense scale of the sex industry, it is easy to forget that at its root, commercial sex turns the bodies of women and children into commodities that can be bought and used at will. This cannot be emphasised enough.

The debate around prostitution is a difficult one. Even among the many women who work in the area of gender and sexual exploitation there are major disagreements as to how prostitution should be regarded, and how it should be treated under the law. At one end of the spectrum there is the view that sex work is work, and that it should be legalised and recognised. This would confer professional status on sex workers and would offer them greater protection under the law. It would also, it is argued, allow the trade to be more closely regulated, i.e. if adult sex workers were allowed to conduct their business, it would then be easier to police the sector and to keep minors from joining its ranks.

At the other end of the spectrum, it is argued that child sex tourism is a misnomer, that it is one aspect of the adult sex tourism industry which is a yet another facet of the prostitution industry, and that prostitution is, by its very nature, abusive and exploitative of women. Supporters of this position argue for a strong anti-prostitution policy approach and zero tolerance, where all forms of prostitution are banned.

Where both positions agree is that prostitution is a function of gender inequity at both global and national levels. Gender inequities are built into the fabric of societies that, in turn, leads to structural gender-based violence, of which prostitution is a form. The widespread notion that women and children have a ‘choice’ as to whether or not they engage in prostitution obscures the fact that it is their very limited access to resources and opportunities that frequently gives them little choice.

It is convenient for many men to believe that sex workers are happy in what they do, that the work is easy and that it is a lack of morality and work ethic that brings women into

²⁰ Karanja, W.W. “Outside Wives’ and ‘Inside wives’ in Nigeria: A study of Changing Perceptions in Marriage. Transformations of African Marriage D. Park et alia Manchester University Press (1987)

the business. Focussing on the short-comings of individual sex workers hides the violence of the trade itself: “sex that men buy in prostitution is the ‘same sex they take in rape - ...disembodied, enacted on the bodies of women who, for the men, do not exist as human beings, and the men are always in control’”.²¹ The exchange of money does not transform the act into something acceptable.

The extent to which women and children are vulnerable will frequently depend on the local conditions and the degree of desperation of the sex workers themselves. Prostitution operates very differently in different countries and settings. In Thailand, for example, the sex trade is highly organised and operates in bars and brothels where the owners ‘run’ the girls and women. Women and children are dependent on the owners of the business for protection, but are also at risk of institutional violence from those same owners.

In Kenya, prostitution has largely been part of the informal sector. Although traditionally women and girls who work in bars function as sex workers, many do not get paid for the bar work and are effectively “self-employed.” Lodges operate as brothels but are also primarily cheap accommodation for itinerant workers. There is no “pimp” culture; third-party involvement, i.e. beach boys, taxi drivers, family members, etc. is opportunistic and unplanned. Tourists mainly deal directly with the sex workers themselves. In studies of other countries, habitual sex tourists prefer places with no formal sex trade “because they are not paying a third party and ...competition between the mass of individual prostitutes serves to depress prices ...means that arrangements between client and prostitute are incredibly fluid in terms of price and content of transaction”²²

The children who sell sexual favours to tourists tend not to be a homogeneous group. Sex work is transient and mobile and children will move to where there are greater opportunities, particularly children orphaned or forced to leave home for economic or other reasons. Children coming from outside of the district or province, while potentially able to operate more independently, have to bear all of their own living costs including rent. For those with children themselves cared for by relatives or younger siblings at home, there is the added obligation to remit money on a monthly basis. Pressure to earn regular income means they need to work regularly and would see themselves as working full-time – ‘survival sex workers’.

By contrast, the children of permanent residents or from the immediate area work can choose to work on a casual and irregular basis or for specific ends, e.g. school fees, items of clothing, etc. although this depends on family circumstances. While categorisation tends to be arbitrary, the children operating in their local setting are more likely to be engaging in informal sex work. The key difference is that those children who are not dependent on sex work for survival are able to exercise greater control and probably are less likely to be exploited.

²¹ Kathleen Barry. 1995, cited in Jeffreys 1999

²² Julia O’Connell Davidson, 1996 Sex Tourism in Cuba Race and Class 38,1 (1996)

3.3 The law and child sexual exploitation

In principle, international law, human rights and child rights instruments should provide sufficient protection from sexual exploitation. The involvement of minors in the sex industry is already prohibited by the Convention of the Rights of the Child.²³ In addition, the 1956 Supplementary Convention on Slavery prohibits the delivery of a minor by parents to another person "with a view to the exploitation of the child or young person or of his labour."

Children have been identified as a separate group requiring "safeguards and care, including appropriate legal protection" in order for them to "fully assume [their] responsibilities within the community", thus reads the preamble of the United Nations Convention on the Rights of the Child (UNCRC). The African Charter on the Rights and Welfare of the Child (ACRWC) reiterates similar rights and protections for the child.

For the purposes of this discussion, the relevant Articles of the UNCRC are:

Article 34: State Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, State Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity
- (b) The exploitative use of children in prostitution or other unlawful sexual practices.
- (c) The exploitative use of children in pornographic performances and materials

Article 35: State Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Kenya is a signatory to both the UNCRC and African Charter, and as such is required to take positive and immediate action to ensure that measures are taken to give effect to these rights and the protection of the child.

The Children Act, 2001

The Children Bill, 2000 was passed into law by Parliament in 2001 becoming The Children Act, 2001, ensuring that the children's rights identified in the Charter and Convention are enshrined in the laws of Kenya. What is of critical importance when attempting to understand the impact of this legislation is the disparity between enactment and enforcement.

Sensitisation Training

One of the main difficulties in enforcing a new Act is ensuring that enforcement agencies are aware of the Act and understand its application. At present, children's rights are part of the police-training curriculum at Kiganko College (Kenya's police training college). However, this training forms only a small part of the curriculum and there is usually no 'refresher' training or follow-up. Another factor adversely affecting the effectiveness of

²³ Articles 32, 35 and 36 prohibit child labour, sale and exploitation, while Article 34 prohibits sexual exploitation and abuse

The Children Act, 2001, is that the police training college is only for new cadets and does not address the information gap that exists with police officers who are currently active and no longer in the training system. To address this area, EPIK (End Child Prostitution in Kenya) is developing a curriculum for training police and the tourist sector (hotels) in the rights of the child under the Act. Their experience has been that few officers are sufficiently knowledgeable about The Children Act, 2001, to use it in practice and that they tend to revert to the more familiar Criminal Code.

A number of different organizations, UNICEF in particular, are dealing with the issue of training magistrates, judges and lawyers in the skill set required to deal with children in the courtroom setting. Limited resources and the large number of people in the system requiring training means that many have not received any or adequate training at the time of this study.

To protect the rights of the children during this transition period, Save the Children Sweden has developed a pilot diversion programme which attempts to intercede on behalf of the child at its first point of contact with the law, thereby avoiding the court system altogether if possible. There are plans to expand this programme to Mombasa.

Children's Courts

Part VI of the Act deals with the establishment and role of the Children's Courts. Its purpose is to deal with all judiciary matters pertaining to the child, rather than having the child fall under the adult judiciary system. To date, there is only one Children's Court, located in Nairobi. In all other areas of the country, magistrates are gazetted and the courts are cleared for a defined period of time to deal solely with children's cases. The result is a backlog in the court system for both adult and child cases.

This has an obvious impact on the 3-month statutory provision stating that all matters pertaining to children must be finalized within 3 months from plea to court disposition. Unfortunately, it appears that the lack of established children's courts and/or court time allocated for children's cases means that the growing backlog prevents compliance with this provision. Children are, in fact, being held and delayed in the system for far lengthier periods of time, ranging from the 3-month statutory period to more than one year. (Cradle)

Part IX and X of The Children Act, 2001

These sections of The Act deal with children in need of care and protection and include children who have been sexually abused or are likely to be exposed to sexual abuse and exploitation. They provide courts with the authority and flexibility to protect a child in a number of different ways including:

- Rehabilitation school
- Placement of the child under the supervision of a Children's Officer

- Care Order – someone other than the child’s parents are ‘asked’ to take care of the child
- Court may ask a local authority or institute to take care of the child
- Foster parent or children’s institution to arrange for the child to go and live outside Kenya.

As few institutions exist or are well placed to serve the ‘best interests of the child’, the child is frequently placed back into the same situation from which it requires protection. Additional stress is placed on the system, as the Children’s Officers have caseloads that do not permit frequent if any visits to each case site, thus abandoning the child to untenable and dangerous situations.

Punishment:

Where a court finds a child guilty of an offence, it has various means of correction:

- It may set him free and place him/her under probation.
- The court may also put the child under the care of a fit person or a children’s institution.
- If the child is above 10 years and under 15 years of age, the court may send him/her to a Government rehabilitation school.
- The court may order the child to pay a fine, compensation costs, or both.
- If the child is 16 and above, he/she may be sent to a corrective institution.
- The court may also place the child under the care of a counsellor or order that the child be placed in an educational institution or in vocational training.

In the case of the child sex worker, the court’s tendency is to dispose of the case by placing the child offender on probation and requiring him/her to report to the Village Chief. The NGO Cradle reports that in their experience there is little in the way of follow-up by the courts or legal system, and the child often reverts immediately to commercial sex work with little or no consequences.

Criminal Code

Anecdotal accounts rather than accurate statistical data are the only sources of information available on prosecution and sentencing of adults in Kenya for the sexual exploitation of a child. With no official government department keeping records of prosecutions of child sex offenders, it is difficult, if at all possible, to track prosecutorial trends. Again, there are no statistics kept by government officials on the sentencing patterns of those successfully prosecuted. This reveals the very real need for the collection of statistical data in these areas to track trends in prosecution and sentencing, to establish whether or not children are indeed receiving protection from these child sex offenders.

Police in Mombasa report that they cannot proceed to charge an adult with this crime unless the crime is reported typically either by the child’s parent or guardian. In many instances, the child is unaware that to engage in sexual activities with an adult is illegal.

When an adult is charged with this offence under the Penal Code, the court proceedings take place in an adult court, and the child, who must testify, typically does so in an open courtroom setting. When the strong cultural prohibitions against openly discussing sex are combined with the young age and low average intellect of a child in this situation, and are further compounded by difficulties either through inarticulateness or inability to accurately recount instances of sexual exploitation, these act in concert as agents of intimidation on the child, and the likely outcome is low numbers of successful prosecutions.

The results are that few individuals are charged by the police for the crime of sexual exploitation of a child, particularly in the case of child sex workers, and that of those charged, few are successfully prosecuted and the sentences they receive appear to differ depending on the gender of the child exploited – more severe punishment is meted out if the child is male rather than female.

The combination of police and judicial ineffectiveness from charging through sentencing leaves the child in a relatively unprotected position, regardless of the current legislation, and the low sentencing trends of offenders does not act as a deterrent to society as a whole. Without the appropriate infrastructure, training and enforcement, it is unlikely that the current Children Act, 2001, will have the impact necessary to comply with the UNCRC and AFRWC.

As with adults, the effect of prohibition can simply marginalise children who do sell sex. While businesses can be barred from employing children, children who sell sex on the street or otherwise outside formal employment face actual or perceived criminalisation. Minors fear the authorities more than exploiters -- sometimes with reason. Police do not approach children sympathetically, especially children who display 'un-childlike' behaviour such as sexual experience; defiance of authority; abusive language and engagement in petty crime.

Another aspect of children's vulnerability that bears on HIV/AIDS prevention measures is the fact that they are frequently denied health services due to restrictions on treatment of minors without parental consent.

Chapter 4 Methodology

4.1 Introduction

Previous studies of child sex tourism and child prostitution and more generally children's sexual behaviour have proved that it is notoriously difficult to assess children's sexual activity. Despite a wide local-level acceptance of child sex tourism at the coast, the illicit nature of child prostitution in any of its forms means that the population under study is by definition hard to reach. Earlier Kenyan studies²⁴ looking at child exploitation at the coast were either able to describe through observation the general situation or to more narrowly focus on the perceptions of particular stakeholders groups regarding child sex tourism. The hope and the challenge for this study were to collect reliable data capable of demonstrating the extent of the child sex tourism.

The field work was carried out in four districts in Coastal province, Malindi, Kilifi, Mombasa and Kwale. Field work in Malindi, Kilifi and Mombasa districts was conducted in October and November 2005. Field work in Kwale district took place in March 2006. The research team included the lead consultant and a senior researcher. Research teams were recruited from local NGOs, CBOs and youth groups at each of the study sites (see Annex 2).

The study made use of five different methodological tools. The process of final selection of methods was somewhat iterative. Initially, it had been intended to survey local primary schools in the three study sites as a means of recruiting a cohort of girls and boys either involved in sex tourism or aware of its existence. In this way, children would have been the entry point to the subject. In the absence of official approval, it was decided to look at alternative approaches.

It was expected that key informant interviews and focus group discussions would provide strong qualitative data. The test was to find ways of collecting quantitative data on the behaviour of under-age sex workers. Several successful health-focused studies of adult sex workers in Kenya had used innovative methods to gain reliable quantitative data on the locations and behaviour of sex workers and their clients²⁵. This prompted the research team to see if it was possible to adapt these tools for the purposes of this study.

The four final methodologies included:

- Key Informant interviews
- Focus Group Discussions
- Enumeration of hot spots and hot spot mapping
- Sex worker diaries

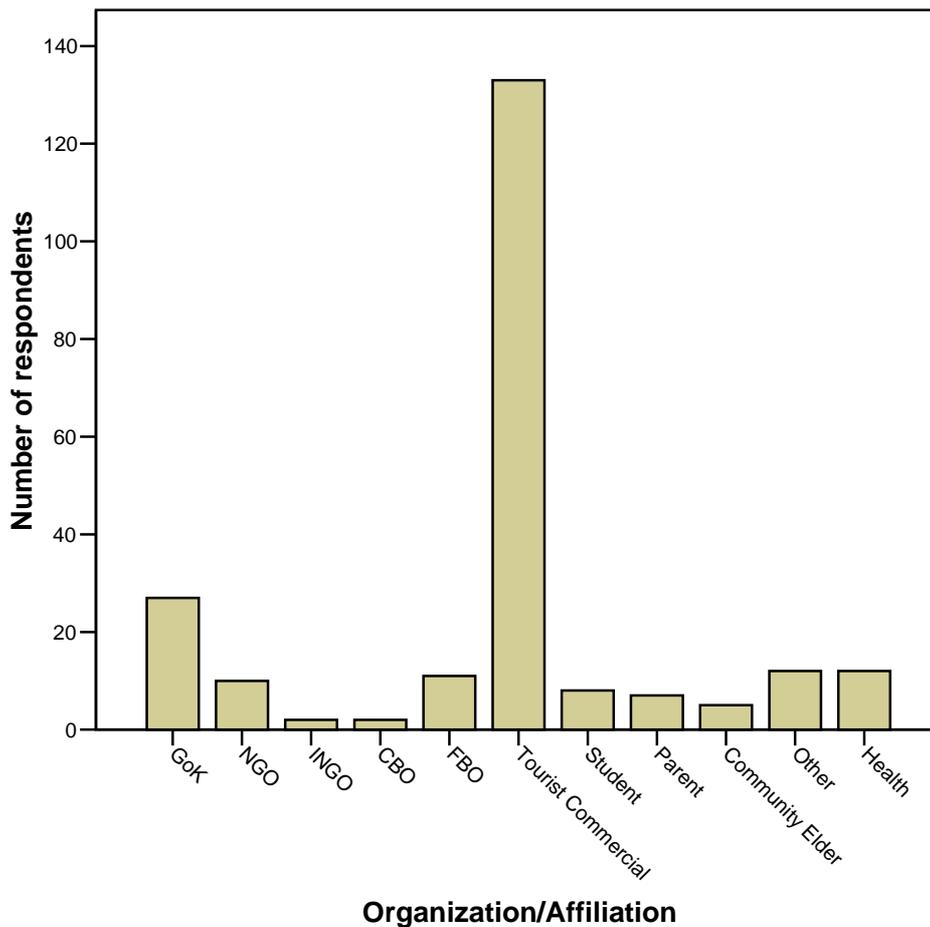
²⁴ Rose Mungu etc.

