



# **Sexual Exploitation of Children in Africa**

**A Silent Emergency**





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A Silent Emergency

African Child Policy Forum (ACPF) &  
OAK Foundation

**2019**

## AFRICAN CHILD POLICY FORUM (ACPF)

African Child Policy Forum (ACPF) is an independent, not-for-profit, pan-African institute of policy research and dialogue on the African child. ACPF was established with the conviction that putting children first on the public agenda is fundamental to realising their rights and wellbeing, and crucial in order to bring about lasting social and economic progress in Africa.

ACPF's work is rights-based, inspired by universal values and informed by global experiences and knowledge. It is guided primarily by the UN Convention on the Rights of the Child (CRC) and The African Charter on the Rights and Welfare of the Child (ACRWC).

ACPF aims specifically to contribute to improved knowledge on children; to monitor and report progress; to identify policy options; to provide a platform for dialogue; and to promote the development and implementation of effective pro-child policies and programmes.



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# LIST OF ACRONYMS

<b>ACERWC</b>	African Committee of Experts on the Rights and Welfare of the Child
<b>ACPF</b>	African Child Policy Forum
<b>ACRWC</b>	African Charter on the Rights and Welfare of the Child
<b>AU</b>	African Union
<b>CRC</b>	UN Convention on the Rights of the Child
<b>DCI</b>	Defence for Children International
<b>DRC</b>	Democratic Republic of Congo
<b>ECPAT</b>	End Child Prostitution and Trafficking
<b>EIU</b>	Economist Intelligence Unit
<b>FARDC</b>	Armed Forces of the Democratic Republic of Congo
<b>HIV/AIDS</b>	Human immunodeficiency virus/acquired immune deficiency syndrome
<b>INTERPOL</b>	International Criminal Police Organization
<b>LRA</b>	Lord's Resistance Army
<b>NCRC</b>	The National Crime Research Centre
<b>NCSCR</b>	National Centre for Social and Criminological Research
<b>NGO</b>	Non-Governmental Organization
<b>OPSC</b>	Optional Protocol to the Convention on the Rights of the Child on the sale of children
<b>PNC</b>	Congolese National Police
<b>UNHCR</b>	United Nations High Commissioner for Refugees





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## PREFACE



2019 marks the 30<sup>th</sup> anniversary of the UN Convention on the Rights of the Child (CRC). 2020 will be the 30<sup>th</sup> anniversary of the African Charter on the Rights and Welfare of the Child (ACRWC). This is, therefore, an important historic moment that offers us the opportunity to take stock of the progress we have made in protecting children from violence and exploitation, and to renew our commitment to even greater and more accelerated action.

And action necessitates evidence.

Even though there has been commendable progress in tackling the sexual exploitation of children, globally and in Africa, including through the adoption of the sustainable development goals (SDGs), there have nonetheless been only limited attempts to document and measure the sexual exploitation of children. As a result, there is a lack of evidence on its extent, its key drivers and the ways in which it manifests itself in different settings—a lack that limits informed policy making on the issue at both global and African levels.

We congratulate ACPF for this continental report, *Child sexual exploitation in Africa: a silent emergency*, which is the culmination of an extensive review of current knowledge on the issue. Coming at an important junction, the report takes stock of where we stand and urges us to make greater commitments to fast-track progress towards eliminating violence against children in all its forms.

The report is a first attempt to document child sexual exploitation in its various manifestations. It provides evidence on the scale of the problem and on what works in preventing and responding to child sexual exploitation, and signals the areas where greater commitment is required. The evidence presented in the report provides African governments and their partners with useful information that they can use for law and policy reform, programme development, and advocacy for a world free from violence.

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Secretary-General on Violence  
against Children*

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# FOREWORD



Violence against children is a “silent emergency” of our time, as UN Secretary General Antonio Gutierrez has said;<sup>1</sup> and sexual exploitation is one of its most egregious manifestations.

A large proportion of women and children are victims of sexual exploitation, and continue to be subjected to sexual servitude by rich and powerful men who use manipulative tactics involving money and coercion and, more often than not, breach positions of trust in order to do so.

Worryingly, sexual violence has become a fast evolving crime, taking on more sophisticated and technology-facilitated tactics. New opportunities and breakthroughs that advance human progress and facilitate human interconnectedness have brought with them intractable child protection concerns. A new, virtual world, highly unfettered and predatory, has made our children unsafe even within the confines of their homes. Explosive leaps in technological advances and travel have made it possible for offenders on the move to sexually exploit children travelling across continents with little detection.

As a result, traditional forms of sexual exploitation are becoming concordant with modern day practices—evident in, for instance, “tourism marriage” and the increasing commercialization of child marriage.

In the midst of this growing scourge, African countries have begun to introduce legislation and policies with the potential to deter child sexual exploitation. The efforts and progress made over the years are laudable,

especially in light of where we started, but still leave much to be desired. The ***Out of the Shadows Index***, developed by The Economist Intelligence Unit, revealed that only five out of 19 documented African countries scored above 50% on their overall national efforts to prevent child sexual exploitation. It is, therefore, fair to say that rhetoric has not led to action that is appropriate, inclusive and consistent. Examples:

- We have criminalized child marriage, but we have continued creating millions of child brides because we have failed to change people’s hearts and minds.
- While we have targeted girls in most efforts to tackle sexual exploitation, we have not properly recognised boys as victims of sexual exploitation – in both law and practice, as pointed out by ***Together For Girls***.<sup>2</sup>
- While we have allowed girls access to school, we have failed to make the schools safe for them.
- While we condemn certain practices, we condone others.
- While we try to punish the perpetrators, we ignore the victims.
- While we profess protection for all, so many more have fallen through the cracks in our efforts.

In short, sexual exploitation has become a serious problem that is growing fast and taking on new forms. It is a practice that dehumanises children, deprives them of their dignity, and robs societies of productive futures. Child sexual exploitation has never been and will never be an inevitable human condition. It is preventable, and it can and should be eliminated. And we have the means to make that happen.

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# SUMMARY OF KEY FINDINGS

## SCALE OF THE PROBLEM

### Child sexual abuse: some indicators

- Globally, more than half of all children aged 2–17 years, about one billion children in total, experience some form of violence, including sexual exploitation.
- In Kenya, Malawi, Tanzania, Swaziland and Zimbabwe, lifetime prevalence for experiencing sexual violence varies between 22% and 38% for girls, and between 9% and 17% for boys.
- In Malawi, about 22% of women reported having experienced child sexual abuse in one form or another.
- In Ghana, 39.4% of child respondents reported having experienced indecent assault, and 18 % reported having experienced defilement.
- In South Africa in 2016, one in three people, male or female, was at risk of sexual abuse before reaching the age of 17.

### Child exploitation through “transactional sex”

- In Uganda and Zimbabwe, about 19% of females surveyed reported having received material support or other help in exchange for sex during childhood.
- In Egypt, 36% of street children have suffered sexual abuse, violence and other coercive practices, such as exploitation through “transactional sex”.
- A 2010 report in Zambia showed that there were 580 children involved in “transactional sex” per 100 000 people.

### Victims of trafficking for sexual purposes

- Globally, children currently account for 30% of those who are trafficked, including for purposes of sexual exploitation.
- It is estimated that four million women and girls worldwide are bought and sold each year either into marriage, prostitution or slavery.

- Although current figures are difficult to come by, 103 cases of trafficking in minors (including 74 girls and 29 boys) were registered in Benin during the first half of 2013 alone. In Burkina Faso, 280 child victims of trafficking were identified in 2014, of whom 211 were trafficked domestically and 69 were trafficked across the border.

### **Child sexual exploitation in travel and tourism**

- Globally, each year 3 million people take a trip in order to have sex with minors.
- Women currently represent about 10% of the world's travelling sex offenders.
- Child sexual exploitation in travel and tourism is growing fast: 35% of travelling sex offenders worldwide are regular customers, and 65% are occasional customers.