²⁵ Alan Ferguson

4.2 Key Informant Interviews

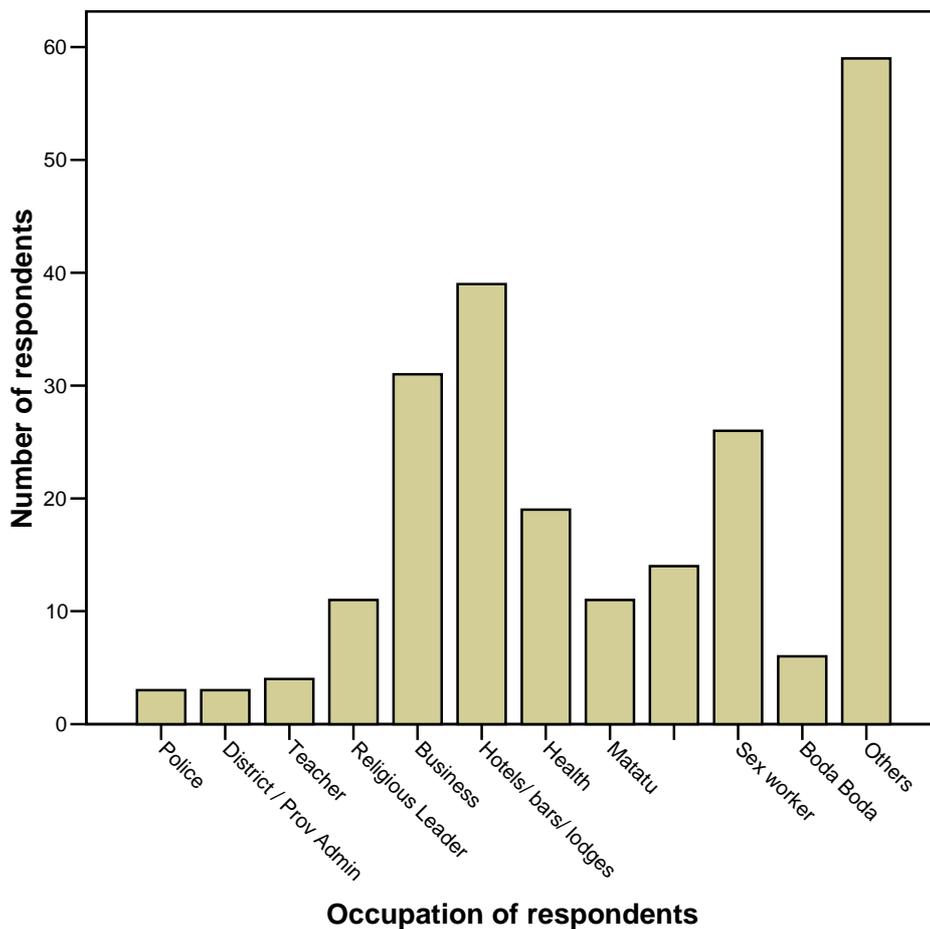
Three four-person teams in the three sites conducted a total of 230 key informant interviews in the three sites. Care was taken to ensure a cross section of key informants from government, from the commercial and tourist sectors, from non-government organisations among others with a focus on those sectors and trades most closely associated with tourism, tourists and sex work. Tables 3 and 4 describe the key informants by sector and by occupation

Table 3 Respondents by organisation or group



In Table 4 below, the category ‘others’ includes a range of informal sector occupations e.g. hair/massage salon keepers and curio sellers working on the beach and others such as students and parents.

Table 4 Occupation of respondents



The key informant interviews (Annex 3) covered six broad areas of questions:-

1. Key informant information
2. Awareness of extent of Child Sex Tourism;
3. Information on initiation into sex with tourists;
4. Children's Origins
5. Living arrangements of children;
6. Impact and recommendations for reduction in the incidence.

While the interviews generated solid background information on child sex work and the children involved, estimates and perceptions of numbers of children involved varied significantly from individual to individual. This is discussed in the findings and discussion sections.

4.3 Enumeration of hotspots and hot spot mapping.

The enumeration of hot spots was conducted in the four districts. Enumeration was conducted in Malindi district, Malindi town and Watamu, in Kilifi and Mombasa districts, Mtwapa, Shanzu, Bamburi, Nyali and Mombasa and in Kwale district, Diani beach and Ukunda. In preliminary interviews and focus group discussions in each of the the study sites, KIs identified the bars, clubs and locales where children go either to meet and/or to engage in sexual activity. This formed the basis of site selection.

Enumeration teams were chosen from youth groups from the four districts. The argument for restricting the enumeration teams to youth in their early twenties and younger was the need for enumerators capable of determining the ages of CSW with ease and at speed. The three sites, Malindi, Kilifi/Mombasa and Kwale, were surveyed in October, November and March respectively.

Each site was surveyed for seven hours a day over a seven day period. Different sites were enumerated at different times of the day i.e. beaches were surveyed during the day and bars and clubs from early evening until 2.00 am. Numbers of tourists and numbers of children entering and exiting the venue/site were recorded on an hourly basis. The accuracy of the numbers may have been constrained by the following:

- The Malindi District survey period fell during Ramadan in this largely Muslim community. This is believed to have affected the numbers of girls to be found in bars/clubs during the period;
- Apart from the beach sites, enumeration was conducted at night in sometimes less than optimal light;
- On-going harassment of enumerators by police and by *askaris* in certain locations to the extent that one enumerator was twice taken to the police station. This occurred despite alerting the police and receiving formal approval;
- Enumeration in Kwale took place as the high season was coming to its end.

This data collected forms part of the data set used to build digital hot spot maps of the three project sites. GIS mapping techniques using satellite imagery are now more and more commonly being used to build digital maps of demographic and economic data. In this instance, GIS mapping is used to develop hot spot maps showing where child sex work is concentrated.

Data collected from other sources will be integrated into the maps, movement of children between locations and where at risk and vulnerable (to sex tourism) child populations are residing.

The GIS mapping of the sites was carried out by a third party, but UNICEF and GoK Children's Department officers were trained in the technology and the mapping techniques so updating the maps and presentation of data can be conducted in-house.

4.4 Focus Group Discussions

Focus group discussions were held with groups with specialist knowledge of CST and from specific sectors or trades. FGDs were conducted for the dual purpose of providing a) broad background information on aspects of tourism, sex tourism and a rapid situation analysis of the areas and b) an opportunity to explore aspects of child sex tourism in greater depth and detail possible in KI informant interviews. Focus group discussions were recorded both taped (9) and in note form (14).

Focus groups included:

- Child sex workers (2)
- Older commercial sex workers (2)
- Parents (3)
- Primary school teachers (2)
- Motor and bicycle taxi operators (3)
- Hotel workers (1)
- Beach boys (1)
- Community leaders and elders (3)
- Beach traders, principally curio dealers and massage parlour operators (2)
- Youth groups and CBOs (4)

The research team tried to ensure that FGDs were held with all stakeholder groups and where possible in every district.

4.5 Sex worker diaries

The sex worker diaries were originally piloted in Kenya to elicit sensitive sexual patterning information from female sex workers. Conventional methods such as questionnaires, interviews and FGDs have limitations due to self disclosure and recall bias.

A total of 160 diaries were distributed to under-18s who admitted to having sexual relations with tourists. The children were identified in a number ways; by CBOs, youth group members and leaders, NGOs working with sex workers and PLWHAs. Where possible, meetings with groups of children were held to explain the instrument and to ensure regular follow up from the local research team. In those cases where children felt they would be put at risk if they met with the Nairobi research team, training in recording was given to the contact persons either peer educators or youth leaders.

The children were asked to complete diaries for a consecutive 28 day period. Variables measured included numbers and types of clients, condom use, the nationality of client, kinds of sexual activity, movement pattern and menses. A small financial compensation was offered to the children on completion of the task. No identifying personal information other than year of birth is required on the diary forms.

Of the total of 215 diaries distributed, one hundred and twelve were returned. Of that number, thirty-two were rejected either as incomplete or falsified. Thirty diaries from Malindi, and a further twenty-four from Kwale were accepted. There was a very low return rate in Kilifi and the returned diaries were rejected. Training in recording the diaries was repeated. Of the Kilifi District diaries, thirty were accepted. Information from a total of eight-four diaries was entered and analysed.

The informants who completed sex worker diaries were asked to complete a short questionnaire to accompany the diary for background information: whether local or from out of the district, whether the child is living with parents or family members, whether parents are living and last year of schooling.

Chapter 5 Findings

Introduction

The findings from the key informant interviews, the hot spot enumeration, the sex worker diaries from two study sites and the individual sex worker interviews are set out in this chapter. Comments and quotes from the focus group discussions are interspersed throughout the chapter.

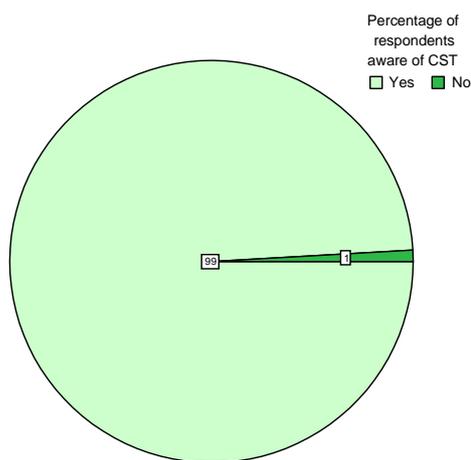
5.1 Key Informant Interviews

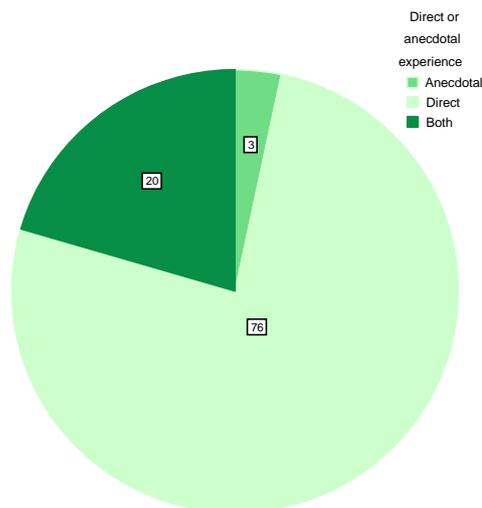
The results in this section are based on two hundred and thirty (230) interviews held with key informants in the four districts under study. The findings are organised in the sequence of the questioning and under topic headings.

5.1.1 Awareness of Child Sex Tourism

Informants were asked about their knowledge of children's involvement in sex tourism. The findings indicate virtually universal awareness of the CST with 99.1% of respondents stating that they knew about the practice (See Table ?). They were also asked the basis of their knowledge of the practice - was it anecdotal, second-hand knowledge or were they aware of CST from direct observation or experience? An indicator of the prevalence of CST is that 96% of respondents claimed direct knowledge of the practice; i.e. almost everyone who was aware of CST knew about it from personal experience. This is a significant finding.

In other lines of questioning, key informants were generally uncomfortable about estimating the numbers of children involved in CST, citing a variety of reasons including not wanting themselves or their community to have a bad reputation, nor wanting to confirm any sensationalist accounts in newspapers. As a result, there is probably a disparity between the extent of informants' direct knowledge and their relatively low estimates of numbers of children involved.





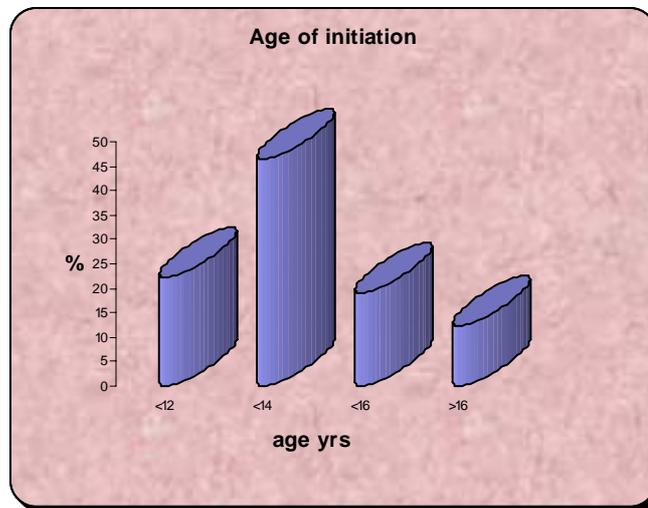
5.1.2 Age of initiation

Respondents were asked to identify the age range of children involved in sex tourism from the categories: under 12, 12 years and above, 14 years and above, 16 years and above, as a proxy indicator of age of initiation into sex work. Nearly half of all respondents, 46.5%, believed that the age was from 12 years and above. This figure is supported by the results of the interviews with under-age sex workers where more than half had become involved in transactional sex between 12-13 years.

Equally significant was the large percentage of informants, 22.1% who perceived children's involvement as beginning before puberty. The research team found no direct evidence of paedophile sex tourism nor heard any first-hand accounts. However, a number of informants gave second-hand accounts of single or several instances. That more than one in five informants believe that children below twelve are involved supports uncorroborated reports that paedophile sex tourism is not uncommon but covert.

Shanzu Elder: "if we were to visit a place like Aloha, so that you see for yourself the activities I have been telling you about. As seeing is believing, there you will find small children involved in giving Europeans massages. They have even gone to the extent of establishing businesses to do with massaging. In the process, they get European clients and that is where the dirty work begins eh!"
 "This situation has become rampant and it is not taking mercy on any gender because both boys and girls are included. We are also partially to blame because when you learn that your son/daughter has a European, then you know that even you will benefit; it means you won't go without food"
 CBO member Bombolulu 13 years, starting from 13 years, those are the ones with most business. Let's say 13 years, 14 years are very many. More than above 18 years
 Youth leader: No tourist will want to look for an old mama whose tits are drooping to the knees. He has come to look for small girls say 15 or 16, not the old mamas.

Table 5: Age of initiation



5.1.3 Understanding of CST

As a means of assessing understanding of CST issues, we wanted to know how informants understood sex tourism to be different between age groups (below 12, 12-16, 16-18). Respondents generally were able to distinguish the difference between younger and older children specific age groups.

The findings suggest that the younger age groups, under 16, are not seen to be more vulnerable and although they are regarded as having a slightly greater risk of being exploited. Some of the reasons include: the younger groups are less confident (bold) and have fewer negotiating skills, are more likely to be used by middlemen, are more easily influenced. That they are preferred by clients, more in demand also increases their vulnerability.

An important finding from this line of questioning is that children begin transactional sex in the local market and that there is a progression or learning curve from the local to the tourist market.

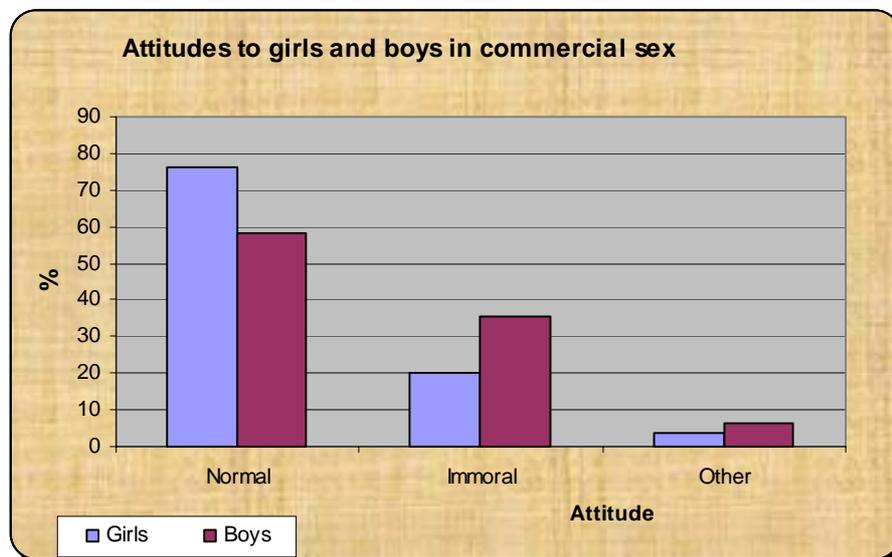
Parent: *"Under 16s easily lured to do anything, sexually easy targets at a little fee"*
Acrobat/entertainer: *"They don't expect very much, just a small gift"*
Youth group member: *"I can get one [under 16] for a plate of chips"*

5.1.4 Attitudes to Child Sex Tourism

One key finding which has a major bearing on the way that the government addresses the issue is the wide acceptance of the sex tourism generally and CST in particular. This is true of both girls and boys involvement. Key informants were questioned on their attitude to children working in sex tourism under three headings: attitude to girls, attitude to boys and attitude to boys having sex with men. Table 6 show the findings under the three categories. Most striking is the extent to which girl's involvement in CST behaviour of girls is regarded as normal and acceptable. 76.3% of key informants found the practice normal compared to only 20% who thought the practice immoral and unacceptable. Comments from key informants suggested that the practice is not merely regarded as normal but is approved of:

Hair dresser: *"The girls [with tourists] are lucky girls most of them own expensive dresses, perfumes, homes etc."*
 Bodaboda operator: *"girls are respected as they are regarded as rich people"*
 Kiosk owner: *"It's okay [for underage girls to be with tourists], I wish I had one (a tourist)"*
 Taxi operator: *"Not a problem something we're used to"*
 Bar Manager: *"Girls are mis-used by African men but not by wazungu" It's the fashion to have mzungu...in Mtwapa especially"*
 Pharmacist: *"Changes the lives of families and girls drastically from very poor to middle class"*

Table 6 Attitudes to girls and boys in commercial sex



Key informant attitudes to boys' involvement tended to more ambiguous with generally less approval for the behaviour of beach boys and those involved in child sex tourism, either as procurers of girls for tourists, engaging with sex with women tourists or engaging in sex with male tourists. Nevertheless, 58.19% of respondents regarded the practice as normal. There was greater disapproval of boy's involvement in sex tourism

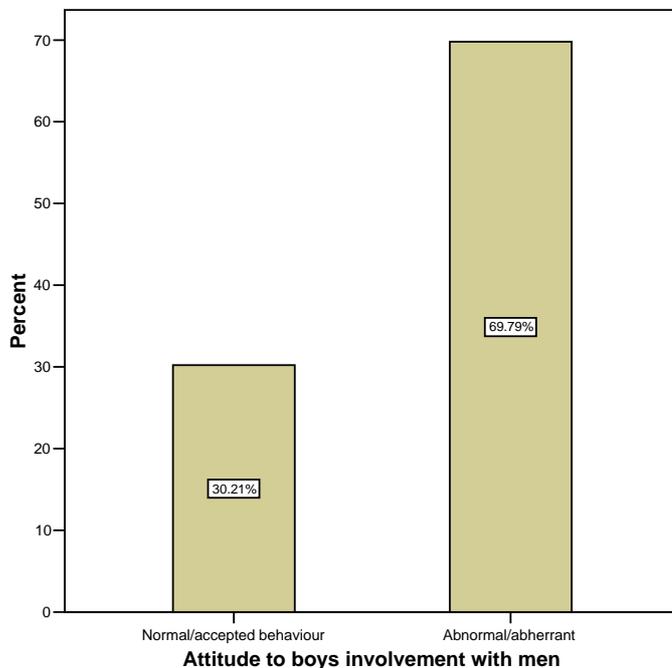
than of girl's (36.45% compared to 20% for that of girl's). The distinction, in terms of respondent attitude, again revolved around economic success i.e. approval/acceptance of boys involvement was related to their success in earning a good income and being providers and disapproval was related to the activity itself. :

Teacher: *"If it wasn't for my brothers, doing this work I wouldn't be where I am now"*
 Parent: *"No-one's concerned unless it's their own child"*
 Chemist: *"People think it's an achievement"*
 Doctor: *"It's shameful so done in secret"*
 Maendeleo ya wanawake: *"They do it when they need the money"*

The greatest disapproval, however, was reserved for boys who were engaged in sex tourism. 69.79% of respondents regarded the behaviour as abnormal. Most respondents felt very strongly about the practice but recognised its existence. Once again there was recognition of the high returns from homosexual sex tourism and, for some respondents, that fact justified the behaviour. There was also recognition that under-age male prostitution was not uniquely the domain of tourists albeit with the proviso that Kenyan men having sex with boys/men was not strictly homosexual:

Parent:- *"[Boys who have sex with men] is gaining momentum, becoming the in-thing"*
 Matatu tout: *"The tourist gays are rich and payment is negotiable from 5,000 – 10,000"*
 Taxi driver: *"These boys are sick"*
 Matatu tout *"A Kenyan man goes to get a charge from fellow men and boys when he's having difficulty getting an erection and then quickly runs home to his wife"*

Table 7 Attitude to boys who have sex with men



5.1.5 Process and causes of entry into CST

Respondents were asked how they thought children became involved in prostitution and sex tourism and to identify from a list the persons or agencies responsible for children's introduction into the trade. Respondents cited peers and friends (87.6%), self-motivation (53.1%) and parents (33.6%) as the leading motivators for children's entry into Child Prostitution and Child Sex Tourism (See Table 8). Copying the behaviour of siblings and introduction by beach boys were ranked as fourth and fifth. Other sources of introduction included other family members (aunts and cousins), adult CSWs and neighbours.