### **Online sexual exploitation**

- Globally, every seven minutes a web page displays an image or images of children being sexually abused.
- Some 55% of the worldwide victims of online sexual exploitation are less than 10 years old.
- In 2017, 78 589 URLs were identified worldwide that contained images of sexual abuse. 86% of these contained images of girls.
- In 2016 there were approximately 8.5 million reports to internet hotlines, across 45 countries, concerning online video/photographic material showing child sexual abuse.
- In February 2018, analysis of a random selection of videos and images from the INTERPOL database found that 84% of the material contained explicit sexual activity; more than 60% of unidentified victims were prepubescent; 65% of unidentified victims were girls; and 92% of visible offenders were male.
- In Kenya, 53% of children living in urban slums and 51% of children of single parents are exposed to pornographic movies, and hence are highly vulnerable to online sexual exploitation.
- It is estimated that almost 1 800 children are exploited every week in Kampala, Uganda, through child abuse materials

including films, photos and videos. This is linked to strip dancing known as “ekimansulo”.

- In Senegal, recent evidence indicates that young girls are being recruited for pornographic films and bestiality.
- In Cameroon, boys and girls aged 14 to 18 can be found posing and working in strip clubs, where they are filmed.

### **Child and forced marriage**

- In 2017, eleven African countries had over 40% prevalence of child and forced marriage.
- According to 2017 figures, three out of four children in Niger and seven out of ten in Central African Republic and Chad are married before the age of 18.
- One in four girls in West and Central Africa is currently married or in a union.

### **Sexual exploitation of especially vulnerable children**

- Based on a 2010 sample survey, sexual violence against children with disabilities ranged from about two incidents per child in Senegal to about four incidents per child in Cameroon.
- Children with speech and language difficulties are at three times greater risk of sexual exploitation than other children.
- More than 74% of girls living and/or working on the street surveyed in Uganda were subjected to at least some form of sexual exploitation. In Kenya the figure was 70% and in Malawi it was 62%.

## **VULNERABILITIES AND DRIVERS**

- **Abuse by adults of positions of power, authority, trust and control**
  - In almost all cases, adults sexually exploit children through abusing their positions of power, authority, control and trust *vis-à-vis* children.
  - Very few laws exist that explicitly criminalise breaches of positions of power, authority, control and trust to sexually exploit children.

- **Poverty and inequality**
  - Many children are reportedly forced into “transactional sex” with older men to support their families, at times with the knowledge of their parents, in what is sometimes called “survival sex.”
  - The links between poverty and child sexual exploitation are evident in the reduction of child sexual exploitation in countries where social cash transfers have been successfully implemented.
- **Patriarchal attitudes and gender discrimination**
  - Attitudes that glorify predatory sexual behaviour and objectify women’s sexuality have aggravated the sexual exploitation of girls.
  - The traditional categorisation of boys and men as perpetrators of sexual violence has led to gross neglect of them as victims of sexual exploitation, hampering progress in providing the necessary protections for boys.
- **Unregulated online environment**
  - The online environment in Africa remains largely unregulated, with very few laws criminalising online sexual crimes. This gives free rein to cybersex criminals, including those intent on sexually exploiting children.
  - Perpetrators of online sexual exploitation use sophisticated stratagems, techniques and technology such as encryption methods, hidden online platforms and other tools to evade detection, often putting themselves ahead of current cyber law enforcement practices.
- **A predatory travel and tourism sector**
  - Laws regulating sexual exploitation in travel and tourism in Africa are weak or non-existent, making the continent the new frontier for child sexual exploitation in travel and tourism.
  - Profiteering tendencies on the part of operators within the travel and tourism sector provide the pathway for the practice, often through embedding children’s “sexual services” within their recreational amenities.

- **Armed conflict and displacement**
  - Fragility of protection services and the breakdown of law and order in situations of armed conflict give *carte blanche* to sexual predators and aggravate risks of sexual exploitation.
  - The proliferation of armed groups in conflict situations, some of whom use sexual violence as a weapon of war, exposes children to egregious forms of sexual exploitation, almost always perpetrated with impunity.
- **Limited reporting of incidents of CSE and weak legal and support services for victims**
  - One out of three child victims of sexual exploitation tells no one about her/his experiences.
  - Fear of being disbelieved or blamed, fear of reprisal by the perpetrator, fear of public exposure/lack of anonymity, lack of faith in the police and courts, and absence of child-friendly remedial and response services are all factors that adversely impact on reporting.
- **Gross neglect of boys as victims of sexual exploitation, a hidden tragedy**
  - boys are almost always considered as perpetrators of sexual exploitation, and their circumstance as victims is grossly ignored in laws and policies and programmatic action
  - boys are far less likely to report their experiences of sexual violence than girls, hence remain hidden from crime and violence statistics
  - the neglect of boy-victims of sexual exploitation has negatively affected current efforts to disrupting intergenerational cycle of violence: two out three boys who experienced sexual violence in childhood are more likely to perpetrate sexual violence against a partner in adulthood

- **Lack of adequate protection for especially vulnerable children**
  - The near-total absence of sexual and reproductive health services and institutions in disability-accessible formats exposes adolescents with disabilities to risks of sexual exploitation, including casual, “transactional” sex.
  - Limited access to justice for adolescents who are victims of sexual exploitation has created a situation where sexual exploitation is perpetrated against them with impunity.
  - Children living and/or working on the street are frequently sexually exploited by their own peers, night-time shop watchers, security personnel and the police, among others.
  - Children living and/or working on the street almost always resort to “survival sex,” including unprotected sex.
  - The hidden nature of domestic work and the limited legislation to regulate such employment exposes millions of girl domestic workers to sexual exploitation at the hands of their employment brokers and employers.

## **WHAT NEEDS TO BE DONE?**

Sexual exploitation is a vicious and egregious form of violence that is, unfortunately, growing fast and taking on new forms. It dehumanises children, deprives them of their dignity, and robs societies of productive futures.

Child sexual exploitation has never been and will never be an inevitable human condition. It is preventable and can and should be eliminated.

Governments, civil society organisations and other relevant bodies are therefore urged to take the following measures:

### **Law and policy reform**

- Adopt national legislation that explicitly defines sexual exploitation and which prohibits, prevents and responds to sexual exploitation in all its manifestations, including by imposing the maximum penalties on the perpetrators.

- Adopt laws and policies that fully recognise boys as victims of sexual exploitation and provide adequate legal protection and access to justice
- Bring the laws that prohibit child sexual exploitation in travel and tourism and in the online environment up to speed with the level of sophistication with which these crimes are perpetrated.
- Develop and enforce laws that improve the protection of children who are especially vulnerable to sexual exploitation such as children with disabilities; child-headed households; children living and/or working on the street; child domestic workers; children living in poor, urban slums; refugees and displaced children; and migrant and trafficked children.

### **Preventative interventions**

- Develop and implement poverty alleviation programmes, including targeted cash transfers to poor, urban slum dwellers and female- and child-headed households, and ensure improved access to food, social services and education.
- Break the silence and start a sustained public conversation about sexual exploitation, including by teaching about it in schools, community gatherings and other economic and cultural assembly points.
- Ensure greater action-oriented engagement with the private sector, notably those parts of it that provide the means for sexual exploitation of children, such as the travel and tourism sectors and telecommunications and internet service providers.
- Build the life skills and capacity of children and adolescents to enhance their resilience to sexual harm, their readiness to report incidents, and their ability to protect themselves from potential predators and exploiters. Means by which this is done should include the school curriculum and school and youth clubs.
- Combat prevalent gender-discriminatory attitudes and practices surrounding sexual exploitation, including those that underestimate, objectify, commercialise or trivialise girls' sexuality and their dignity, human worth and integrity.

## **Appropriate response services**

- Ensure better enforcement of laws and more effective policing, including by undertaking capacity building measures.
- Ensure the availability of care and support services for all child victims of sexual exploitation, in an integrated manner, including through one-stop centres.
- Address the various barriers facing children, especially vulnerable children, within the justice system, by introducing inclusive, child-friendly justice mechanisms.
- Develop internal child protection policies and procedures (e.g. codes of conduct) within peacekeeping missions and humanitarian agencies, and promote their implementation at all organisational levels.
- Recognise that sexual exploitation is a multi-sectoral predicament that requires a multi-sectoral and systemic response.
- Ensure that adolescents with disabilities get access to sexual and reproductive health services in accessible formats.
- Nurture more effective collaboration with countries that receive trafficked children, including by signing agreements to extradite perpetrators.
- Strengthen routine national data collection, research and surveillance systems for child sexual exploitation that are anchored in community structures and better positioned to watch and to act. This includes universalising access to child helplines and hotlines and toll free call centres.