Informants were further asked to list what they believed to be the reasons that children entered sex work. Table 9 shows that key informants (77%) overwhelmingly believe poverty to be the main reason and driving force for children's entry into sex work. Respondents ranked peer pressure (58%) second and lack of familial support (43%) third with desire for status and prestige cited by 19% of respondents. There is evident correlation between the reasons for entry and the process of introduction itself. Extreme family poverty exerts pressure on children and parents and explains why parents are believed to actively (as well as passively) encourage their children and for children themselves to make individual decisions to try sex work.

Importantly, the findings show the influence of friends and the power of peer pressure in both encouraging and facilitating children's access and entry into child prostitution and sex tourism. Again, this finding has implications for planning any IEC programming.

Table 8 : How introduced to CP/CST

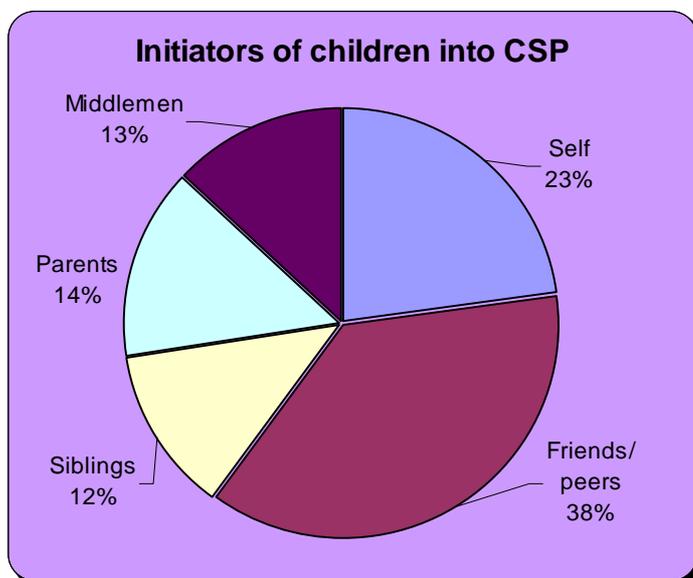
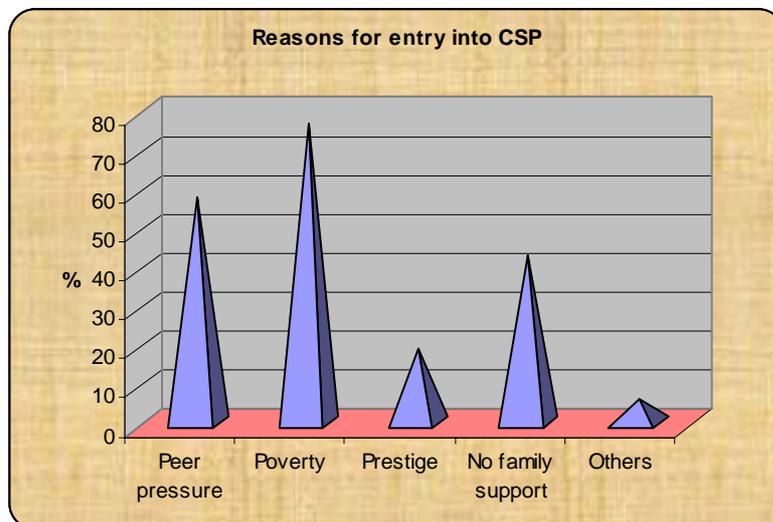


Table 9: Reasons given for children’s entry into CP and CST



CBO member Bombolulu: *“if you look at these girls, most of them come from poor families. They have tried all means and finally found that prostitution with a **mzungu** turns out to be the easiest option, an easier way to riches, and they may help their families.”*

*“There are others who do out of curiosity for example, I might have a friend who has a mzungu and gloats/boasts about all the fun she gets from the **mzungu**, won't I be tempted to also get my own mzungu pal, even if I am not from a poor family? So it's not a matter of poverty only”*

Mtwapa elder: *“We are also partially to blame because when you learn that your son/daughter has a European, then you know that even you will benefit; you won't miss food”*

“Personally, I have never seen any African family that is disappointed in the presence of a mzungu in their lives. The folks will think they have hit the jackpot little do they know of the misery their daughter undergoes. They just see riches such as millions of cash, multi-storey houses, flats, that is they see wonderful things and not the suffering of the girl. They think the mzungu is a saviour.”

5.1.6 Meeting places and location of sexual activity

Respondents were asked to list in generic terms a) where children meet tourist and arrange assignments and b) where the sexual activity itself takes place. Tables 10 and 12 show the findings. The questions did not require age-disaggregated responses, and data from other sources suggest that different age ranges between 10 -18 years will have different venues for meeting and for engaging in sex. Nonetheless, most respondents, 83%, believe that children meet their foreign/tourist clients on the beach, 71% in bars and nightclubs and 27% in hotels. Only 11% believed that children met there clients in private homes and villas

However, there was variation between study sites as regards primary venues. For example, Table 11 gives frequencies of responses between sites for beach meetings and study sites. Factors affecting the use of the beach by children include the extent of

policing, access i.e. how easy it is for children to find entry points and to what extent the beaches or parts of the beaches are the territory of older CSWs and/or beach boys.

Table 10: Perceived most popular sites for solicitation/meeting

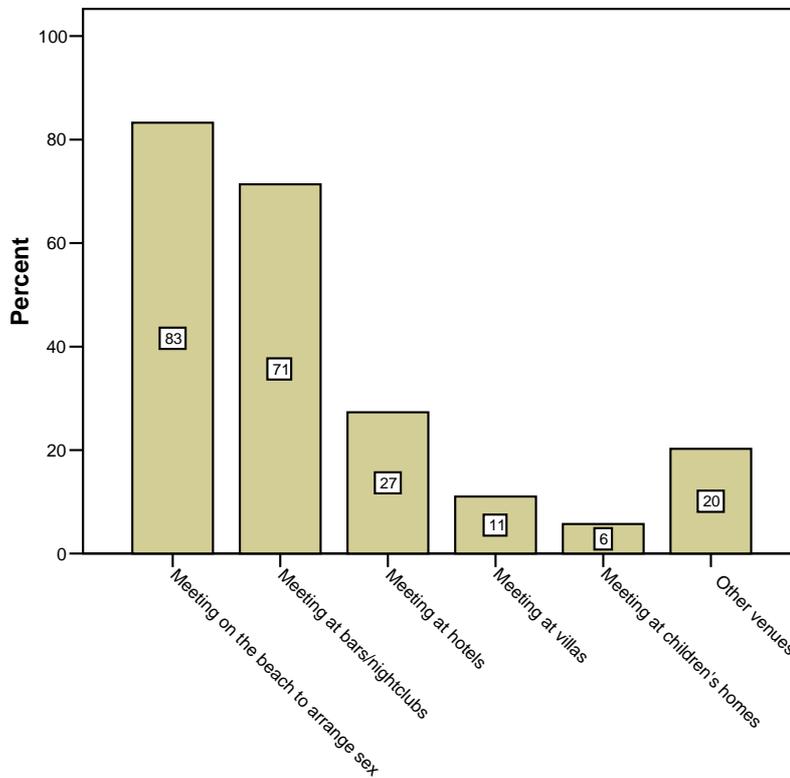


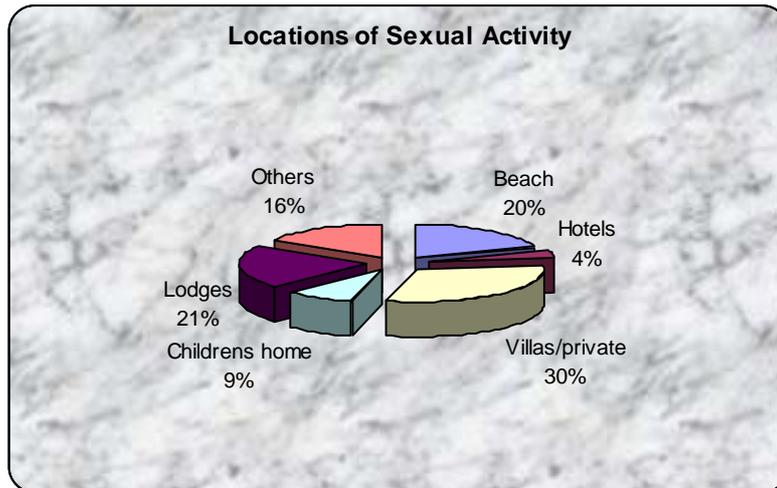
Table 11 Meetings on the beach by study site

		Meeting on the beach to arrange sex		Total
		Yes	No	
Site	Malindi	3	12	15
	Watamu	2	0	2
	Mtwapa	55	5	60
	Bombolulu	20	1	21
	Mombasa	2	1	3
	Diani	69	11	80
	Ukunda	7	1	8
	Shanzu	6	3	9
Total		164	34	198

Most respondents (59%) saw private houses and villas as the main loci of sexual activity with children, with lodges being regarded as the second most commonly used venue (41%). To date the findings from children's sex diaries and from the FGDs do not

support this perception, with lodges recorded as the primary location for sexual activity. However, reports suggest that the population of children who engage in sex work in villas are procured by a variety of middlemen. This population which exists were not accessible to the research team and were not part of the cohort of children keeping diaries.

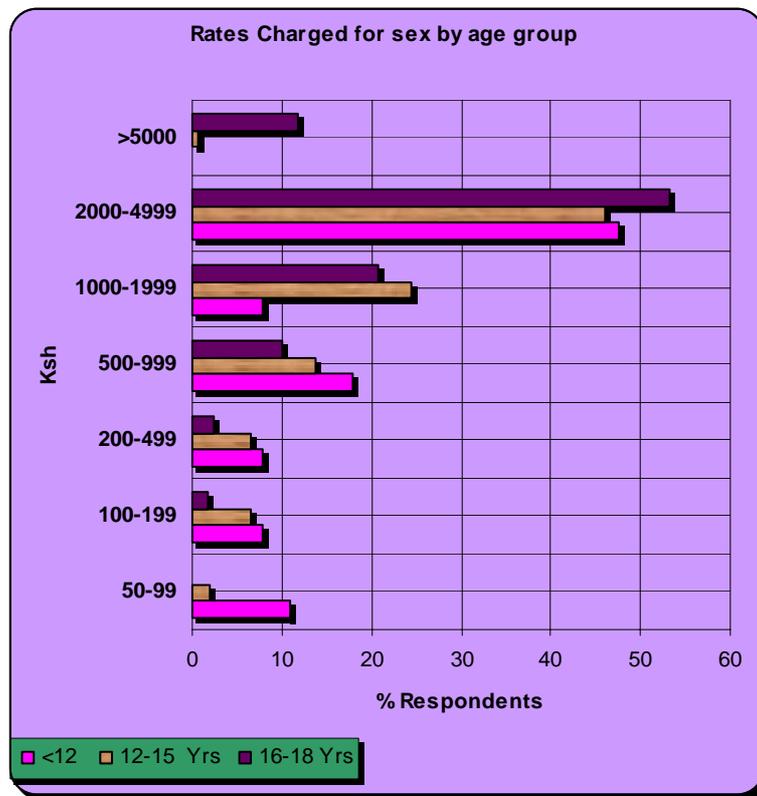
Table 12 Location of sexual activity



5.1.7 Perceptions of price

Respondents were asked to make calculated estimates of the price range charged for children in the three categories: under 12, 12-15, 16-18. These findings are given in the three following tables. In comparing the three categories, it is worth noting that statistically there is not much difference between the under-12 and the 12-15 categories, in that the median values for both groups fall in the 1000 -1,999KSH range. However, the median value for price charge in the 16-18 category is significantly higher at 2000-4,999KSH. This could be a reflection of the younger age groups being more exploited, see above. Alternatively it could also be because the older group are more skilled and have developed superior negotiating skills. It is also highly significant in areas of severe and widespread poverty that CST offers such potential high earnings for children.

Table 13: Rates charged by age group



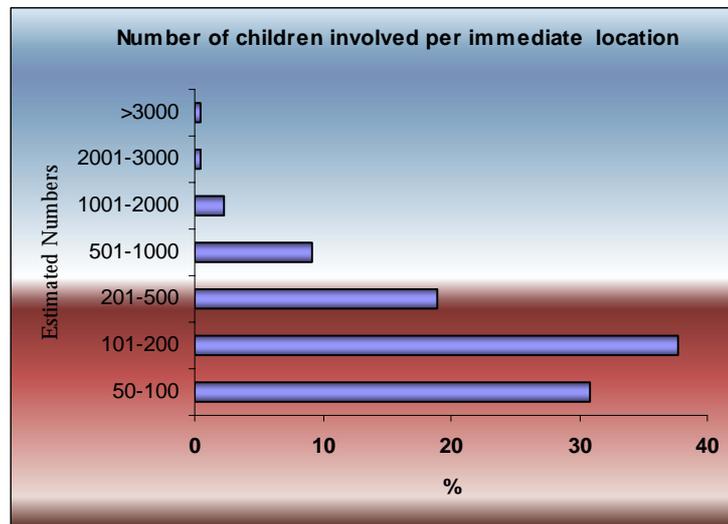
Elder Shanzu:

“Let us say, that maybe the first time the girl will meet an old European man in a night club, they will have sex the same night, then maybe in the morning the girl will be taken to a place like Nakumatt and she emerges with shopping worth ten thousand shillings. So with the benefits like these, you see that it is easy to take part in this business.”

5.1.8 Numbers of children involved

Assessing the scale of sex tourist activity with children was a key objective of the study and, as mentioned elsewhere in the report, proved the most challenging of tasks despite a number of different approaches. The findings from the KI interviews offer a conservative view of the magnitude of children’s involvement. Despite the fact that conventional wisdom tells us that people are generally unable to make approximate large numbers, respondents were asked to estimate the numbers of children involved in sex tourism within their immediate area. Table 14 gives the frequency of responses.

Table 14 Estimates of numbers of children involved



The mean estimate of children involved in any one immediate area was from between 101-200. This is seen to be the population of children who engage in transactional sex as a full-time activity. However, the research teams all queried the relatively low estimation of numbers. All other sources including FGDs and site enumeration suggested numbers as much as four to five times greater than those given by key informants. Many informants admitted that they did not really have much of an idea but responded nonetheless.

While no-one refused to be interviewed and respondents were mainly happy to talk about CST, there were clearly reservations about discussing numbers. The study took place during a period of media interest following the ratification for the ECPAT Code of Conduct. Most informants worked in or were dependent upon the tourist sector and feared the negative publicity or a police crackdown that might result from the study potentially affecting the flow of tourists. Enumerators in Kwale reported that respondents intentionally under-reported numbers because they did not want Diani to be regarded as a place where child sex tourism was rampant ‘like Malindi’.

The objective indicators: bar, club and beach enumeration, drop out and truancy rates of between 10- 20% in schools, FGDs with sex workers and male youth groups and taxi drivers put the figures between 25% and 40% of girls engaged in sex with tourists either as occasional informal sex work or as formal or survival commercial sex work. Parents and women FGD put the figure higher at as many as 80% of 14-18 year olds involved in informal sex with tourists. Lack of good definitions which describe clearly the distinct and different kinds of transactional sex has obscured the magnitude of the problem.

A pastor in Malindi described the magnitude of child sex tourism as follows: “ *Two years ago I had a confirmation class of 17 girls. After six months four of the girls dropped out, I tried to talk to them but they were spending their evenings on the beach and the street.* ”

Six months later another seven girls dropped out. Now I only have six girls left in my class. The parents and I know that they are all involved with tourists but there is nothing we can say or do. They don't listen."