# 1. BACKGROUND

Child sexual exploitation, or CSE, is a form of abuse that involves children and young people being forced or manipulated into sexual activity in exchange for something—money, gifts, accommodation or less tangible things such as affection or status. The sexual activity and exchange may be seen as consensual, but in reality they are based on an imbalance of power that severely limits victims' options.<sup>3</sup> Child sexual exploitation is often shrouded in social and cultural taboos, and incidents are therefore rarely reported to the authorities. The result is that there is very limited evidence on its occurrence, determinants and pathways, or on the outcomes of such abuse for its victims.

While numerous studies, both qualitative and quantitative, have been conducted in relation to sexual violence against children, very few have focused specifically on CSE. Often there is an implicit assumption that sexual exploitation is synonymous with sexual violence. However, even though there are some common risk factors for CSE and sexual violence against children, available evidence shows that CSE is a distinct phenomenon with its own specific constellation of determinants and dynamics, especially in relation to its transactional nature. For instance, more acutely than sexual violence, sexual exploitation of children thrives in conditions of extreme poverty, inequality and societal instability.

So far, there has not been a systematic audit or review of knowledge of CSE in Africa, and as a result key officials and policy-makers have had to devise strategies and guidelines to prevent child sexual exploitation on the basis of piecemeal understanding. Furthermore, although many countries have made progress on legislative frameworks to combat and prevent sexual violence in broad terms, there appears to be very limited legislation to address emerging and hidden forms of violence such as child trafficking for sexual purposes, online child sexual exploitation, sexual exploitation of children in travel and tourism, and sexual exploitation of child domestic workers.

This report is one of the first attempts to take stock of existing knowledge of child sexual exploitation with a view to identifying key knowledge gaps, challenges, and promising and good practices. This report:

- Assesses the extent and determinants of child sexual exploitation in Africa, including its cultural, social and economic aspects
- Examines the dimensions of child sexual exploitation in different contexts, including: migration and conflict; humanitarian disasters; domestic work; disability; orphanhood; and living and/or working on the street.
- Considers the policies, laws, measures, institutional arrangements, capacities and interventions that states, civil society and the private sector have established to prevent and combat child sexual exploitation in Africa

### Box 1.1 Methodology and data sources used in preparing this report

- An extensive review of the global and African literature on sexual exploitation
- Country case studies on sexual exploitation in Sierra Leone, Malawi and Burundi (African Child Policy Forum (ACPF) (2019)
- African Child Law Resources, a unique database of child-focused laws and policies covering all countries in Africa (ACPF 2019)
- The African Report on Child Wellbeing (ACPF) (2018)
- The African Report on Violence against Children (ACPF) (2014)
- The African Report on Children with Disabilities (ACPF) (2014)
- Out of the Shadows (Economist Intelligence Unit 2019)
- Regional desk reviews by researchers commissioned by ECPAT International
- Global monitoring report on the status of action against commercial sexual exploitation of children (ECPAT International 2010)
- Country case studies on sexual exploitation of children in travel and tourism in Ghana, Kenya, South Africa and Zambia, commissioned by ECPAT International (ECPAT International 2015)
- Peer-reviewed journals on sexual exploitation and sexual violence
- Universal Periodic Review Reports
- State Party Reports to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) and the UN Convention on the Rights of the Child (CRC)
- Reports of the UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography
- Reports of the Committee of Experts on the Application of Conventions and Recommendations related to Worst Forms of Child Labour Convention, 1999 (No. 182).

## Definition of key concepts<sup>4</sup>

Forms of CSE	Definition
Child exploitation through “transactional sex”	A state of affairs when a child takes part in a sexual activity in exchange for something of value such as money, objects, shelter, food, drugs, etc. (or the promise of such).
Online child sexual exploitation	<p>An overall term encompassing but not limited to:</p> <ul style="list-style-type: none"> <li>• Sexual exploitation that is carried out while the victim is online (such as enticing/manipulating/threatening a child into performing sexual acts in front of a webcam)</li> <li>• Identifying and/or grooming potential child victims online with a view to exploiting them sexually (whether the acts that follow are then carried out online or offline)</li> <li>• Distribution, dissemination, import, export, offering, selling, possession of, or knowingly obtaining access to child sexual exploitation material online (even if the sexual abuse that is depicted in the material was carried out offline).</li> </ul>
Trafficking of children for sexual purposes	Recruitment and/or transport, transfer, harbouring, and receipt of a child by others with the intent to exploit the child through various means (such as prostitution). Children trafficked for other purposes, such as child labour, can also be sexually abused, even when this was not the initial purpose of their trafficking.
Solicitation of children for sexual purposes	Sexual chatting with a child with the intentional proposal to meet the child for the purposes of committing a sexual offence and subsequent material acts leading to such a meeting.
Unwanted sexting	The self-production of sexual images, or the exchange of sexual messages or images and the creation, sharing and forwarding of sexually suggestive nude or nearly nude images through mobile devices and/or the internet.
Sexual extortion/sextortion	The blackmailing of a person with the help of self-generated images of that person in order to extort sexual favours, money, or other benefits from her/him under the threat of sharing the material beyond the consent of the depicted person (e.g. posting images on social media).

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Corruption of children for sexual purposes	Acts causing a child to witness sexual abuse or sexual activities.
Online grooming	A practice by means of which an adult “befriends” a child online with the intention of sexually abusing her/him.
Live online child sexual abuse/live streaming of sexual abuse	A situation where a child is coerced to participate in sexual activities, alone or with other persons, and when that act is transmitted live through information communication technology and watched by others remotely.
Sexual exploitation of children in the context of travel and tourism	The sexual exploitation of children that takes place in the context of the travel/tourism sector.



## 2. THE SCALE OF THE PROBLEM

### 2.1 Overview

A study indicated that in 2015, over a period of one year, more than half of all children in the world aged between two and 17—about one billion children in total—had experienced some form of violence, including sexual abuse and exploitation.<sup>5</sup>

It is estimated that the global prevalence of sexual abuse of children varies between 8% and 31% for girls, and between 3% and 17% for boys.<sup>6</sup> Studies on CSE in Africa suggest that girls between the ages of 12 and 15 are the most victimised demographic, but that younger girls and boys also experience CSE.<sup>7</sup>

Data on child sexual exploitation in Africa is particularly poor, a problem compounded by inadequate and antiquated crime data collection systems.<sup>8</sup>

Globally, of the 40 countries reviewed by the Economist Intelligence Unit's 2019 *Out of the Shadows* report on child sexual abuse and exploitation,<sup>9</sup> only 20 collected prevalence data on child sexual abuse, and only five were reported to have collected CSE prevalence data.

### 2.2 Sexual abuse in its various forms

National prevalence studies indicate that the sexual abuse of children, especially girls, is a serious problem throughout Africa.

- In Kenya, Malawi, Tanzania, Swaziland and Zimbabwe, lifetime prevalence of sexual violence against children varied between 22% and 37.6%, and between 8.8% and 17% for boys.<sup>10</sup>
- In Malawi, about 22% of females reported having experienced child sexual abuse in one form or another.<sup>11</sup>
- According to a 2016 study in Ghana, child respondents reported having experienced at least one of the following forms of sexual