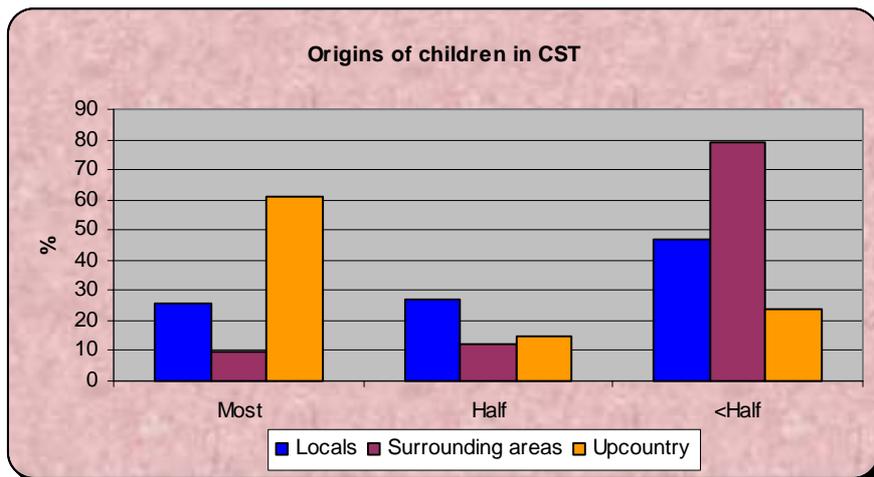
FGD Kilifi youth: *"if we put them in a percentage maybe one or less out of ten girls in Kilifi. Its not that bad compared to other areas, but if you go to the pubs..."*
 FGD Malindi teachers: *"..very common with boys...both boys and girls, 5-10% of children in our schools between Class 2-8"*
 FGD Beach vendors Malindi: *"Monday to Friday 300-400 [on the beach], weekends even more"*
 FGD Bar staff Malindi: *"It's not easy to know approximate numbers because they don't all meet in bars but as many as thirty girls come into the bar in a night...there could be over a hundred girls..."*
 FGD Parent group Watamu: *"350 boys 300 girls but the girls don't do it openly"*
 FGD Parent Ukunda/Diani *"those that involve themselves are many, lets say 8 out of ten"*.

5.1.9 The children and their circumstances

Respondents were asked a series of questions regarding their knowledge of the children involved: where the children come from, proportions of local and non-local children involved, where the children live, whether the children are living with parents and guardians or whether they are living on their own.

A highly significant finding was the belief that the largest proportion of children involved in sex work are from outside of the province i.e. "upcountry". This perception is supported by data collected from the cohort of child sex workers who completed diaries in Kwale district. Of the sample group of 24, 10 were from within the district, 10 were from upcountry (Nairobi, Machakos, Kisumu, Eldoret, Kirinyaga, Nakuru), three were from outside the district (Malindi, Lamu) and one from outside the district but home district unspecified.

Table 15 Perceptions of origins of girls in CST by age group



5.1.10 Living Arrangements

Key informants were asked to estimate the percentage of CSWs living with their parents, with their guardians or alone in the three age categories. Problems with the enumeration meant that KIs were not asked to ensure that their estimations added up to 100% in each category. Nevertheless, it can be seen from the table that whereas CSWs under the age of 12 almost universally live with their parents, by the time almost all sex workers are 16-18 they are perceived as living alone.

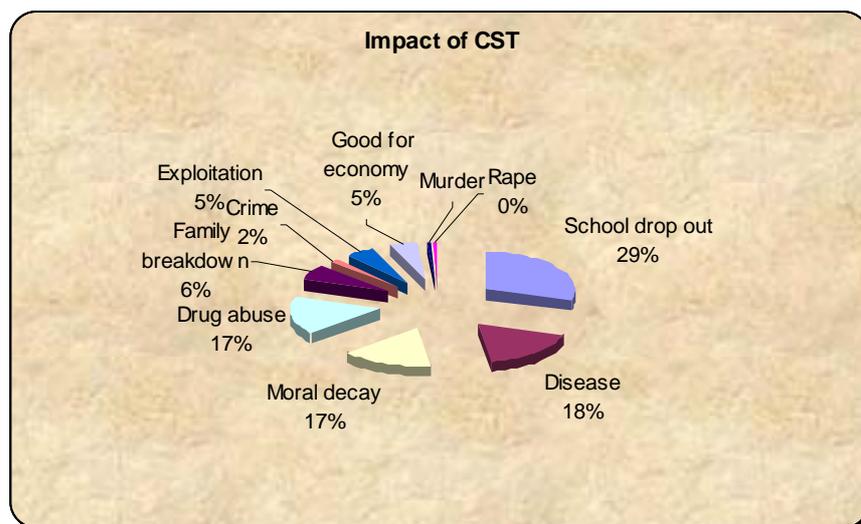
% of CST living arrangements as perceived by >75% of Key informants

	Living with parents	Living with guardian	Living alone
< 12 years	99%	2%	2%
12-15 years	99%	25%	50%
16-18 years	15%	15%	99%

5.1.11 Perceived Impact of Child Sex Tourism

Respondents were asked to list what they felt to be the impact of children’s involvement in sex tourism. The ten most frequented reported effects of CST are shown in Table x. 64% of respondents felt that CP and CST contributed to high drop-out rates in school and illiteracy. Spread of HIV and other STIs, moral decay, and drug and alcohol abuse were ranked second and joint third respectively as effects of CST. Of note, 11% of respondents believed CST assisted the local economy.

Table 16 Impact of CST



5.2. Sex worker diaries

The data collected from the sex worker diaries provide an important counterpoint to the data set from KI interviews. The diaries offer direct, first-hand data on the nature of the work and behaviour of children involved in sex tourism and on their clientele.

The format of the sex worker diary is a grid with each row representing one or more sex acts with a single client. For each client, the child recorded the day and date, the town or the point of pick-up and/or place of sexual activity, whether the client was a regular or a casual, the nationality of the client, the number of ejaculations (shots), whether a condom was used, the type of sexual activity and finally, for female sex workers, whether menstruating.

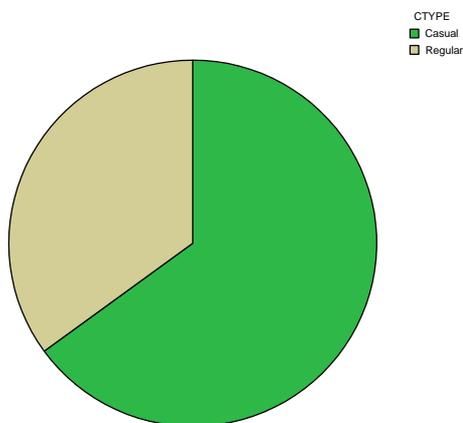
The findings presented below are based on the cumulative total of sex acts with each client. The unit of measure is the client sex act not the child sex worker.

5.2.1 Venues of solicitation and sexual activity

In all study sites, there was confusion in the recording of venues. Some children recorded points of solicitation and others recorded where they had had sex. In coding the data, we have distinguished between location where the child has residence eg. Watamu, Malindi, but have collapsed places of solicitation and sexual activity and the general location where a child spends the night into a single category.

Child sex workers are operating in a wide number and variety of settings – beaches, bars, lodges and hotels. The thirty-five child sex workers who supplied the above data operated in 76 different venues during their reporting period. Secondly, the findings show the venues where children are either actively or tacitly *allowed* to operate i.e. CP and CST hot spots. The data on venues supports the data collected during the enumeration of selected hot spots sites and also provides new information on previously unidentified hot spots.

Table 17: Proportion of casual to regular clients



5.2.2 Client type

The sex workers were asked to record their clients as casuals or regulars. This proved somewhat difficult as there was some confusion about whether a client was a regular if he had been recorded in the diary on a previous occasion and what exactly constituted a regular client. However, the data suggests that a third of all acts are with clients defined as regulars. Of the total number (1699) recorded under client type, 916 acts were recorded as regular clients (34.3%).

5.2.3 Nationality of clients

There was much speculation from key informants in interviews and FGDs about which nationalities were the primary clients of under-age sex workers. Certainly different parts of the coast for historical reasons attract tourists from different countries and at different times, so it is expected that each study site will show different frequencies of nationality. However, the most significant finding from the diaries is the fact that the Kenyans form the majority of the client base, as shown in the two tables below.

Table 18 Clients by nationality –pie chart

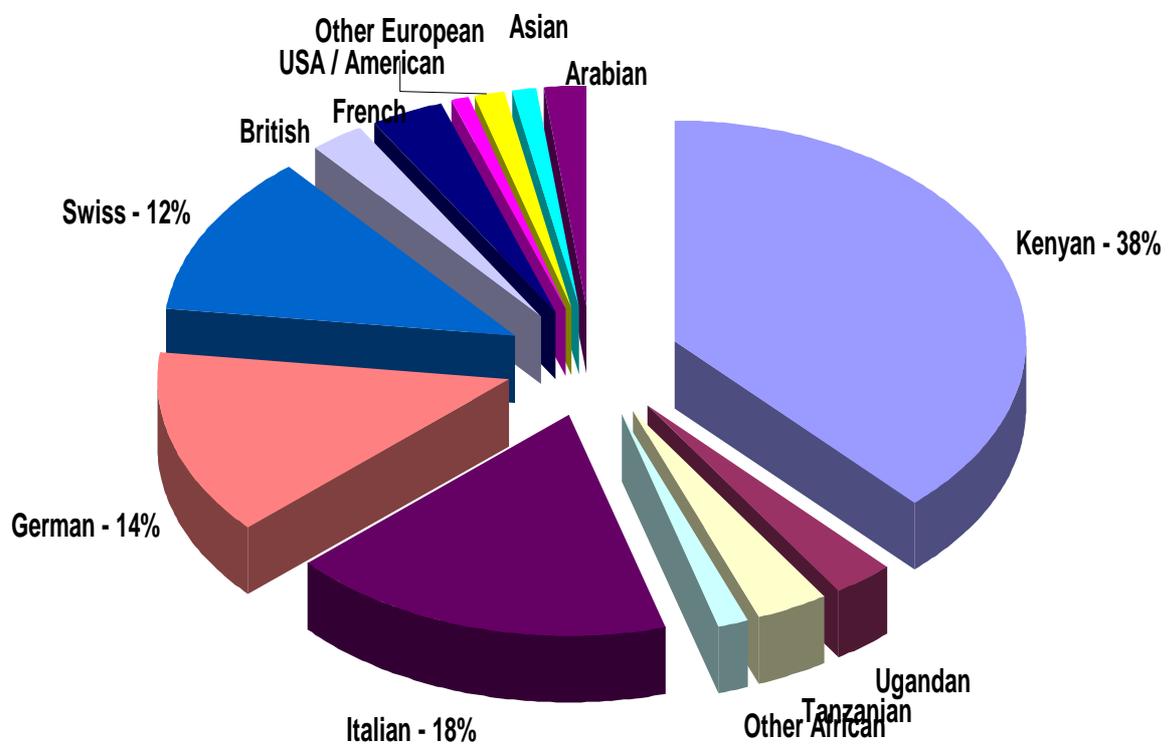


Table 19: Client Nationality

		Frequency	Valid Percent	Cumulative Percent
Valid	Kenyan	314	41.2	41.2
	Ugandan	31	4.1	45.2
	Tanzanian	33	4.3	49.5
	Congolese	2	.3	49.8
	Other African	8	1.0	50.9
	Italian	179	23.5	74.3
	German	43	5.6	79.9
	Swiss	111	14.5	94.5
	British	17	2.2	96.7
	Scandinavian	1	.1	96.9
	French	3	.4	97.2
	USA / American	10	1.3	98.6
	Other European	2	.3	98.8
	Japanese	1	.1	99.0
	Arabian	3	.4	99.3
	Austrian	4	.5	99.9
	Unknown	1	.1	100.0
	Total	763	100.0	
	Total	1088		

While there are obviously significantly more of some nationalities than others, Table 19 shows that a very wide range of nationalities are using under-age sex workers. In the bigger discussion around responsibility for behaviour, no one nation is in a position to argue that their nationals abroad do not participate in sex tourism.

5.2.4 Type of sexual activity

There was a question at the outset of the study as to whether it was necessary to ask children to record type of sexual activity. There was concern that to collect this data was merely prurient interest. In discussions with both child and adult sex workers, however, the researchers were told that excessive demand for different types of sexual activity particularly penetration of more than one orifice was symptomatic of sexual exploitation of minors by certain sex tourists. Further, the frequency of certain types of sexual activity can also be an indicator of HIV risk, particularly in relation to condom use.

Table 21 shows frequency of types of sexual activity. A significant finding is the high proportion of anal sex, 16.4% percent compared with 64.9% for vaginal intercourse and 13.7% for oral sex. Whether this is a preference of the client or the sex worker is not known although data from other sources suggest that the practice is primarily client-driven. However, Muslim under age sex workers told researchers that they refused to engage in vaginal intercourse with clients as they wanted to remain virgins until they were married. For some it may be regarded as a form of birth control.

Respondent Bombolulu *These guys (Italians) are really bad, do not get involved with them. Worse, they go into anal sex, Vaginal sex, No.”*
 Respondent 3: *It also depends on which type of sex it is, coz anal sex has its own price and normal intercourse a different price.*
 Moderator: *So how much do they charge for anal sex?*
 Respondent 3: *Anal sex is very expensive and it could go for even 10000 bob. It's very costly.*

Table 20 Frequency of types of sexual activity.

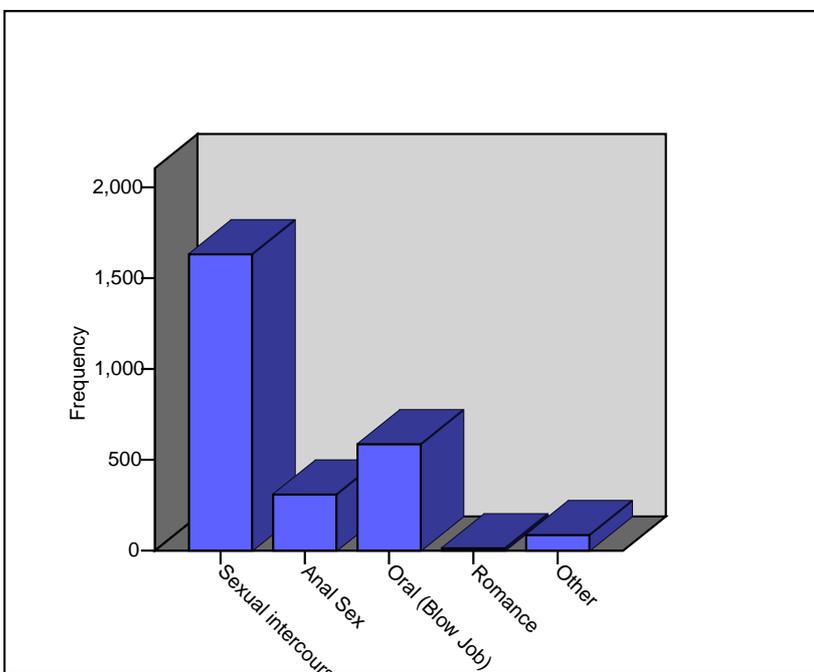


Table 21 on the following page demonstrates that with few exceptions the sex acts requested of child sex workers are not predominantly the domain of one nationality or another – vaginal or anal intercourse and/or oral sex were seen from clients of most nationalities, if in greater proportion with certain nationalities.

5.2.5 Condom use

The informants were asked to record in their diaries not only if condom were used but the number of condoms in relation to the number of ejaculations (rounds or shots) in order to assess level of risk. The findings from these sites show that while informants used condoms during 64.5% of all sex acts, 35.5% of all sex acts took place without condoms. Table 22 shows condom use by nationality. The small sample size for some nationalities (e.g. Congolese, French, Scandinavians) makes any analysis questionable. However, condom use was 80% or greater among Tanzanian, British, American tourists, 71%

among Kenyans, 65% among the Swiss, in the 50th percentile for Germans, Italians and Ugandans with Italians recording the lowest rate of condom use at 52.5%.

In relation to condom use, it is likely that the informants are not representative of the majority. The research teams gained access to the sex workers via peer educators and HIV/AIDS awareness groups e.g. Solwodi.

Table 21: Nationality and sexual activity

		Sexual intercourse (Vaginal)	Anal Sex	Oral (Blow Job)	Romance	Other	Total
NAT	Kenyan	815	74	99	0	14	1002
	Ugandan	52	8	12	2	1	75
	Tanzanian	60	14	6	0	2	82
	Congolese	6	0	0	0	2	8
	Other African	16	3	6	0	3	28
	Italian	189	142	95	4	35	465
	German	183	23	149	0	8	363
	Swiss	172	12	120	6	4	314
	British	43	4	15	0	5	67
	Scandinavia	4	4	3	0	1	12
	French	36	2	47	0	2	87
	USA / American	8	4	6	0	2	20
	Other European	9	2	4	0	1	16
	Japanese	0	0	0	0	2	2
	Indian	11	2	8	0	0	21
	Arabian	23	14	11	0	1	49
	Austrian	4	0	4	0	0	8
	Total		1631	308	585	12	85

Table 22: Condom use by nationality

	Condom Use		Total
	Yes	No	
Kenyan	697 40.5%	283 35.8%	980 39.0%
Ugandan	48 2.8%	25 3.2%	73 2.9%
Tanzanian	71 4.1%	11 1.4%	82 3.3%
Congolese	6 .3%	2 .3%	8 .3%
Other African	19 1.1%	7 .9%	26 1.0%
Italian	231 13.4%	184 23.3%	415 16.5%
German	255 14.8%	102 12.9%	357 14.2%
Swiss	215 12.5%	73 9.2%	288 11.5%
British	40 2.3%	25 3.2%	65 2.6%
Scandinavian	6 .3%	6 .8%	12 .5%
French	73 4.2%	14 1.8%	87 3.5%
USA / American	14 .8%	6 .8%	20 .8%
Other European	9 .5%	7 .9%	16 .6%
Indian	6 .3%	15 1.9%	21 .8%
Arabian	27 1.6%	22 2.8%	49 2.0%
Austrian	2 .1%	6 .8%	8 .3%
Total	1721 100.0%	790 100.0%	2511 100.0%

The final table illustrates the circumstances of the child sex workers in one district. Below are the findings from the Kwale cohort of sex workers who returned questionnaires and diaries.