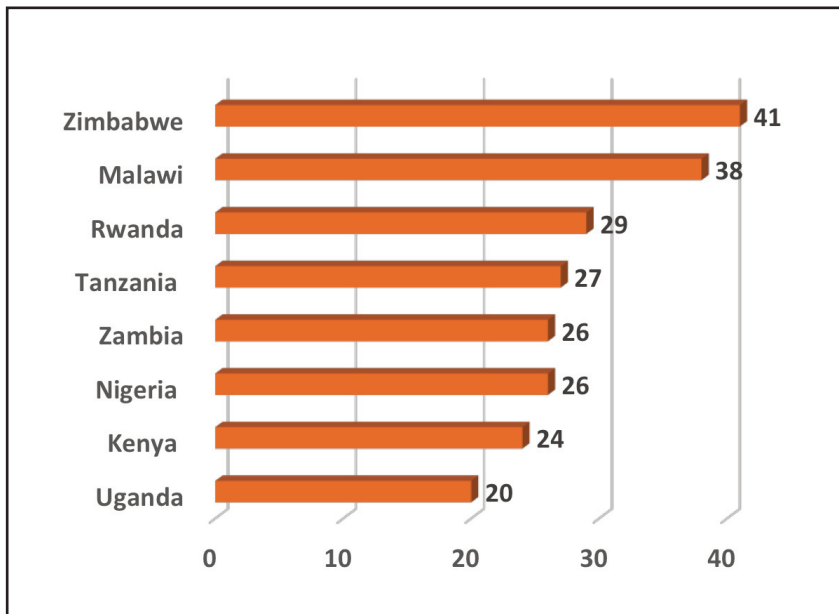
violence: indecent assault (39.4%); defilement (17.9%); rape (8%); and incest (5.4%). Most of these were in the school or home settings.<sup>12</sup>

- In South Africa, a 2016 study revealed that one out of three South Africans, male or female, is at risk of sexual abuse before the age of 17.<sup>13</sup>

Existing evidence on young women whose first sexual experience was coerced or forced shows that coercion of children into sexual acts, an important aspect of sexual exploitation, is a widespread problem (Figure 2.1).

In Zimbabwe and Malawi, for instance, four out of ten females aged 18-24 years reported that their first sexual experience was forced.

**Figure 2.1: Percentage of females aged 18-24 whose first sexual experience was forced**



Source: Together for Girls (2019).<sup>14</sup>



### Box 2.1 Sexual exploitation of girls in schools

- In South Africa, 35.4% of school students sampled in a study reported some form of sexual abuse in school.<sup>15</sup>
- In Burkina Faso, according to a 2009 study, about 13% of secondary school pupil respondents stated that there had been attempts of rape against their fellow female pupils. About 45% of respondents reported that teachers approached girls sexually, or texted them (37.1% of respondents).<sup>16</sup>
- In Cameroon, groping was the most frequent form of sexual abuse in schools (54.6%), followed by rape (38.7%). Of the 274 perpetrators in the study, 86.5% were men. In nearly 15% of cases the sexual abuse occurred in the school environment (campus, gymnasium, boarding house, classroom, lavatories, etc.), and 30% of it was committed by fellow pupils.<sup>17</sup>
- In Côte d'Ivoire, according to the findings of a 2009 survey in seven schools in Abidjan district, 2.2% of pupil respondents had been raped at least once, of whom about 16% reported rape at secondary school and 10.5% at primary school; 14.2% had been groped, of whom 35.5% were groped at school/in class, 33.3% by a pupil, and 7% by a teacher. 19% said they had received sexual remarks or comments, of whom 39.3% had received them in school/in class.<sup>18</sup>
- In the Democratic Republic of Congo (DRC), a 2009 report by the United Nations Children's Fund (UNICEF) showed that 46% of female pupils surveyed confirmed that they had been victims of sexual harassment, abuse and violence from their teachers or other school staff.<sup>19</sup>
- In Senegal, a 2008 study showed that 37.2% of girls were victims of sexual harassment, mostly by teachers (42% of respondents) and other pupils (20%). 13.8% had been victims of rape, mostly by teachers (37% of respondents).<sup>20</sup>
- A survey on school-based violence in Rwanda showed that 50.5% of respondents had experienced sexual violence in and around schools.<sup>21</sup>
- A study involving 300 students of three senior secondary schools in Botswana showed that 83% of them had experienced sexual abuse by teachers.<sup>22</sup>

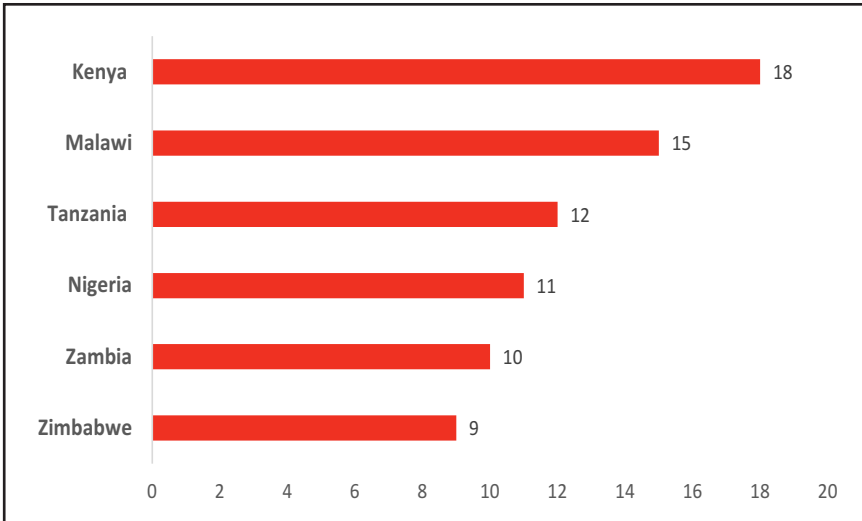
## 2.3 Child sexual exploitation through “transactional sex”

Child exploitation through “transactional sex” refers to the performance of sexual act by a child in exchange for something of value - money, objects, shelter, food, drugs, etc.- or a promise thereof.

Available figures indicate that the percentage of children exploited sexually in exchange for food, or for material gifts in some countries, can be significant.

- In Tanzania, a survey of 1 116 school-going adolescents found the prevalence of child sexual exploitation to be as high as 21%.<sup>23</sup>
- According to a 2012 study in Burundi, 30% of persons interviewed said they had been victims of such exploitation and 70% said they had witnessed it. The perpetrators were mainly persons offering financial or material reward, particularly shopkeepers, mine operators, foreigners in transit and soldiers.<sup>24</sup>
- In Uganda and Zimbabwe, among 18-24 year olds who had sex before the age of 18, about 19% of females had received material support or other help in exchange for sex during childhood.<sup>25</sup>
- In Nigeria, among 18 to 24 year olds 8.3% of females had been asked to exchange sex for goods or favours during childhood.<sup>26</sup>
- In Kenya, among females aged 18 to 24 who experienced sexual violence as children, more than 7% reported having received money for sex.<sup>27</sup>

**Figure 2.2 Prevalence of “transactional sex” in selected countries, 2012-2017**

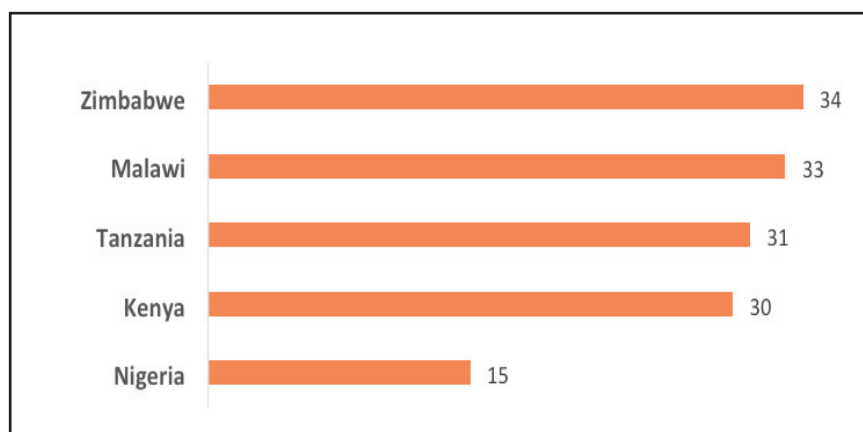


Source: VAC Country Surveys in Malawi, Tanzania, Zambia, Nigeria, Uganda and Zimbabwe (2012-2017)

- In Eswatini, approximately 8% of children reported that someone had offered them money, gifts, food or shelter in exchange for sex.
- In Egypt, the Centre for Egyptian Social and Criminal Research recently reported that 36% of street children had suffered sexual abuse, violence and other coercive practices such as exploitation through “transactional sex”.<sup>28</sup>
- According to a 2010 study, in Zambia, 580 children per 100 000 people were involved in exploitation through “transactional sex”.<sup>29</sup>
- In Uganda, a 2011 study indicated that the age of sexual debut was declining; many children stated that they were 10 years old when they first engaged in “transactional sex”.<sup>30</sup>
- Exploitation of children through “transactional sex” was found to be growing in, among other places, Lomé, the capital of Togo; Liberia; Sierra Leone; Burkina Faso; Angola;<sup>31</sup> Mozambique (primarily in Maputo, Beira, Chimoio and Nacala);<sup>32</sup> South Africa; and Zambia.