Table 23: Circumstances of child sex workers in Kwale district

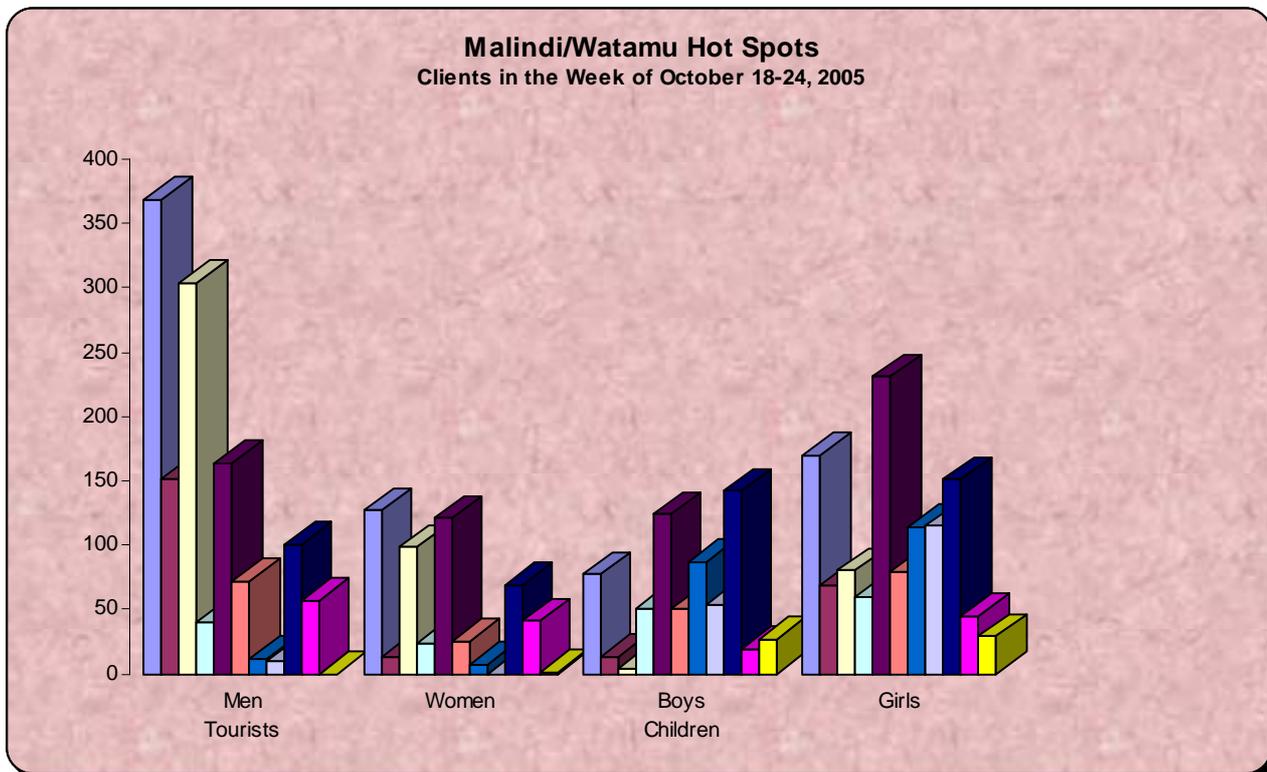
Local	Upcountry	Province	Living with family	Living alone	Mother alive	Father alive	In school	Total
10	11	3	5	18	16	9	4	24

Only five out of 24 are living with parents or other family members. 16 out of 24 said their mother was alive as compared to only 9 out of 24 fathers and only four of 24 said they were currently in school. 14 out of the 24 were not from Kwale District. Of the girls who were no longer in school, only 6 had attended secondary school, four of which were from upcountry, 6 either completed Standard 8 or at least attended for part of the year, 5 had attended Standard 6 and 2 had only completed Standard 4.

5.3 Hot spot mapping

The following three tables show the number of children, boys and girls and tourist clients; men and women, visiting bars identified by key informants as hotspots for sex tourism.

Table 24 – Malindi and Watamu Hot spots



In all the identified hotspots, the numbers of girls and tourist males are significantly higher than the numbers of tourist females and Kenyan boys. The ratio of under-age girls to tourist males is approximately 2:1. This describes the heavy competition for tourists, particularly so when considering that adult Kenyan females are also present in large numbers at these hotspots. All the hotspots have an age restriction of 18.

Several of the bars and hotspots in all three study sites are popular with regional tourists, foreign truck drivers and others all who fall under the category of 'sex tourist'. Unfortunately, the enumeration for obvious reasons was only able to capture the numbers of white tourists.

Underage boys were present at clubs and bars in significant numbers particularly in those in Mtwapa, and Diani.

For illustrative purposes, the figures for the three study sites were totalled despite the fact that the enumeration was conducted at different times in the four districts see Table 26. Even though none of the sites were enumerated at the height of the tourist season and that two sites; Malindi and Diani were enumerated during Ramadan (Malindi) and at the end of the season (Diani) a total of more than 4,000 under-age girls and 1800 boys were recorded entering tourist hot spots over a period of a week.

Table 24 Kilifi/Mombasa Hot spots.

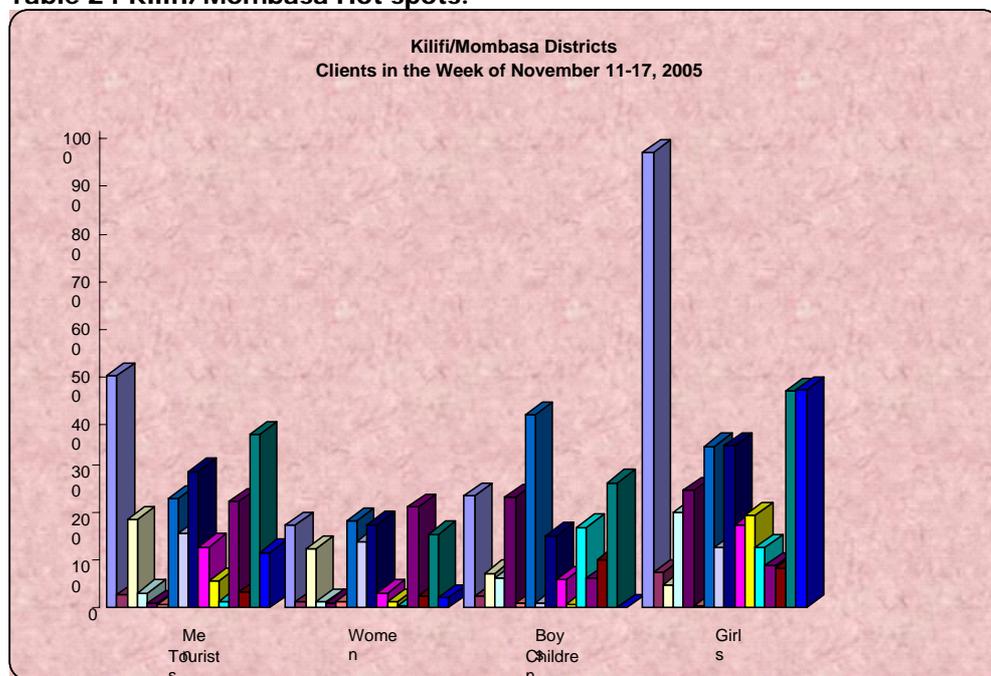


Table 25 Diani Hot Spots

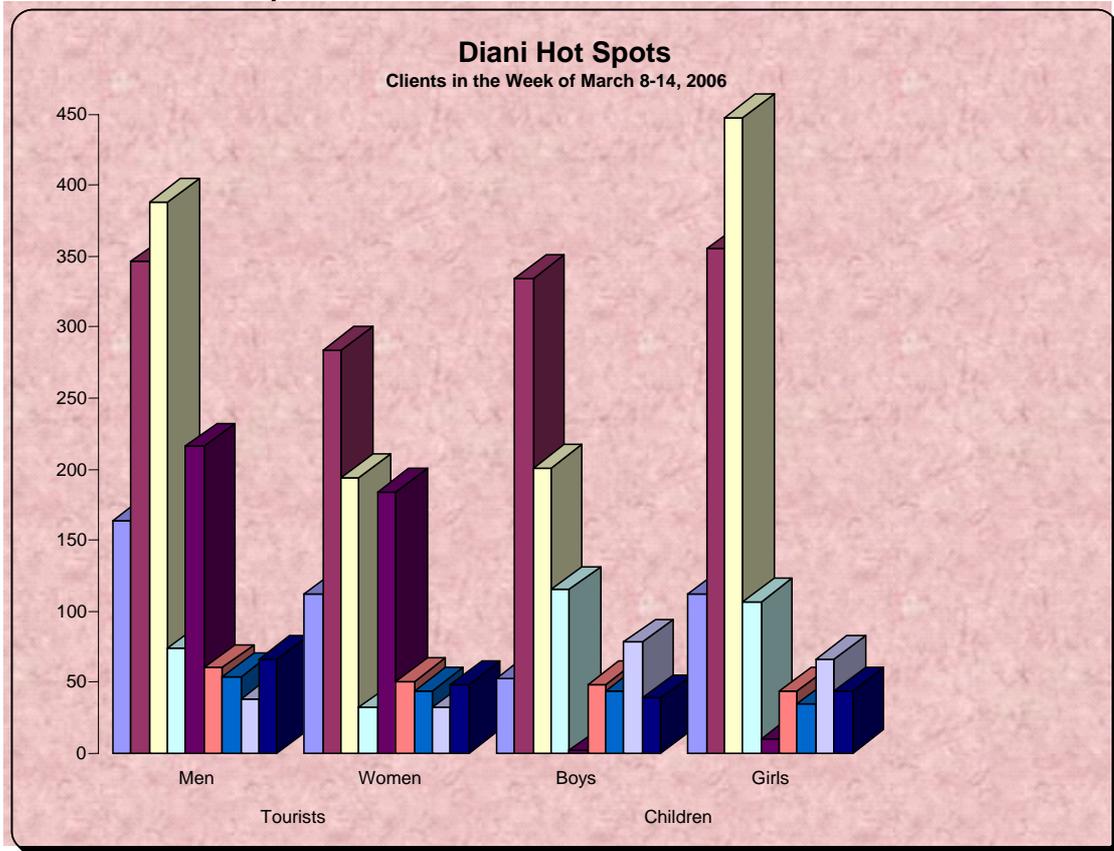
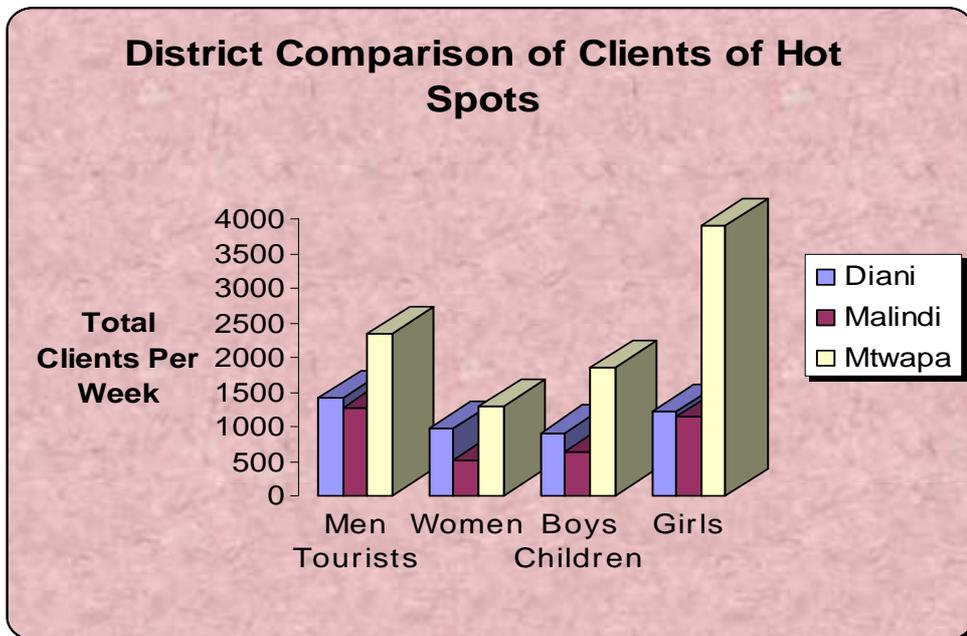


Table 26 District Comparison of Hot Spots



Chapter 6 Discussion of Findings

6.1 Strengths and weaknesses of the study and its methods

This study was undertaken to assess the scale of child sex tourism on the Kenyan coast and to understand the circumstances of the children involved. The selection of methodologies was driven by the need to find tools that would provide indicators of the problem. Previous studies conducted on CST in other countries had not been able to assess scale with any degree of confidence. This study was in many ways an experiment, using both traditional and innovative qualitative and quantitative methods.

The strengths of the methods used were several: a large amount of data was collected from a number of sources using an assortment of methods, these various data sources tended to confirm one another, and most importantly, primary data was collected from the CSWs themselves. Another strength of the process was the development of mixed research teams from the local population, with a large proportion of enumerators drawn from youth groups and former sex workers. This group were from the same sub-population to which underage sex workers belong thus had better access and were probably more likely to elicit truthful responses from their subjects than enumerators drawn from an older urban population.

The key strength of the methodology was probably the use of sex worker diaries for collecting primary data from children involved in CST. This tool has been used with commercial sex workers in Kenya and Uganda to elicit sensitive information about sex worker behaviour. It has not been used before with child sex workers. This is the first time that children have recorded data about their sexual activity in a systematic way, not depending on 24 hour or one-week recall. Primary data on the daily activities of children engaged in CST has provided revelatory information, not only about the quantity and type of sexual activities of the CST, but also about location, risk behaviour, and client base.

It should be noted here that the main purpose of using the sex worker diaries was to assess risk and levels of exploitation of children. The information gathered about client base, while of value secondary importance to study objectives.

There, as expected, some methodological challenges. Child sex tourism is a highly-charged topic, and although the study was undertaken by UNICEF with the approval and concordance of senior government, there was both passive and active resistance to the study at the provincial and local level. As a result, some of the initial plans, such as using schools as the entry point to accessing children, were not possible. The schools, as an entry point, would have offered a different perspective on and greater access to informal sex workers.

The points of entry to the population were via CBOs, NGOs, and youth groups, many engaged in reducing HIV risk amongst high-risk populations. Many of the sex workers in the study were therefore already known to these groups, and had been the recipients of prevention messages, peer counselling, etc. This meant that the cohort of child sex

workers formed a skewed sample, mainly consisting of girls and boys who regarded themselves as “professional/semi-professional” sex workers, and largely excluded those children who work part-time or occasionally, and in a clandestine manner.

The sample of approximately 100 CSWs from the three study sites do not include children under the age of 12 or children who are procured or work through third parties, and were mainly children who did their business on the beach or in clubs/bars/lodges. There was much anecdotal reporting about under-age children being taken to villas and private houses. In some locations, such as Malindi, children know compounds where they can find clients and/or money. However, this aspect of the sex trade, which probably involves both local and foreign paedophiles, could not be surveyed with any confidence (or without risk to the study team). Of course, some members of the sample group cited “villas” as locations of sexual activity, but represented an insignificant percentage of the total. This lacuna is a weakness of the study, but the obstacles facing the research team are the same as those facing the government and the judiciary in the areas of enforcement of the Children’s Act and protection of children, i.e. gaining access to villas and compounds where there is a suspicion of CST.

The sex worker diaries revealed hitherto-unconfirmed dimensions of the child sex trade on the coast. While recognising the value of the sex worker diaries, the training, monitoring and quality control presented major challenges to the research team, both local and Nairobi-based.

Identifying and training the children was the first challenge, and proved a slow process. The initial selection criterion demanded that a child had to be engaging in sex with foreign as well as Kenyan clients, so this reduced the pool of eligible and available children. Secondly, finding children who would agree to be part of the study for what was only a small financial incentive was a challenge; a number of children refused to be part of the study without a larger remuneration. The limited literacy skills of the children, particularly local children meant that the study population was further limited to those who could complete the diaries, or would agree to be attached to local researchers to assist them complete the diaries.

On receipt of the completed diaries, a large proportion was found unusable or suspect. The research team repeated the diary cycle in two locations which extended the study period, on the second-time, greater care and a higher level of monitoring and quality control were introduced, both at the study sites and during the verification and data entry procedures in Nairobi.

A further challenge affecting the research in both Malindi and Kilifi Districts was the presence during the data collection of a “rogue” social worker, well-connected to local government, who was rounding up underage children for “loitering”, taking them to the police station and insisting that they be held indefinitely until parents or guardians came to collect them. As a consequence, the children were understandably suspicious of the UNICEF research team, and in fact at a certain point believed UNICEF to be responsible for these vigilante actions. As well, there were a number of newspaper articles during the

past six months that sensationalised the child sex tourism issue, and made the local populations wary of researchers and suspicious the team's motives. This is a reminder that outside of the laboratory, no research takes place in a vacuum, especially research into a controversial or sensitive topic.