The high prevalence of sexual exploitation through transactional sex in Africa is also evinced by the high prevalence of teenage pregnancy on the continent. In 2013, Africa had the highest prevalence of teenage pregnancy in the world.<sup>33</sup> Births to teenage mothers in the region were almost double the global average,<sup>34, 35</sup> accounting for more than half of all the births in the region, or an estimated 101 births per 1 000 women aged 15 to 19. Teenage pregnancy was especially found to be higher in neighbourhoods characterised by high levels of poverty, as teens in those communities are more likely to become victims of exploitation through “transactional sex”.<sup>36</sup>

**Figure 2.3: Prevalence of unwanted pregnancy among women aged 18-24 resulting from forced sex<sup>37</sup>**

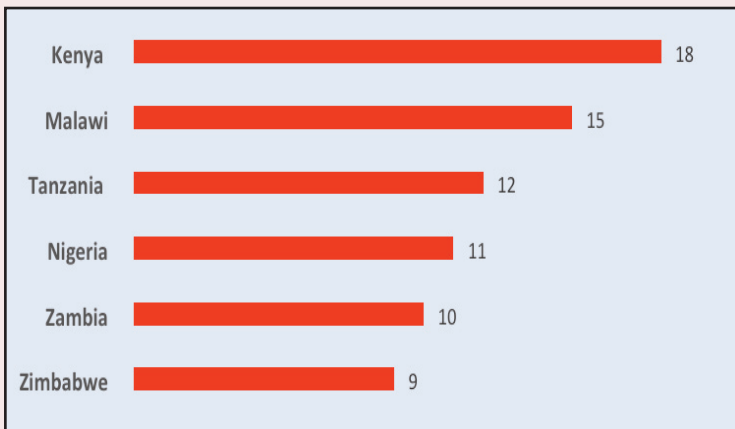


## Box 2.2 Sexual exploitation of boys: a hidden tragedy

Numerous national-level surveys have found that boys experience sexual violence and sexual exploitation at rates lower than girls, but at rates that merit greater attention than they currently receive.

Research conducted by End Child Prostitution and Trafficking International (ECPAT) on CSE in three towns in Madagascar confirmed the existence of exploitation of boys through paid sex.

**Figure 2.4: Prevalence of sexual violence among boys<sup>38</sup>**



In Uganda, a 2011 study identified a growing trend of boys engaging in “transactional sex” with older and wealthier women, locally known as “sugar mummies.”<sup>39</sup> In Niger, research identified that boys who had been involved in “transactional sex” had often been motivated by the need to acquire cash for food and other essentials; to pay for school fees and supplies; and to buy trendy electronics.<sup>40</sup>

Data from six countries from the International Men and Gender Equality Survey<sup>41</sup> (IMAGES) found that as high a proportion as 21% of men experienced sexual violence growing up, with the highest rates in Rwanda and India. Men and boys are sexually exploited commonly in conflict situations and in heavily male environments such as prisons and juvenile detention centres.<sup>42</sup>

continued to next page...

Numerous studies have also found that boys are less likely to seek help, in particular from formal services, when they experience sexual violence. Boys' experiences of sexual violence are bound up in feelings of shame, uncertainty and confusion, and homophobic attitudes on the part of parents, service providers and justice/police officials.<sup>43</sup> These feelings are exacerbated particularly because of victims' concerns about their masculinity; their sexuality; the opinions of other people (fear that others will think they are homosexual); and the fact that they were unable to prevent the rape. The misconceptions that only homosexual men are sexually abused and that heterosexual men would never sexually abuse other heterosexual men also underlie these concerns about masculinity and sexuality.<sup>44</sup>

Boys are, therefore, given very little or no legal protection and have continued becoming victims of a growing and hidden tragedy of sexual violence. Besides, this failure to consider boys as victims of sexual exploitation has negatively affected current efforts to disrupting the intergenerational cycle of violence: two out three boys who experienced sexual violence in childhood are more likely to perpetrate sexual violence against a partner in adulthood.<sup>45</sup>

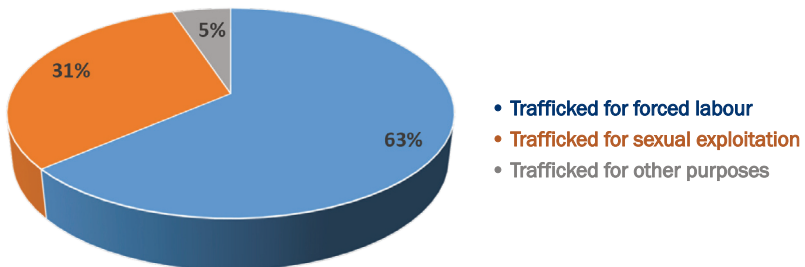
## 2.4 Child trafficking for sexual purposes

Most human trafficking flows originating in Sub-Saharan Africa are intra-regional (nearly 58%) or domestic (about 40%, mainly from rural to urban areas). In North Africa and the Middle East, over two-thirds of victims (70%) are from outside the region.

Some flows link Africa to other regions: trafficking of West African victims accounts for a significant share of human trafficking in Europe, while East Africans constitute a significant portion of victims found in the Middle East.<sup>46</sup> Some African countries are also reported to be destinations for women and children trafficked from other continents (e.g. women and girls from Thailand and China trafficked to South Africa or Kenya for sexual exploitation).<sup>47</sup>

- Children currently account for 30% of those who are trafficked, with sexual exploitation being the main driver.<sup>48</sup>
- Globally, about 70% of the victims of sex trafficking are female, about 50% of whom are under 18.<sup>49</sup>
- 33% of victims of sexual exploitation in travel and tourism reported that they had been trafficked into sexual exploitation.<sup>50</sup>
- The Central Office for the Protection of Minors in Benin registered 103 cases of trafficking in minors (including 74 girls and 29 boys) during the first half of 2013.<sup>51</sup>
- In 2017 alone, a total of 312 girls from Burundi were transported to Oman and Saudi Arabia.<sup>52</sup>
- Children from refugee camps in Rwanda are trafficked to Kigali, as well as to Kenya, Sudan, South Sudan and Uganda, by other refugees, or by Rwandan and Ugandan “sugar daddies,” for use in the sex trade.<sup>53</sup>

**Figure 2.5: Share of detected victims of trafficking in sub-Saharan Africa, by forms of exploitation, 2016**



Source: United Nations Office on Drugs and Crime: Global Report on Trafficking in Persons 2018

In West Africa, trafficking activities take place along clearly recognised routes that traverse Benin, Cameroon, Central African Republic, Côte d'Ivoire, Gabon, Gambia, Nigeria, Senegal and Togo. Other routes include those along Burkina Faso, Chad, Mali, Mauritania and Niger.<sup>54</sup>

A major route for trafficking children for sexual exploitation goes from Southern Africa, and to a lesser extent Central Africa<sup>55</sup> (e.g. DRC), to South Africa. According to a 2010 government-commissioned study, trafficking of children and young people to South Africa takes place predominantly from neighbouring countries across land borders, with the main countries of origin being Mozambique and Zimbabwe, followed by Malawi, Swaziland and Lesotho.<sup>56</sup>

Trafficking flows in East Africa are intra- and inter-regional, but also increasingly directed towards the Gulf States.<sup>57</sup> Children and young women from the Horn of Africa countries like Eritrea, Ethiopia and Somalia are moving to the Arabian Peninsula to take poorly paid jobs, and many children from Madagascar and Comoros end up in the Middle East as domestic servants. Girls and women make up a large portion of the migrant population and are particularly vulnerable to severe human rights violations—including sexual violence and exploitation, labour exploitation, and physical and emotional abuse—during the entire migration process.<sup>58</sup>

## 2.5 Sexual exploitation online

Online sexual exploitation refers to:

- Sexual exploitation that is carried out while the victim is online (such as enticing, manipulating or threatening a child into performing sexual acts in front of a webcam)
- Identifying and/or grooming potential child victims online with a view to exploiting them sexually (whether the acts that follow are then carried out online or offline)
- The distribution, dissemination, import, export, offering, selling, possession of, or knowingly obtaining access to, child sexual exploitation material online (even if the sexual abuse that is depicted in the material was carried out offline).