The key informant interviews were for the most part trouble-free. The research teams succeeded in interviewing a broad cross-section of the population, with an emphasis on the major stakeholders in the tourist sector. Key informants were generally honest, accurate and forthcoming. However, stakeholders whose livelihood directly or indirectly depended on the tourist sector admitted to discomfort in reporting on the magnitude of child sex work. Again, the effect of greater media attention and coverage on the issue of sex tourism made them uncomfortable about providing information which might draw greater attention to the subject and potentially affect the tourist market.

The findings of the focus group discussions have provided a depth and richness to the data, and have largely corroborated or expanded upon the data from the diaries and the key informant interviews. It was also true that certain stakeholder groups were more generous with information as a group than they were as individual key informants. Notable in this case were taxi drivers and *boda boda* operators and sex workers. While *waganga* (traditional healers/witch doctors) refused to be interviewed individually, they were agreeable to forming part of a group of elders. One key benefit of the focus group discussions was in the discussion of recommendations where there was opportunity for debate, and therefore a greater level of realism and practicality in the recommendations themselves.

The enumeration of hot spots was also straightforward. The one challenge, as mentioned, was the harassment of enumerators by police and *askaris* in a couple of locations. In one location, the police who had been charged with the task of picking up the enumerators and taking them to the cells talked to one the enumerator and the researchers about the constraints imposed upon them by their seniors in policing sex tourism. They had apparently been told expressly not to interfere with sex tourism activities, and that this directive was from "national headquarters".

6.2 First-hand knowledge of CST

- *Widespread first-hand knowledge of CST by the overwhelming majority of key informants. This is a strong proxy indicator of the magnitude of the activity.*

From this finding, it can be deduced that the activity is itself not only widespread but neither clandestine nor a recent phenomenon. Corroborating data was drawn from the focus group discussion members, nearly all of whom recounted knowing one, two or several children who were involved or who knew the families where children were involved. Setting this information against the estimates given, raises questions about the validity of the key informant approximations of magnitude. What is likely is that whatever estimates of the extent of CST that have been given are suspect, and probably significantly lower than the reality.

Although discussed Chapter 2 of the report, the study did not explore the area between “informal sex”, i.e. transactional sex for food and basic needs and commercial sex work, which is distinguished by its organisation, its cash transactions, and scale. In areas of extreme poverty, such as are found in the study sites, delineation and disaggregation of sexual activity of children is important in determining how to address the child protection issues.

6.3 Age of Initiation

- *The mean age of initiation of children into sex work, which was confirmed by interviews with children involved, as well as adult sex workers, is between twelve and thirteen.*

This was younger than anticipated. While it was expected that first sexual experiences would most likely occur at 12-13, it was not thought that this would coincide the onset of transactional sex. It appears from the findings and the interviews with sex workers that there is little or no gap between the two. We had anecdotal accounts of tourists requesting beach boys to procure virgins, but no evidence of a specific commerce in this.

Interviews with selected children, who were active sex workers, showed much earlier sexual initiation, as early as 6 and 8 years. The girls said they had been abused by relatives or family friends. This supports research which argues that the children who engage in sex work are often the victims of early child abuse.

One unexpected finding was how other aspects of children’s involvement in tourism resulted in the early sexual initiation and onset of transactional sexual activity of girls. Boys working the beaches; begging, tour guiding and engaging in sex with tourists, while giving part of their earning to their families, would pay their peers to have sex with them. The purchasing sexual favours by boys was found to begin in primary school.

6.4 Age and exploitation

- *Of major significance to the implementation of any intervention or policy, is the very low proportion of informants who regard child sex workers as more exploited. Only 15% of informants thought that the younger the child the more exploited he/she would be. Exploitation was mainly understood as monetary.*

Focus group discussions, by contrast, acknowledged that in objective terms, the younger the child, the more exploited they would be i.e. can be bought more cheaply. However, those groups: taxi drivers, male youth, regarded the exploitation as legitimate. They positioned themselves as clients/customers and that to purchase sex as cheaply as possible was an achievement.

Only in focus group discussions with sex workers and interviews with under age girls was exploitation noted as feature of early transactional sex. Exploitation was understood primarily as the underpayment for services and was regarded by older sex workers as part of the learning curve. By the same token, it was a contentious and explosive issue for older sex workers who saw underage workers destabilising the market by undercharging. During the enumeration of bars and clubs, there was an instance of a girl in the process of

negotiating with a white non-Kenyan and had agreed a price of 1000KSh. An adult sex worker, overhearing the negotiations came and took the girl away.

As discussed in Chapter 3, the informal nature of the sex work market, means that there the supply side, the customers, determines the pricing and the bargaining power of individual girls is limited. In focus group discussions and interviews, beach boys/middlemen did not think that a commission of 50% was unreasonable on brokering a deal with a tourist and definitely did not see this as exploitation.

One initial misconception of the research team was that the high demand for younger girls was related to their attractiveness and appeal, i.e. younger was more beautiful and more desirable. It would appear that what drives the market and demand for younger sex workers is their inexperience and their relative naivety, which means that they are more exploitable and cheaper. Men, in focus group discussions, regarded young girls as more willing and amenable to requests for a variety of different sexual acts. By contrast, they saw older sex workers as “hard,” “greedy,” and refusing to do what was requested.

Unsurprisingly, it was primarily women and the sex workers themselves that regarded the sexual behaviour of clients as abusive and/or exploitative. It was in the context of the discussion of the demands of clients that sex workers and children talked about the need for drugs and alcohol to make the work bearable.

6.5 Acceptance and approval of child sex tourism

- *From the perspective of the Government’s policy development and planned interventions, one of the most significant findings of the study is the very wide acceptance and even approval of underage sex work. 76% of key informants found the habit normal and tolerable with many actively approving.*

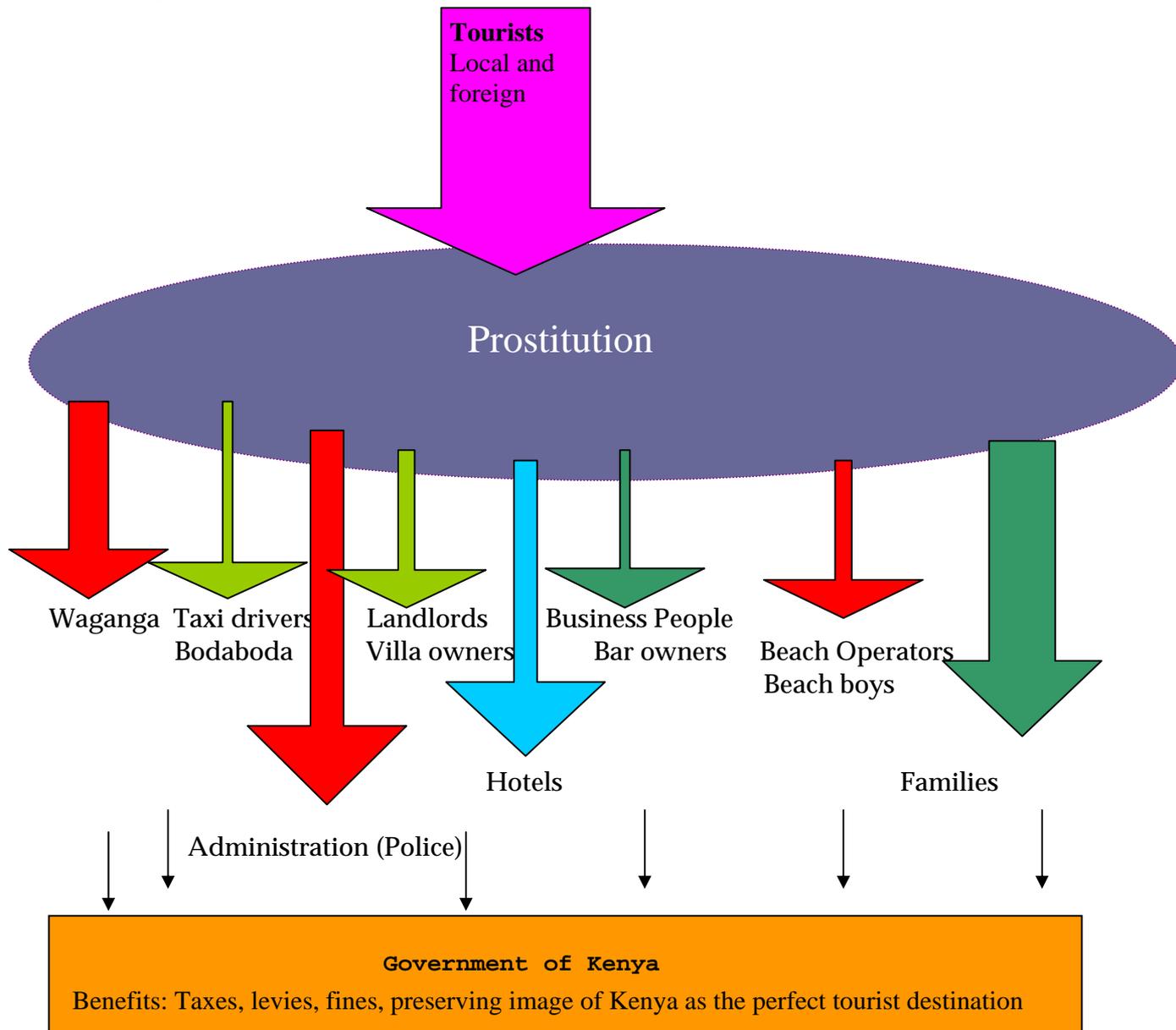
While some informants did express concern for the children involved, and did point to concerns regarding its effects on families and communities, a far greater number of informants talked about the value to a family in both monetary and status terms of having a *mzungu* associating with their children. Many informants talked about those families that did have a child involved with a foreigner on a permanent, semi-permanent or occasional basis, and how those families paraded the fact with pride to friends and other members of the community.

At another level of aspiration and ambition of individual girls and young women, a *mzungu* boyfriend, whatever his age, acts as the fantasy “Prince Charming” figure, and can be seen as perhaps the only realistic hope for lifting the child and her family out of poverty, or at least to a better standard of living. As discussed, in areas with very few job or training opportunities, commercial sex work with tourists and Kenyans is for some, the only income-generating option.

The distinction was noted, during focus group discussions and interviews with teachers and head teachers, between the portion of their students who truanted or dropped out to engage with tourists (not exclusively for sex but other business) mainly from reasons of hardship and necessity (orphaning by one or both parents) and those whose parents had

some employment but wanted disposable income and more material possessions and aspired to be Western-style teenagers. This desire to be more Westernised, more fashionable and stylish appears to have a bearing on entry into sex work.

An issue related to the widespread acceptance of the practice, was informants recognition of the benefits that accrue not only to the family but also to other members of the community. The chart below describes the network of beneficiaries.



Families; How families benefit directly and indirectly is complex as is parents' involvement – passive and active and is discussed further. Children, boys and girls, of families living in the poorer settlements with large numbers of women-headed

households around the tourist areas, are sent out as needed to find food and cash. They bring food and/or money and parents do not ask where it came from or how it was obtained. Children whose families live upcountry send an average of 2,000KShs a month to their families.

Mganga The role of *waganga* and sex work at the coast is an important one. Sex workers, both local and those from out of the province use the *waganga* on a regular basis. In an unstable sector a good *mganga* is believed to ensure, through, witchcraft, a steady solid supply of tourists who must be able to support the girl. He receives a commissions every time the girl receives cash, local or foreign and he will be kept on a retainer as long as the girl is successful.

Administration and Tourist Police- The remit of the police and the tourist police is to protect the tourist and his or her interests and generally keep law and order. For the children to operate, to receive protection and for the police to “look the other way”, bribes and other fees have to be paid to the police. Boys and girls in Malindi reported a charge of 50/- a day to the tourist policemen on duty. It was reported that in some cases, the police will act as intermediaries for a commission. They also will work with children to ‘scam’ targeted tourists through various forms of blackmail (using P3 and threats to report the matter to authorities) and the “kangaroo” court arrangements are common at the beach.

Beach Operators/beach boys- These are recognised to be key middlemen in sex tourism. They offer a number of different services to tourists both licit and illicit. They will identify clients and girls/boys alike and negotiate rates and a venue. They, like the female sex workers, are looking for tourists, men or women, to form long-term and commercially fruitful relationships.²⁶ A few operate as pimps with a ‘stable’ of several girls for whom they obtain clients. This is a more common among Muslim and local girls who face greater risks if they are seen soliciting in public. From focus group discussions, these middlemen are usually close male relatives, ‘helping their sisters get business.’ Commissions are charged at up to 50% of the negotiated rate..

Tourist hotels and their workers are the direct beneficiaries of the tourist trade. Many of the hotels, particularly, mid-range hotels who have suffered during the downturns in tourism will do little to discourage sex tourism. Superficially, most appear to put checks on tourists bringing sex workers/boys and girls back to them rooms. However, these are frequently monetary checks and balances and the hotels benefit - non-residents of a hotel pay a cover charge to drink at the bar, or if a tourist brings anyone into their room for the night they will be expected to pay double occupancy. Some hotels will even expect tourists to pay double occupancy rate for the entire length of their stay if they bring anyone to their rooms for a night. The hotel workers are known to act as procurers for resident tourists.

²⁶ Many are very successful ‘entrepreneurs’ who have two or three tourist ‘girlfriends’ who remit money on a monthly basis and have purchased properties for them.

Nightclub and bar owners and staff and others As one of the main venues for solicitation, nightclubs and bars have a vested interest in the continuation of sex tourism and, in particular, the involvement of under-age girls and boys. They attract and keep tourists in the bars and spending money.

Landlords and villa owners – The spectrum of landlords, from owners of lodges, rooming houses and villas, benefit from sex tourism. Girls from outside of the area rent rooms as both dwelling places and to conduct business frequently sharing a room with others and local girls who live at home rent rooms as places of business when entry to lodges is difficult or they want to operate privately.

Villa owners, who rent their properties either to tour operators for re-letting or directly to tourists often themselves live out of the country. While not enough is known about the arrangements of villa letting, it is believed that not only do owners of villas benefit from habitual sex tourists who feel they can engage in any kind of sexual activity with impunity because they are staying on private premises, but may also be tapping into the sex tourism market in the advertising of their properties.

The Government of Kenya receives tax direct and indirect, license fees, levies from various business people and also occasional fines from sex workers and tourists. The Treasury benefits enormously with tourism as the third largest source of foreign exchange. It could be argued that silence on the subject of sex tourism and low prosecution rates of foreign tourist enables the industry to grow, thus leading to higher earnings for all the stakeholders.

6.6 Entry into sex work and sex tourism

- *The influence of friends and peers was found to be the primary motivating force for entry. Friends also play a primary role in process of induction and initiation. The influence of family ranked as the second most common reason for children's engagement in sex tourism.*

Understanding in greater detail the causes and the way the process of entry into sex tourism operates and will be important in designing IEC intervention programmes. A very significant finding is the role of the family in encouraging and also initiating children into sex tourism. This needs to sit with the equally significant finding that poverty in its many forms is regarded as the primary motivating force behind underage sex tourism. As earlier studies have noted, however, poverty needs to be contextualised and defined for it to be helpful as a causal factor in CSET²⁷ As Wong-Grunwal notes, “*Poverty has many root causes and is a relative measure*”²⁸ and their needs to some precision in defining exactly what level of household and livelihood insecurity makes for legitimising children's entry into sex work.

²⁷ Ramona Wong-Grunwald, Commercial Sexual Exploitation of Children in Tourism – A perception analysis in Kenya 2005

²⁸ Ibid

The profound force of peer pressure as an encouragement to enter sex work is demonstrated in the findings. The desire to imitate the behaviour of peers, wanting similar material gains and also wanting to be part of a economically-successful group is all part of the peer pressure that teenagers' experience. It was also observed that teenagers frequently solicit tourists in groups of 3-4 friends, rent rooms together and treat what they are doing as a group activity. This need to be part of a group is teenage behaviour. Similarly research has shown that sex workers find it difficult to give up sex work because of the fear of losing the companionship and camaraderie of the group. Planning interventions for child sex workers needs to take account of the strength of peer influence.

6.7 Points of solicitation and sexual activity, policing and use of public areas

- *In two of the three study sites, the beach was the most popular place for children to solicit tourist clients. Sexual activity with children occurs in a variety and large number of different locations and settings.*

The findings of the key informant interviews regarding venues of solicitation and of sexual activity were corroborated by the diaries, the enumeration of hot spots and the focus group discussions. The diaries suggest that children use a far greater number of places for sexual activity than was first assumed. One area that went relatively under-explored was the issue of "territory" – the younger sex workers talked about how the older sex workers demarcate certain areas and where possible will try to chase off younger girls as fierce competition. These areas include portions of beach, or certain bars or clubs and may involve "whistle-blowing" to police or bouncers.

The monitoring and policing of the age of clientele of venues of solicitation is limited or suspect. Children have little problem in gaining entry into bars and clubs, despite being under eighteen. One related issue, particularly in Malindi, is that many underage boys and girls hold GoK IDs with false dates of birth, and such IDs are apparently easy to obtain. When considering enforcement issues it needs remembering that the bars and clubs are well aware that the presence of underage girls and boys attracts and keeps clientele. In Malindi, one renowned bar and lodge that attracts East African tourists as well as Europeans enforced the "no children under 18" rule for a couple of months.

Apparently, their client flow dropped by as much as 50%, so enforcement ended.