There is considerably more global data on online sexual exploitation relative to other forms of child sexual exploitation, given the number of



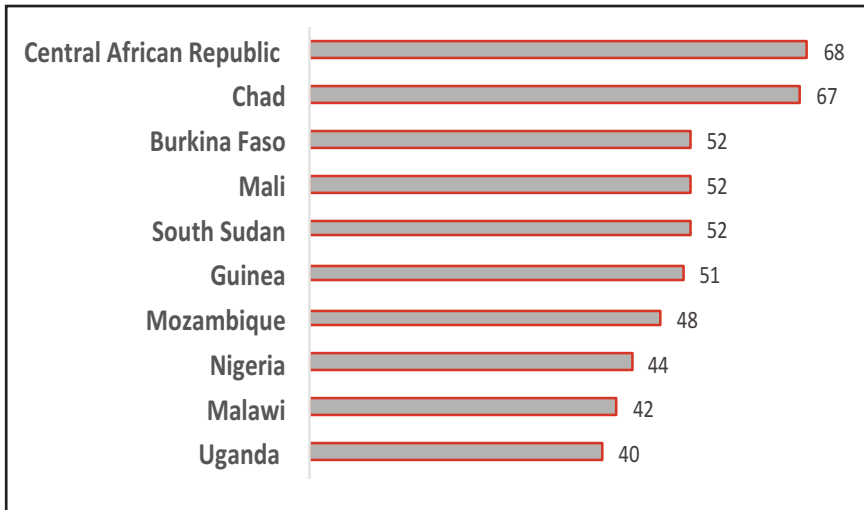
specialised agencies working in this area and the availability of web-based tools that can identify and locate CSE material posted online.

- A Kenyan study showed that 53% of children living in urban slums and 51% of children of single parents had been exposed to pornographic movies, and hence were highly vulnerable to online sexual exploitation.<sup>59</sup>
- Globally, a web page displays images of children being sexually abused every seven minutes.<sup>60</sup>
- In 2016 there were approximately 8.5 million reports to internet hotlines across 45 countries of video/photographic online material showing child sexual abuse.<sup>61</sup>
- It is estimated that almost 1 800 children are exploited every week in Kampala, Uganda, through child abuse materials including films, photos and videos. This is linked to strip dancing known as “ekimansulo”.<sup>62</sup>
- In 2017, 78 589 URLs were identified that contained images of sexual abuse, concentrated particularly in the Netherlands, followed by the United States, Canada, France and Russia. Around 86% of them contained images of girls, and 7% of boys. 55% of the victims were less than 10 years old.<sup>63</sup>
- In Senegal, recent evidence indicates that young girls are being recruited for pornographic films and bestiality.
- In Cameroon, boys and girls aged 14 to 18 can be found posing and working in strip clubs, where they are filmed.<sup>64</sup>
- WeProtect Global Alliance’s 2018 Global Threat Assessment Report on the sexual exploitation of children online outlines the existence of “hidden [online] services sites with over one million persistent profiles, where victims are re-victimised many hundreds of times a day”.<sup>65</sup>
- INTERPOL has established an International Child Sexual Exploitation database that contains contributions from 54 countries. The database includes in excess of 1.5 million images and videos and has led to the identification of some 17 500 victims and more than 8 000 offenders worldwide.<sup>66</sup>

- A February 2018 report by INTERPOL, based on analysing a random selection of videos and images from its database, found that some 84% of the material contained explicit sexual activity; more than 60% of unidentified victims were prepubescent; around 65% of unidentified victims were girls; and some 92% of visible offenders were male.<sup>67</sup> A UNICEF study in South Africa revealed that every day, 42% of young people talk to strangers on Mxit (a type of mobile social network application for chatting and networking).<sup>68</sup> Another survey in the Nelson Mandela Bay area found that 40% of students interviewed had met someone in person after having chatted to them online. The media have reported cases of girls who met with strangers online and were later sexually abused and exploited.<sup>69</sup>
- Cases where tourists sexually abused children for the purpose of producing child pornography were reported in, among other places, the Gambia,<sup>70</sup> South Africa<sup>71</sup> and Uganda.<sup>72</sup>
- Online sexual exploitation is a fast-growing phenomenon affecting many countries in Africa, particularly in those countries with higher levels of internet coverage. It is exacerbated by the fact that very few African countries have legislation that provides adequate protection to children in cyberspace.

## 2.6 Child and forced marriage

Child marriage is a huge and grave problem, particularly in Africa. The highest prevalence of child marriage is found in sub-Saharan Africa, where around one in four adolescent girls in West and Central Africa is currently married or in a union, compared to one in 17 in East Asia and the Pacific.<sup>73</sup> These regional averages, however, hide sharp country variations in the prevalence of child marriage: three out of four children in Niger, and seven out of ten children in the Central African Republic and Chad, are married before the age of 18. Eleven African countries have prevalence rates for child marriage that are above 40%.

**Figure 2.6 Countries with highest prevalence of child marriage**

Source: UNICEF (2017).<sup>74</sup>

## 2.7 Child sexual exploitation in travel and tourism

The travel and tourism sector has long been associated with adults engaging in sex and romance with other adults in foreign lands. The use of the sector as a vehicle for the sexual exploitation of children, however, is a relatively recent phenomenon, especially in Africa.

- Worldwide, regular customers of the travel and tourism sector account for 35% of sex offenders. Occasional customers account for 65% of sex offenders.<sup>75</sup>
- According to 2017 data from the World Tourism Organization (UNWTO), each year three million persons take a trip in order to have sexual relations with minors.<sup>76</sup>
- A growing number of women are traveling to developing countries seeking paid sex with minors, currently representing about 10% of the world's travelling sex offenders.<sup>77</sup>

A 2019 ACPF case study on Malawi showed that some foreign tourists visit the country to engage in sexual exploitation of children in holiday resorts, especially along Lake Malawi. Children are also trafficked for sexual exploitation along the lakeshore in tourism districts such as

Chilumba (Karonga) and Chintheche (Nkhata Bay). The Committee on the Rights of the Child has expressed concern about reported cases of child sexual exploitation at the holiday resorts along Lake Malawi. The same observation was acknowledged by the Malawi State party report to the OPSC.<sup>78</sup>

A 2011 media report, citing the International Peace Institute, claimed that in Kenya at least 50 girls are sold every week into exploitation through “transactional sex” to tour operators and hotels at KSh 60,000 each and to star in pornographic movies.<sup>79</sup> The girls are trafficked or smuggled to Nairobi from North Eastern Province and Somalia. The report says they are taken to massage parlours or beauty shops, where contacts from tour operators and hotels come to select the ones they wish to take as their partners in “transactional sex.” There are also reports of children being sexually exploited by travelling sex offenders along the Kenya-Tanzania border and in tourist areas.

## **2.8 Sexual exploitation of especially vulnerable children**

Although sexual exploitation affects children of all ages, sexes and social or economic backgrounds, it has been especially acute among certain groups of children, such as children with disabilities and children deprived of parental care.

### **Children with disabilities**

In South Africa, children with physical disabilities are three to four times more likely to be abused than non-disabled children.<sup>80</sup> Intellectual disabilities are three to eight times more common among abused children than among non-abused children.<sup>81</sup>

According to ACPF research, sexual violence inflicted on children with disabilities is high in many countries, ranging from two incidents of sexual violence per child in Senegal to about four incidents per child in Cameroon. These include rape (52%), forced involvement in “transactional sex” (30%), and indecent touching (43%).<sup>82</sup>

Another study shows that children with speech and language difficulties are at three times greater risk of sexual abuse than other children. For those children with behavioural disorders, the risk is between five and seven times higher than for children without disabilities.<sup>83</sup>

## **Children living and/or working on the street**

Life in the street is another factor that exacerbates children's vulnerability to sexual abuse and exploitation. According to ACPF studies, the prevalence of sexual violence against children, especially girls on the streets, is extremely high. More than 74% of girls living and/or working on the street surveyed in Uganda, 70% in Kenya and 62% in Malawi were subjected to at least one form of sexual harassment or violence. Twenty five per cent of girls living on the street in Kenya reported had experienced rape.