The use of raids or the exclusion of children from certain public areas as the central plank of a reduction programme risks the activity merely going underground, leading to greater marginalisation, increased risk of exploitation and even less protection. Considering that a great many activities surrounding child sex tourism are already clandestine, this is a very real concern that needs to be thought through carefully. The effect on children of increased and excessive law enforcement is well documented:

"In the Dominican Republic, for example, women and teenagers in tourist resorts were frequently rounded up by police in response to international pressure to address the problem of 'child sex tourism' (...as many as 170 in a night). Once remanded in police custody, there were no beds to sleep on, ...no entitlement to food until they were convicted,...women reported[being] beaten or raped by police, as well as subjected to extortion – the numbers of women and

*teenagers who end up deported, behind bars, or in 're-education' or 'rehabilitation'...far outstrips the number of Western [men] who have been similarly treated"*²⁹

Children conducting business of any kind on the beach is problematic, particularly since the creation of the Tourist Police Unit (TPU). There are real conflicts in terms of human and civil rights and real questions about the value and the probity of a special force, ostensibly protecting the interests of one group. What has now happened in many parts of the coast is that the beach has become an economic battleground.

The pivotal issue for the communities that surround the resort areas is that there is a decreasing amount of tourist dollars trickling into the local community, and fewer opportunities to do business with this wealthy transient market. With increasingly fortified and exclusive luxurious enclaves, the local population see the beach and the bars and clubs as the only points of access to the tourists and tourist wealth.

The study found that there was resentment from all sides about who could have access to the beach, who could use the beach, when and for what reasons. Increasingly, vendors have been forced off the beach, hotels do not want their clients harassed, beachfront property owners and residents feel threatened by groups of children begging or offering services, and occasional muggings occur. In this mix are the TPU, whose role is to maintain order on the beach and to ensure that school age children are not on the beach during school hours.

Interviews and focus group discussions with people who operate on the beach (including children) revealed that the tourist police, or at least some of them, used their position to accept bribes from the children (in Malindi, KSh 50 per child) and to scam tourists (sometimes with the collusion of children and beach boys). The vendors argued that one reason that they are now restricted on the beaches is so that the TPU can operate with greater impunity.

6.8 Pricing and the economics of sex tourism

- *The findings from key informant interviews and focus group discussions all confirm that child sex tourism is highly lucrative. It is particularly lucrative for specific kinds of sexual activity and for boys who have sex with men.*

Despite accounts from key informants and members of focus groups about how cheaply they could purchase an underage girl, the under-age sex workers in the study sample were able to command rates of 2,000KSh or more from international tourists and as much as 1,000KSh from the local elite. As a prized segment of the market, particularly the 14-16 age group, it seems the girls and boys can exact comparatively high rates for their services. A function of this age group operating in groups means that they have a better understanding of the market and what the market will bear. However, direct access to the tourist is confined but a number of factors including language skills, relative sexual

²⁹ Julia O'Connell Davidson, "Child Sex Tourism: an Anomalous form of Movement" Journal of Contemporary European Studies April 2004

experience and expertise.³⁰ Children with no foreign language skills were either limited to the local or regional market or were dependent on middlemen for access in tourists.

All reports confirm that underage sex tourism involving boys and MSMs represents the high-end of the market. It is also the least researched. However, the study did include underage male sex workers in distribution of diaries, and the boys who submitted their diaries demonstrate a high level of activity.

As noted, the average price in the high season for a single encounter with a tourist for an underage child (below 16) is KSh 2,000. This needs to be set against wages paid to children working in the domestic labour sector on the coast, who are frequently paid as little as KSh 1,000-1,500 per month. Casual labour on the coast for children rarely offers more than KSh 80-100 per day. From these figures, it is starkly self-evident why children and their families will determine that sex work is not only a viable, but a common-sense option.

For children in the 16-18 age group, the findings suggest they are able to command even higher rates from tourists as a result of being more skilled, both sexually and in negotiating. From talking to younger girls, particularly 13-15 year olds, it is evident that this group paradoxically displays both a “hard-nosed” attitude towards business and their clients (talking about what they will or will not do or accept for payment) but also display an acceptance of risk-taking and lack of consideration of consequences that are a feature of young adolescents everywhere – they will do more for less than their older peers.

One fact not captured in the key informant interviews but elicited from focus group discussions and interviews with sex workers is the relative difficulty in finding tourist clients, and the amount of time, effort and resources devoted to accessing the international tourist tranche of the sex work market. Competition is fierce, the work and the tourists are seasonal, and unless the girls have an agent or middle man they need language skills. As well, clothes, makeup and hair all require investment to pass as a “middle-class” girl going out for an evening with friends.

What also needs to be noted in the discussion about price is the collusion between tourist and sex worker – that this is not child sex tourism or prostitution: “sex tourists tell themselves that there are ‘cultural differences’ as regards prostitution, and/or that they are not paying for sex when they give money to a local sexual partner, but rather ‘helping’ him or her out”³¹ Another form that sex tourism takes which is disguised as the behaviour is prostitution is the holiday length relationship i.e frequently the arrangement with tourists is that sex is provided in exchange food and gifts during the period of the holiday with a large lump sum cash gift at the end.

³⁰ In the cohort of under-age girls and boys who completed diaries, the younger and newer to the business stated that they were ‘still learning’ and that they worked a limited amount of time because they were still inexperienced

³¹ J O’Connell Davidson 2004

“...these men tend to spend several days or weeks with the same woman or child are keen to conceal the economic basis of the relationship from themselves. They do not wish to see themselves as clients and cannot, therefore, think of the women as prostitutes.”³²

From the perspective of the child, this is financially risky, in that individual sex acts are not being paid for, and the child is basically entering into a service contract on trust that payment will be received on completion, but with no guarantees of this. Older sex workers are more skilled at ensuring that they receive their due in these arrangements. But informants reported cases where children were not paid or given derisory gifts - in one case, a “cheap Chinese bicycle” for two weeks work.

Sex work requires investment to be successful. Sex worker informants were keen to point out the hidden costs and the economic insecurity of being in seasonal work. Accessing tourists and the venues where most tourists go requires investment in a number of areas: hair and clothing (children involved in sex tourism were intensely aware of the need for very fashionable clothing), money for entry into clubs and bribes to bouncers etc., money to purchase food and drink at the venues. Hence, many younger girls begin in local bars to gain experience and money to allow them to access the tourist market.

For girls who have migrated to the coast, there are the costs of accommodation and remittances as discussed elsewhere. Key informants reported the need to have a local ‘friend’ who would help them during the low season. During the low season, girls depend on the local market, however, as the local market is also seasonal with migrant workers in the resort areas for the high season, prices are lower and opportunities fewer.

During the fieldwork, the research team conducted a very rapid cost of living appraisal. Cost of living in resort areas is significantly higher than most other parts of Kenya. Food, maize flour and basic vegetables, is as much as 15% more expensive than Nairobi prices. Accommodation is likewise difficult to find and expensive.

6.9 The children and their circumstances

- *Children involved in sex work and sex tourism are not a homogeneous group. As many as 45% of children engaged in sex work with tourist are from outside coast province with large numbers coming from Eastern, Central and Western provinces.*
- *Children from outside the province are more likely to be engaged in full-time sex work*
- *Children engaging in full-time sex work whether from Coast province or elsewhere are most likely to be living alone without adult supervision*
- *Children from the resort areas who are engaging in informal sex work with tourists are more likely to be from women-headed households or be single or double orphans. Of the sample of children from resort areas, 40% had lost one or both parents.*

³² J O’Connell Davidson 1996

Reducing the scale of children's involvement requires an appreciation and an awareness of who these children are and where they come. An extremely important finding from the key informant interviews, and confirmed by the diaries and focus group discussions, is the proportion of children working in sex tourism on the coast who are from other parts of the country, and have come to the coast specifically to engage in sex work. All sources confirm that approximately half of the child sex workers are from out-of-province. The ramifications of this finding need to be well-understood.

Firstly, this is not a recent phenomenon but a gradually-increasing one, as rural poverty, population pressure, HIV/AIDS, etc. stretches the capacity of communities across the country to cope and to provide opportunities for youth. In terms of reduction of numbers and rehabilitation of child sex workers, the fact that the coast is not "home" to many of them has logistical and cost implications. In discussions, the girls from other parts of the country felt they would not be able to return home unless they came with money or a *mzungu* husband. This was not simply a case of personal shame but the reality of their families not accepting a daughter back who would represent a drain on household resources.

Effect on host communities

The presence of "outsiders" operating in the sex tourist market changes the habits and the mores of the coastal communities. Children who would exercise caution in their behaviour and in their dress if they were living near their extended families will be aggressively seductive in their manner and dress when looking for clients. An easily identifiable group, the migrant sex worker population has few loyalties to or connections with the local population and lives largely on the margins and as a result, enjoys few of the protections that the community offers its own members. They generally receive less sympathy and/or support from the local population as they perceived as "competition" for local resources and the tourist dollar. Many of the girls from other parts of the country are seen as more skilled and privileged which, again, excludes them from support from the wider community.

Key informants also say that the presence of this large group of out-of-province child sex workers encourages girls from the local population to become involved and subsequently to leave home or at least rent their own rooms for the purposes of business. Whether this is in fact the case needs further study

In all of the study sites, there were areas identified as sex worker 'ghettos' where young and older sex workers lived. These buildings or lodges are well known to everyone. Migrant sex workers make their way to these enclaves. Many are invited by relatives who themselves are sex workers and will train them and act as intermediaries and/or pimps. As mentioned, large numbers of girls share single rooms on a rotational basis. Visits by members of the research team to a number of places where the girls live, found the conditions extremely squalid, unsafe and unhygienic. However, as at least a portion of the children had at some point been living on the streets, even substandard shared accommodation was an improvement. It needs noting that options and costs of housing and shelter varied substantially between districts.

6.10 Clients, tourists and risk behaviour

- *Nearly 40% of all clients of underage sex workers are Kenyan.*

The sex worker diaries build a picture not only of the client base of child sex worker but also locations of activity, types and kinds of sexual behaviour and condom use. The principle finding from the sex worker diaries is the scale of child prostitution with Kenyans. The importance of the finding is two-fold. First, it underlines the fact that sexual exploitation of minors is as much a Kenyan problem as it is a tourist problem. Secondly, it is descriptive of the way that the local sex trade supports and feeds sex tourism. Tourism is an unstable and volatile business, the flow and the demographics of tourists visiting Kenya changes from year to year and season to season.

For women and children who rely on prostitution as their sole source of income the fluctuations in the numbers of tourists and also in the numbers of full-time and informal sex workers it means that they cannot depend on the tourist segment of the market alone. Several of the girls reported having Kenyan regulars who provided goods and accommodation in the low season or when business was otherwise slow. By the same token, Kenyan men, when interviewed, admitted that the large numbers of women and children working as sex workers in resort areas meant that there was a steady and frequently cheap supply of younger girls when the tourist business was slow. Combating CST requires Kenyan men to take responsibility for their sexual behaviour and not take advantage of either the situation or the children themselves. Combating CST requires the condemning and disapproval of the behaviour itself and not merely the actors.

6.10.1 Nationality and sexual behaviour

- *In the study sites, Italians, Germans and Swiss men rank as the top three clients of under-age female sex workers at 18%, 14% and 12% respectively. These three nationalities were significantly more active with under age girls than other nationalities. Ugandans and Tanzanians ranked fifth and sixth in the client group. British and Saudi Arabian men ranked seventh and eighth.*
- *Anal sex represented 12% of all sex acts but 30% of all sex acts with Italian men*

As the sex worker diaries were analysed from the sites at different times, it was initially thought that the nationality of the client was a reflection of the degree to which one or other resort area attracted more of one nationality than another. This was not, in fact, the case, Italians, German and Swiss were greater users of underage sex workers in all sites.

Discussions and interviews with the child sex workers drew attention to the fact that certain nationalities demand services of the children which are by the nature more exploitative, deviant and illicit. One of the cohort of child sex workers in Mtwapa told how she had left Malindi because of the kinds of services that the mainly Italian clientele demanded such as performing sex acts with dogs. This anecdote and many like it point to the fact that the exploitation of children by sex tourists is not simply a case of paying for sex but about violence and physical abuse. Minimal law enforcement, few successful prosecutions of tourists, and a culture of entitlement among many habitual sex tourists plus a belief that they can 'buy their way out of trouble' all increase the risk of individual violence and abuse.

6.10.2 Nationality and condom use

- *No condom was used during 32% of all penetrative sex acts and 42% of all acts of anal sex.*
- *Kenyans, Italians and Germans ranked as having the lowest condom use.*

The worryingly low level of condom use supports reports that men, both tourists and non-tourists, believe that HIV risk to themselves is lower with under age girls and boys. Children also reported that the clients paid much higher rates for agreeing not to use a condom as much as 10,000/- for anal sex. Of particular concern was the fact that there the selection process of sex workers for diary completion was via HIV prevention peer education youth groups and NGOs. It can deduced that the diary keepers having attended HIV prevention meetings or received some kind of training are a group who are more likely to be using condoms than other informal or full-time sex workers.

In Chapter 2, the thrill and risk seeking behaviour of sex tourists is discussed and not using condoms in a country know to have high HIV/AIDS prevalence is one form of risking taking behaviour. Using child sex workers is, on the one hand, a risk reduction measure and on the other, using the power of privilege and money to put children at risk.

The restrictions to children's access to reproductive health services make the findings of the study of even greater concern. As the law stands at present, a child cannot access VCT services or reproductive health services without parental consent. As a result, children are not receiving regular check ups except in those areas where there are doctors and clinical officers who are sympathetic and recognise children's reproductive health needs. Pharmacists admitted that children were receiving drugs for STIs and birth control over the counter. In Mtwapa, for example, girls were known to inject each other with Depovera, the long-acting contraceptive drug without medical supervision or tests.

In the FGDs with parents and members of the communities, there was great bitterness about the burden of nursing and caring for the children and young women who contracted HIV/AIDS falling on them. As they pointed out, it is the families and communities that end up bearing the costs of sex work.

Chapter 7 Recommendations

Persons in prostitution should never be penalized - either directly for prostitution or indirectly for engaging in a commercial activity without a visa or permit. Non-criminalization ensures that women and children who are forced into prostitution have access to the authorities without fear of sanctions. Paragraph 127³³

The starting point for any initiatives to address child sexual exploitation is to **not blame the child for their own exploitation**. The purpose of all the initiatives taken by UNICEF, ANPCANN, ECPAT, Solwodi and all other organisations involved in addressing CSET is to protect children. Initiatives which focus on punishing the child by raids, detention and ‘re-education’ are ultimately doomed to fail.

The intention behind high profile actions such as police raids is to demonstrate that action is being taken; however, such actions are both financially and, in terms of government resources, unsustainable. Therefore, the public and those involved in child protection tend to regard these exercises as a form of rhetoric and bluff rather than the basis of a CSET reduction campaign. In planning medium and long-term initiatives to address child sexual exploitation, the importance of gaining the support of national and local populations cannot be over-emphasised. The general acceptance and approval of CSET found at the Coast suggests that any measures that are punitive of the child and indirectly of the families will be regarded with suspicion and gain no local support.

The study found widespread distrust of law enforcement in relation to CSET. The lack of reporting and prosecution of men for CSEC – tourist or local – persuades the local populations that there is a two-tier legal system; one law for male foreigners and another for the local population, particularly women and child sex workers. This failure to act against the perpetrators sends a powerful message to communities and re-enforces the conditions that allow CSET.

Any endeavours by GoK that do not include a consistent and long-term improvement in the prosecution of male sexual abusers of children will just confirm the general belief that there is a lack of political will or commitment to addressing sex tourism. Again, occasional high profile cases under the media spotlight do not convince offenders or the wider community that CSEC is being addressed. The fact that the majority of sexual abusers, mainly men, go unpunished fuels the CSEC market. As the Special Rapporteur’s report on the Sale of Children, Child prostitution and Trafficking notes:

“Men’s demand for prostitution, the impunity of sexual exploiters, the pernicious effects of a globalized free market and economy, discriminatory attitudes, especially discrimination on the basis of race, colour and ethnicity, beliefs held by

³³ Juan Miguel Petit, Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Rights of the Child, Commission on Human Rights Sixty-second session Item 13 of the provisional agenda - January 2006

men about sexual dominance, armed conflict and political instability, and traffickers' greed are among the main factors that create demand for sexually exploitative services."³⁴

Child sexual exploitation is a complex interplay between the forces of supply and demand. This is well understood. However, addressing the supply side is a formidable task. If policing and law enforcement is only part of the answer, then what are the alternative measures that Government and partners can explore? Poverty, disintegration of the family, widely-held views that children can be used by families for economic purposes i.e. can be treated as objects, and the lack of choice and opportunity for youth as well as adults are all push factors in child prostitution and sex tourism.

While these issues are immense and require major investment in both human and financial terms, ignoring them will mean that there is little likelihood for real change or improvement to occur. In the long-term, it has to be the local communities themselves that resist and refuse CSET, but they need to be given the economic and structural support to do so.

No one ministry can be either tasked or held responsible for addressing CSEC, the multi-factoral nature of the problem requires a multi-sectoral approach and response. The police and Ministry of Justice have a very tarnished reputation. The Children's Department is only one department in one ministry and does not have either the power or the capacity to address the many child protection issues that CSEC/CSET raises. As one lawyer in the study described it: *"Police don't know the Children's Act and don't recognise their role in child protection. There is ambiguity between what is their role and the role of the Children's Department. The lack of resources, staff and motivation in the Children's department means there is a real gap between vision and practice."*

The Ministry of Tourism needs to take a key role, not in the day-to-day issues of child protection or prosecution of tourists, but in developing policy that will discourage the kind of tourists and tourism which supports CSET and ensuring that a substantial portion of the economic benefits of tourism accrues to the host communities. Further, it needs to take a key role in supporting, monitoring and reporting on the ECPAT Code of Conduct, as well as developing reliable and transparent information management systems whereby tourists can be tracked and monitored.