Egypt is home to more than one million children living and/or working on the street. A National Centre for Social and Criminological Research (NCSCR) study reported that at least 20% of these children, most of whom were aged between six and 11, were victims of trafficking who were exploited by a third party for sexual purposes and for begging.<sup>84</sup> Among the sexually active 15-17-year-olds living on the street, 54% reported having multiple sexual partners and 52% reported having never used condoms. 53% of the girls contacted for the study in Greater Cairo, and 90% of respondents in Alexandria, had experienced sexual abuse.<sup>85</sup>

## **2.9 Child sexual exploitation in the context of armed conflict**

Studies of CSE in conflict environments in Africa have indicated that young women and girls are at the greatest risk of sexual exploitation, with large numbers of female combatants, many of whom were under the age of 18, having reported being sexually exploited during the conflict period.<sup>86</sup>

- Since 2009, Boko Haram had reportedly recruited and used more than 8 000 children, abducted at least 4 000 girls, boys and young women, and sexually exploited more than 7 000 girls and women.<sup>87</sup>
- In South Sudan, more than 17 000 children have been recruited and used in the war, with a further 3 090 children abducted and 1 130 children sexually exploited by armed forces and armed groups.<sup>88</sup>
- In Somalia, militants from groups such as Al-Shabaab and Ahl al-Sunna wal-Jama'a, and soldiers of the National Army, are reported to have forced girls into sexual slavery and forced marriage.<sup>89</sup>
- A survey conducted by a South Sudanese non-governmental organisation (NGO) and the French embassy in South Sudan found that 31% of girls living on the street were victims of sexual exploitation, a situation reportedly fuelled by the increased presence of soldiers in Juba. Some of the girls involved in "transactional sex" were just 12 years old.<sup>90</sup>
- According to the 2016 report of the Secretary-General, 254 cases of sexual violence against children were reported in 2017 in the DRC, including 68 perpetrated by the Armed Forces of the Democratic Republic of Congo (FARDC), 19 by the Congolese National Police (PNC), and two by the National Intelligence Agency. The report stated that 68 individuals, including high-ranking officers, were arrested because of these crimes, with 37 receiving sentences of up to 20 years imprisonment.<sup>91</sup>

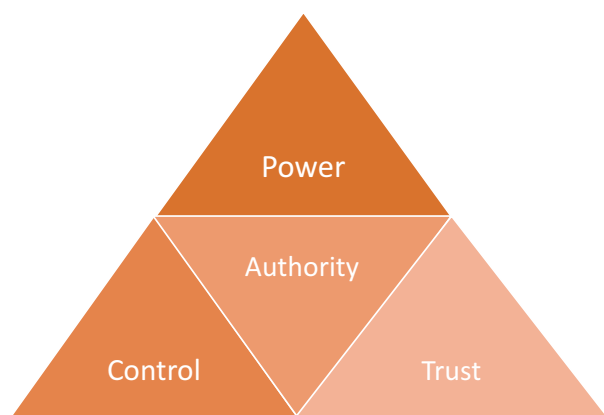
To conclude, the above figures on the scale and prevalence of child sexual exploitation are likely to be an underestimation, because of the hidden nature of the crime and low levels of disclosure and reporting. There is also a lack of uniformity in terms of legal definitions of CSE and reporting mechanisms. Moreover, family members or relatives are often involved in the perpetration of these crimes, either directly or indirectly, and hence children may be unwilling to report their maltreatment.<sup>92</sup>

# 3. DRIVERS AND VULNERABILITY FACTORS

## 3.1 Overview

As with other forms of child maltreatment, child sexual exploitation is ultimately underpinned by power imbalances between adult perpetrators and child victims, and by the abuse of positions of trust, authority or control *vis-à-vis* children. Sexual exploitation happens when one or more of the four cardinal principles that govern relationships among people, and the relationship between adults and children, are breached (Figure 3.1).

**Figure 3.1 The PACT (Power, Authority, Control and Trust) Breach Triangle**



Source: ACPF (2019)<sup>93</sup>

Research on the investigation and prosecution of CSE cases has shown that the primary offenders are often adults who are trusted by the victims, or who are in a position of authority. These include parents, teachers, councillors, sports coaches and spiritual leaders.<sup>94</sup> A recent survey of school-going adolescents in Tanzania, for example, found the prevalence of CSE to be 21%; that more than 46% of the perpetrators in these cases had used their economic status to sexually exploit children; and that 41% had misused their position of trust.<sup>95</sup>

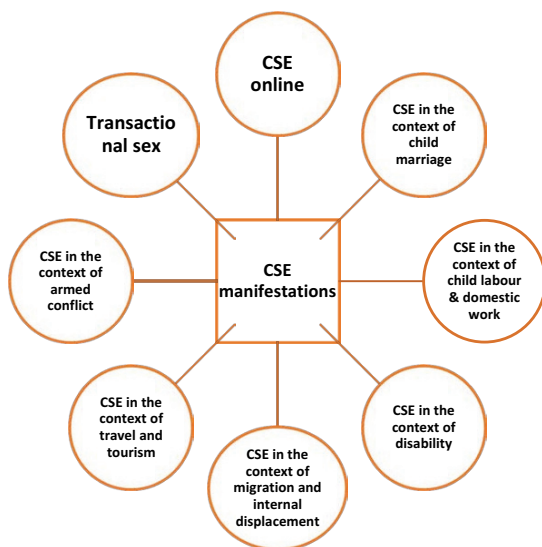
### Box 3.1: Factors aggravating risks of child sexual exploitation

Studies in various countries have shown that the following factors specifically increase the risk of CSE victimization: child neglect; dysfunctional family dynamics; orphanhood; mental health problems; a history of being in conflict with the law; living in neighbourhoods characterised by high levels of prostitution, crime and transient male populations; poverty; conflict; illegal migration; and societal norms and attitudes that sexualise children.

Other groups with heightened risk for CSE are girls associated with gangs;<sup>96</sup> children who have run away from home and/or are living on the streets; and children engaged in domestic work.<sup>97</sup>

Other studies indicate that alcohol abuse, dropping out of school and low levels of parental monitoring are additional risk factors.<sup>98</sup>

Figure 3.2: Manifestations of child sexual exploitation



Source: Adapted from ECPAT International

There are further important risk factors, such as the cultural obsession with virginity, that can be a source of demand for the sexual exploitation of children. Paradoxically, however, a child who has lost his or her



virginity is considered negatively and “devalued,” and is thus even more vulnerable to sexual exploitation.

Patriarchal structures that promote male sexual domination and condone the subjugation, subordination and commercialization of girls and women are a fundamental underlying factor for the sexual exploitation of children. Culturally imposed feminine gender stereotypes also contribute to the sexual exploitation of women and girls by placing them in roles where they serve males, negating their ability to make decisions regarding their own sexual and reproductive lives and making them prime targets for sexual violence. Likewise, the commodification of the female body, so prevalent in fashion shows, beauty contests and movies, reinforces the notion of its exploitation.<sup>99</sup>

Gender discrimination is further compounded by the inherent power imbalance between children and adults. Children are often not considered rights holders, and can even be viewed as property. Their right to be heard is generally flaunted, which prevents them from voicing their concerns or experiences.<sup>100</sup>

Over the past decade, the rapid upsurge in global access to the internet and mobile phones has allowed perpetrators to access and exploit victims anonymously, and act with relative impunity.<sup>101</sup> This development has been noted in studies on CSE in Africa.<sup>102</sup>

In a survey on tourists’ engagement in child sexual exploitation, the following key determinants were reported: prior personal experiences of sexual abuse; previous involvement in sexually exploiting children; and previous conviction for a violent offence.<sup>103</sup>

It is reported that many tourist places, even those that present the façade of typical, recreational establishments, offer a backdoor for the sexual exploitation of children. In many parts of Africa, the proliferation in recent decades of massage parlours and upscale restaurants aimed at foreign customers and tourists has been linked to the rapid rise in child exploitation in travel and tourism.