Treasury and Ministry of Finance also need to address the enormous disparities of wealth and circumstance that are characteristic of the most affected Coast districts. Poverty reduction is crucial generally but is particularly so when the majority of the population believe that *"sexual relationships with tourists represent one of the few ways in which ordinary local adults and their children can tap into the privileges reserved for tourists and elite locals."*³⁵

³⁴ Petit, 2006

³⁵ Julia O'Connell Davidson 2004

The role of schools and teachers in creating awareness of CSET and offering gender training in empowerment, rights and self-esteem is critical. The Ministry of Education needs to be part of the planning and programming around CSET and also needs to support its schools and its head teachers in the most affected areas. Teachers in those areas are disheartened and discouraged by high rates of truancy, drop out and early pregnancies that sex tourism encourages. Supporting those schools and staff is likely to have a major impact on their capacity to address CSET issues.

The following key recommendations are outlined.

1. The Government and its partners need to consider how and in what ways poverty reduction programmes can be stepped up in the areas which surround the key tourist strips. eg. target children and youth, creation of vocational training opportunities, greater role for youth in economic planning, increase availability of secondary school places, shifting training institutions such as Utalii and certain Government of Kenya offices from Nairobi to Coast Province, long-term funded school feeding programmes, etc.
2. The Government of Kenya needs to be clear about its own priorities and to recognise the inherent conflicts between the stated objective to substantially increase the numbers of tourists coming to Kenya and its commitment to assuring child rights and child protection.
3. The active involvement and commitment from Treasury, Ministry of Tourism, Ministry of Justice, Ministry of Home Affairs, and Ministry of Foreign Affairs and the Ministries of Education and Health are required for any reduction measures to carry weight and be sustainable.
4. All stakeholders need to acknowledge and accept that child prostitution is a widely-accepted practice in Kenya and that the existence of a buoyant local market in child prostitution feeds and supports sex tourism.
5. There needs to be a major shift in thinking and values away from punishing the child and his or her family and instead holding the men who engage in transactional sex with minors as accountable and responsible. This needs to be the starting point for developing a plan of action and for all IEC campaigns.
6. Because of the large number of children coming to the coast from other parts of the country to engage in sex work with tourists, Child Sex Tourism needs to be understood as a national and not a local problem confined to the Coast province.
7. There needs to be a review of the legal instruments whereby third parties to sexual exploitation of minors can be held responsible and accountable and the courts be given the power to enact costly penalties e.g. closing establishments, increased monitoring of long-term foreign tourists, home owners,

8. The GoK should play a more active role in the global tourism arena including participating in global conferences on child sex tourism and paedophilia reviewing policies and strategic plans for tourism in Kenya to encourage the kinds of tourists and tourism that respects and supports local customs and values, and marketing Kenya to that specific market

Chapter 8 Way forward and action planning

8.1 Introduction

The final component of the Terms of Reference for this study was, in turn, to develop the Terms of Reference for the national and provincial-level steering committees and to develop district-level action plans for Malindi, Kilifi and Kwale districts. When those TORs were developed before the training on the ECPAT Code of Conduct, a somewhat different and shorter study had been envisaged. The momentum generated by the ECPAT Code of Conduct training resulted in the Administration in the three districts beginning the process of developing district AAC – CSET sub-committees and one district, Kwale, has held two subcommittee meetings and already developed a plan of activities for the 2006-2007.

At the national level, there is an existing inter-ministerial committee which sits to address issues of human trafficking including trafficking in children in Kenya, this committee has been deemed the logical home for CSET. When the His Excellency Moody Awori, the Vice President and Minister of Home Affairs, learnt the findings of the study, he strongly supported the recommendation that the matter be addressed at a senior-level inter-ministerial committee. The broad Terms of Reference for the committee are outlined later in this chapter. The TORs are derived from suggestions and recommendations from the participants in the study and other stakeholders.

8.2 District Action Plans

Dissemination workshops were conducted at the three districts on 19th, 20th and 21st June respectively. Participants were drawn from the tourist and commercial sectors, provincial and local government officers, teachers, social workers, NGO and CBO representatives, youth groups and local researchers. After the findings of the study were presented and discussed, participants were invited to develop action plans around key themes:

1. Communication strategy;
2. Knowledge, Attitude and Practice: Changing Attitudes;
3. ECPAT Code of Conduct
4. Law Enforcement
5. Migration

The action plans developed during the course of the three workshops were very similar. A lack of time for detailed discussion meant that participants could not address the specifics of the individual districts i.e. participants discussed the issues on a general and generic level and did not address the particular circumstances of CST in their own districts. Initially, it was intended that the workshops would provide enough of an opportunity for discussion and planning that draft individual District Action Plans would be attached. Instead, the draft Action Plans prepared at those three workshops have been amalgamated the key objectives and activities. Finalising the specific details will be work for the AAC – CSET sub-committee and will be the first order of business for the next meeting.

8.2.1 AAC-CSET sub-committees

As their establishment came about in part as a consequence of the training, the focus of the committees was initially raising awareness of, and support for, the ECPAT Code of Conduct. Who should sit on the committee was decided during discussions at the training workshops. For a variety of reasons not all stakeholder groups were included in the initial training. A number of different stakeholder groups were involved in the study and have an interest in being involved in the mobilization and other activities suggested in the outlined Action Plan in this section. It will be extremely important to the long-term success of any initiatives to address child sexual exploitation and tourism at the coast for all stakeholders, NGOs, CBOs, FBOs, to feel that they have a role in the decision-making process. However, at the early stages, it will not be clear which organisations or government departments will have the capacity to manage programmes. Clearly, planning and decision-making will be in relation to the commitment of the individuals, their organisations or government departments.

The CSET sub-committees will need to review their membership and explore ways to ensure that key groups e.g. youth groups, FBOs, sex workers, taxi drivers, beach vendors, residents associations, women's groups are represented. This may require the striking of smaller committees with specific tasks that will operate at divisional level for a fixed short-term period.

8.2.2 Draft District Action Plan

The proposed time line for the completion of activities has been omitted. Each committee will develop their own time line for activities which will be based on a number of key factors. These include:

- The resources – money, time and available people - available to carry out activities. The inter-ministerial committee will need to agree upon the finances and resources to be earmarked for CSET activities: child protection, law enforcement, education and community mobilization.
- The priorities for each district and/or division. Each district will have slightly different priorities depending upon the volume of tourists, the effectiveness of current reduction strategies and law enforcement and the culture and religious practices of that area.
- The local and international NGOs operating in the district who might be in a position to either scale up their activities if they are addressing CSET or to extend their activities to include some CSET –related activities.

District Committees may want to re-visit, select and maybe add to the objectives included below. When committees have to deliver on a large number of objectives and activities they tend to peter out and die. For the first year, a few clear and achievable objectives with a small number of doable activities will motivate the committee and other stakeholders to continue. Below is a sample objective and activities that some district sub-committees might want to consider adopting:

Objective: To reduce risk of children's sexual exploitation in

- Ensure that District Tourist Office has and maintains updated list of all villa rentals with names and addresses of occupants/tourists from Jan 2006 and that it reports its figures and revenue to the committee on a quarterly basis;
- In conjunction with local youth groups and others, conduct mapping exercise of rental villas in each division by December 2006 to assess approximate numbers of tourists who do not form part of the hotel guest population. As there has been a boom in the construction of tourist villas and guest housing in the last three years, this exercise may need to be repeated in 2007.

DISTRICT PLAN OF ACTION
Strategic theme – Law Enforcement

Objective	Activities	Who (NGO, CBO, GoK)	Who coordinates	When
To ensure by end 2006 district-wide awareness and understanding of laws governing child exploitation and prostitution	a) Conduct targeted training on CRC, ECPAT Code of Conduct and Children’s Act and child protection with selected groups: - police; - local administration (chiefs etc) - community leaders including CBO and FBO officials	UNICEF CLAN ANPCANN KAARC	Children’s Department – - AAC sub-committee - OCPD	
	b) Conduct local sensitization campaign - barazas; - women’s and youth groups; - churches, mosques	- police; - local administration - community leaders		
To enforce existing child protection laws	a) Ensure regular patrol hotspots, spot check and ensure validity of IDs	- Tourist Police Unit + youth group official/members - Police	- OCPD - OCS - OC-TPU - AAC sub-committee	
	b) Investigate reports of child exploitation, arrest and prosecute offenders wherever possible.	- Judiciary		
	c) Expedite legal and court processes ensuring minimum delays or stays in proceedings			

To improve image of law enforcement agencies and increase community confidence in law enforcement by 2008. probation service and/or children's department probation service and/or children's department

- a) **District TPU management to ensure that the solicitation of bribes from children and tourists will result in severe penalties and any reports of corruption will be investigated.**
- b) **TPU and sub-committee to identify responsible third party to act as ombudsman and to receive complaints so complainants will not face harassment.**
- c) **TPU management to report quarterly to sub-committee on public relations.**

OCS
OC-TPU

Children's Dept.
CSET committee.

To instigate systematic identification and protection programming for known and at risk child sex workers

- a) **Probation service and/or children's department to identify and follow up any child held for soliciting by either the police or other community**
- b) **Family and individual counseling and follow-up**
- c) **Conduct assessment of living conditions**

Probation Department
Children's Dept
NGOs e.g. Solwodi

Children's Dept
CSET committee

To encourage use of police hotline to report cases of exploitation

- Public education campaign about the hotline and its uses**

Police
CBOs
Children' Departk

Children's Dept
CSET committee

Strategic theme - Communication

Objective	Activities	Who (NGO, CBO, GoK)	Who coordinates and takes responsibility	When
To create district awareness of study findings by Dec 2006	a) Conduct dissemination meetings with key stakeholders: hoteliers, beach operators, taxi drivers and TPU: - forums, barazas	- Meetings to be conducted by appropriate persons or agency from the following: chiefs; DCO; village elders;	- Children's Dept	
	b) Conduct dissemination meetings / information sessions in beach and tourist locations.	- Meetings to be conducted by Provincial or District Administration depending on groups targeted e.g. DOs, Education or Public Health Officers or SDAs.	- Children's Dept - CSEC Committee	
	c) Conduct dissemination meetings / information sessions			
	d) Explore possibilities of radio or video for dissemination of study findings	- District Information and Communication Office		
	e) Translate highlights of study into the local languages	MOE and Min of Tourism	Children's Dept - CSEC Committee	

Strategic theme – ECPAT Code of Conduct

Objective	Activities	Who (NGO, CBO, GoK)	Who coordinates and takes responsibility	When
To encourage businesses operating in the tourist sector to sign and abide by the ECPAT Code of Conduct	a) Conduct ongoing training and sensitization on the ECPAT Code of Conduct for hotel and bar staff and other stakeholders;	GoK – Tourist Office and Children’s Dept.	- Children’s Dept - CSEC Committee	
	b) Organise a one-day event for tourist businesses to public sign the ECPAT Code of Conduct	CBO/NGO e.g. Teens Watch		
To publicise and create awareness of the ECPAT Code of Conduct t	a) Work with local and national media to explain the ECPAT Code of Conduct and its value	GoK – Communication and Information Dept.	Children’s Dept - CSEC Committee	
To reduce incidence of beach operators procuring children for tourists	a) Sensitize beach operators to issues around sexual exploitation and the law;	- Police and TPU	Children’s Dept - CSEC Committee	

Strategic theme – Internal migration

Objective	Activities	Who (NGO, CBO, GoK)	Who coordinates and takes responsibility	When
To reduce the migration of unaccompanied children from rural to tourist areas	a) Life skills and self esteem classes for primary school girls in rural areas with career and life counseling	GoK – Min. of Ed.	Nationally – MOE and Nat. Steering Cttee - Children’s Dept - CSEC Committee	
	b) Explore income-generation schemes targeting young girls and their families both in Coast Province and in provinces of origin of the country of children involved in CST;	Kwetu, CHOICE, KWFT, CRSP, PLAN	- Children’s Dept - CSEC Committee	
	c) Explore options for providing life skill training for men particularly in relation to the use of commercial sex workers both adult and child	GoK – DSDO Min. of Labour	- Children’s Dept - CSEC Committee	
	d) Enforcement of local by-laws			

Strategic theme – Knowledge, attitude and practice – changing attitudes to CST

Objective	Activities	Who (NGO, CBO, GoK)	Who coordinates and takes responsibility	When
To discourage the acceptance and tolerance of CST by tourist business and communities	a) Explore inventive ways to ensure that communities are aware of magnitude of CST, its health and psychological risks to children: <ul style="list-style-type: none"> - train facilitation teams from different interest groups – youth, parents, teachers, religious leaders etc to conduct informal discussion groups and meetings; - conduct school-based meetings/workshops for teachers and members of parents associations - conduct work-based discussions/workshops with transport sector workers: taxi drivers, boda boda operators, matatu drivers and touts - use existing peer educators and theatre groups to develop plays and materials to use to raise awareness. 	- AAC – Area Advisory Committees - Solwodi. - Provincial Education Dept.	- Children’s Dept CSET committee	
	b) Develop cost effective and reliable ways of monitoring	-Matatu and Taxi Organisation Leaders e.g. Airport Taxi Organisation.		

improved understanding of CSET
issues e.g. questionnaires, key
informant, focus group discussions

PLAN International,
ActionAid.

8.3 National Steering Committee - Terms of Reference

As earlier stated, the Terms of Reference for the National Steering Committee are provisional recognizing that this committee is a senior governmental body. However, the recommendations that are themselves an integral part of the study findings offer very definite directions to be taken by a committee charged with the responsibility of reducing the incidence of child exploitation, prostitution and sex tourism.

8.3.1 Committee structure

There is already an inter-ministerial standing committee addressing Human Trafficking and reporting on Kenya's progress to meet at international level. Two options suggest themselves: either the TORs for a CSET Steering committee are absorbed into the remit of the existing committee or, alternatively, a sub-committee is struck with the specific task of addressing Child Sex Exploitation and Tourism. While the committee may form smaller working groups to address particular policy or programming issues, the full committee should meet on a quarterly basis and have representation from the following ministries:

- Treasury
- Tourism
- Foreign Affairs
- Home Affairs
- Education
- Health
- Labour
- Justice

8.3.2 Committee purpose and objectives

The overall goal of the steering committee is *to reduce and eventually eliminate the incidence of child sex exploitation and tourism in Kenya*. A specific five-to-ten year strategic plan with numerical targets and budgets needs to be developed in the course of the first quarter. It is envisaged that as tourism represents such a significant portion of foreign currency earnings, the Ministry of Tourism will be able to leverage funds from Treasury to address the key components of the reduction strategy.

Thus the first objective for the sub-committee is *to undertake the development of strategic plan to set objectives and achievable targets*. The CSET strategy will determine the extent of the involvement of the various Ministries and departments. The strategic plan will also look at the role of civil society organisations: Kenyan NGOs, CBOs and FBOs, the tourist organisations, international NGOs. UNICEF is likely to be able to assist the Government in networking with relevant local and international organisations working to address CSET, assess the capacity of organisations to deliver relevant, targeted programming and to liaise with other multi-lateral and bi-lateral donors who want to support CSET initiatives.

The recommendations (p. 68) that emerged from the study contain what could be short-, medium-, and long-term objectives for the strategic plan. However, the committee will

decide what will be the main priorities. Ideally, the priority areas should reflect the core CSET issues:

- **Child Protection**
Children involved in CSET and their need for protection e.g. guardianship, shelter and housing, access to counselling, access to health services, protection from law enforcement agencies,
- **ECPAT Code of Conduct**
Follow up on tourist sector to sign and to abide by the ECPAT Code of Conduct. Promotion of the Code of Conduct and public education regarding its content and the obligations of its signatories;
- **Law Enforcement**
 - Harmonisation and revision of current legislation where inconsistencies exist e.g. the Children's Act and the Penal Code;
 - Promulgation or revision of the law to allow the police to prosecute/fine third parties involved directly or indirectly in CSET;
 - Review of law enforcement agencies and their capacity and willingness to investigate and prosecute CSET offenders. This would include reviewing the frequency and success of prosecutions of men and women engaging in commercial sex with minors irrespective of nationality and the attitude of law enforcement agencies to this widespread practice.
- **Communication and Information**
 - Public Education campaign directed at general population regarding child protection, CSET, child prostitution and the law. There is generally poor understanding by the population at large that commercial sex with a minor is an offence. Wide acceptance of CSET by communities and families may in part be attributable to ignorance of the law.
 - Targeted public education campaign directed at incoming tourists.
 - Collection, management of, and access to, information on tourists whereabouts particular tourist residing in villas and apartments.
- **Poverty reduction and targeted economic growth**
 - Increasing the opportunity for completion of primary and secondary education, vocational training, and access to formal employment for children and youth.
 - Scale up of poverty reduction programming in most affected areas in Coast province. Incentives for non-tourist related business to locate to the coast.

In managing the execution of the CSET strategy, the key functions of the committee will thus be:

- a) to give clear direction to individual ministries as to their roles, their responsibilities and their accountability to defined child sexual exploitation and sex tourism reduction targets;
- b) to monitor and report on progress to reduce the incidence of child sexual exploitation and tourism both at national and international level and;
- c) to ensure that adequate financial and human resources are made available to the relevant ministries and that this translates to adequate and timely resources at provincial and district-level.

It is anticipated that there will be a provincial level coordinating committee drawn from the provincial administration and from civil society members of the three district AAC – CSET sub-committees. The Children’s Department now has a senior officer delegated to coordinate work on CSET and will facilitate links between the national and provincial structures.

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