Perpetrators can be categorised as preferential offenders or situational offenders. Preferential offenders are those with a preference for children, who are generally equated with paedophiles; situational offenders are people suffering from a psychiatric disorder characterized by a primary or exclusive sexual interest in prepubescent children.<sup>104</sup>

Preferential and situational offenders will justify their actions by affirming, based on their personal beliefs or on the degree of social tolerance they expect, that their victim was not a child, or that he or she consented to his or her exploitation.<sup>105</sup>

Studies of online sexual exploitation of children have indicated that there are multiple psychological pathways that can account for such behaviour. These include: inability to establish intimate relationships with adults (due to fear of rejection as a result of insecure childhood attachments); elevated levels of emotional loneliness; heightened emotional identification with children; distorted sexual scripts (which are often based on premature sexual debut); and cognitive distortions (i.e. children are appropriate sexual entities and they derive enjoyment from sexual relations with others).<sup>106</sup>

In terms of its impact on its victims, research has shown that CSE can lead to delinquency, substance abuse, self-harm, mental health problems (such as anxiety, depression, low self-esteem and post-traumatic stress), and a range of psychiatric disorders in later life.<sup>107</sup> Nevertheless, research on the health, developmental and other outcomes for those affected by CSE in Africa is somewhat limited, and has only been undertaken in a few countries, such as South Africa.

An analysis of population-based survey data from the National Survey of Adolescents, which was undertaken in Burkina Faso, Ghana, Malawi, and Uganda, indicated that a significant number of both boys and girls who reported having previously engaged in “transactional sex” had experienced childhood trauma.<sup>108</sup>

### Box 3.2 Sexual exploitation is economically costly

Sexual exploitation not only takes its toll on children and their futures, but it also lays a huge financial burden on economies. Globally, USD 7 trillion is lost each year due to violence against children, including sexual exploitation. This is equivalent to 8% of global GDP.<sup>109</sup>

Nigeria has cumulatively lost earnings of up to 967 billion Naira (USD 6.1 billion)—1.07 per cent of the country's GDP—due to violence against children.<sup>110</sup>

A study in South Africa estimated that violence against children had cost the country's economy up to USD 15.81 billion or nearly 5% of its GDP.<sup>111</sup>

In 2012–13, a conservative estimate of the annual cost of child sexual exploitation to the United Kingdom—an advanced country with far more capacity to mitigate the effects of this challenge than African countries—was around £3.2 billion.<sup>112</sup>

## 3.2 Poverty, inequality and abuse of power

For adolescent girls from disadvantaged backgrounds who became victims of sexual exploitation, previous experiences of child abuse, intimate partner violence and substance abuse have been shown to be major risk factors, while level of education has been shown to be a protective factor.<sup>113</sup> In a study in Kampala, a lack of sex education for young people was identified as a further risk factor.<sup>114</sup>

Several participants of a study in Western Cape, South Africa, stated that facilitators of sexual exploitation through “transactional sex” offered children money, drugs, clothes and other material goods to encourage them to become involved. Children may also be tricked by being offered modelling jobs and entry into modelling competitions that do not exist.<sup>115</sup> It is also reported (in the case of Zambia, for instance) that some parents turn a blind eye to their children's night time activities, and some need the money obtained from the transaction.<sup>116</sup>

The exploitation of children through “transactional sex” can also involve other forms of remuneration than cash, such as drugs and alcohol. In

Addis Ababa, sexual exploitation of children through “transactional sex” most frequently involved an exchange of money or khat (a local herbal stimulant) and other drugs.<sup>117</sup> In South Africa, some child victims of the sex trade reportedly give all their earnings to pimps in return for drugs.<sup>118</sup>

Dominant patriarchal norms combined with the low socioeconomic status of girls, which includes their limited access to educational opportunities in many African countries, have been identified as key drivers of transactional sex.<sup>119</sup> In DRC, for example, focus group research in North and South Kivu suggested that relative economic disparities had contributed to the prevalence of intergenerational transactional sex between girls and middle-aged men.<sup>120</sup> In a Kenya study, 87% of adults who participated in the survey associated exploitation of children through “transactional sex” with poverty.<sup>121</sup>

In Rwanda, girls who had engaged in transactional sex indicated that this form of CSE was a “survival strategy” in conditions of adversity, particularly economic deprivation due to the absence of adult caregivers, significant financial obstacles to attending school, and/or living on the street. Social pressure to acquire certain material goods, such as fashionable clothing, also contributed to CSE.<sup>122</sup>

In Tanzania, girls who engaged in “transactional sex” were often found to be motivated by the need to acquire fashionable clothes and accessories.<sup>123</sup> Gifts (or promises thereof) of the so-called “3C’s” (cars, cash and cell phones) have been used by “sugar daddies” to entice young girls into sexual exploitation.

Similar findings were reported in Uganda and Tanzania. Studies found, in particular, that older men were preferred for “transactional” sexual relationships, as they provided gifts or money of higher value than younger men.<sup>124</sup> Studies of children and young adults in Kampala (Uganda) and Addis Ababa (Ethiopia) indicated that vulnerable girls seeking employment, such as through apprenticeships, were at risk of sexual exploitation by prospective male employers.<sup>125</sup> There have been similar findings from studies in Niger,<sup>126</sup> Burkina Faso,<sup>127</sup> Kenya,<sup>128</sup> Ghana,<sup>129</sup> Malawi,<sup>130</sup> Mozambique and Botswana,<sup>131</sup> and Ethiopia.<sup>132</sup>

### Box 3.3 The link between poverty and sexual exploitation

The link between poverty and sexual exploitation is further evident in a reduction in certain aspects of sexual exploitation following the introduction of social cash transfer programmes in some countries: for example, Zimbabwe's Harmonized Social Cash Transfer Programme led to a reduction in the likelihood of experiencing forced sex among youth, while Malawi's Social Cash Transfer Programme led to a reduction in child marriage and early sexual debut among youth.

This was supported by another study which found that dedicated support for orphaned adolescents in the school environment in Kenya reduced the likelihood of transactional sex among orphaned children.<sup>133</sup>

In many parts of Africa, it is not uncommon to find teachers promising higher grades, supplies or reduced school fees in exchange for sex with girls. Studies in Kenya, Senegal and South Africa found that male teachers solicit sexual favours from girl pupils in exchange for grades, academic favours and money. Teachers may even blackmail girls for sexual favours by—for example—threatening them with negative assessments of their school achievements, or by refusing to issue them with a school certificate. In West and Central Africa, this has led to a reported practice of “sex for grades” (pejoratively referred to as “sexually-transmitted marks”—or *moyennes sexuellement transmissible* in French).<sup>134</sup>

### Box 3.4 Girls' education as a bulwark against sexual exploitation

Girls with access to educational opportunities are more likely to improve their labour market opportunities, including through better earnings, more desirable occupations, and reduced exposure to exploitative or dangerous employment situations. Improved economic security leads to lower financial dependence on males. This translates into a reduction in involvement in exploitative sexual relationships or age-disparate sex.<sup>135</sup>

In addition, increased education contributes to a reduction in intimate partner sexual violence, because it is associated with a delay in premarital sex or partnership formation, and older girls are able to make better informed decisions, with longer-term perspectives.<sup>136</sup>

Better-educated women also have partners who are better educated and closer in age.<sup>137</sup> Better educated partners and educational parity between partners are both associated with decreased risk of intimate partner violence.<sup>138</sup>

For adolescent girls from disadvantaged backgrounds, higher levels of education have been shown to be a protective factor against sexual exploitation. A study in Uganda showed that a one-year increase in grade attainment leads to a nine percentage point reduction in the probability of ever experiencing sexual violence (aged 18–29 years).<sup>139</sup>

Finally, education offers an important opportunity to intervene early in a girl's life to increase self-esteem, aspirations and mental health, and to improve sexual education.

Increased schooling may also be a risk factor, however, as teachers and school peers can be the perpetrators of violence.<sup>140</sup>

In the majority of cases, “transactional sex” abounds in tourist resorts, beaches and busy transport routes, and during sports events and festivals. In Burundi, brothels located in the slums of the city of Bujumbura, on the shores of Lake Tanganyika or on the routes used by truck drivers—as well as in other urban centres such as Ngozi, Gitega, Rumonge and Nyanza-Lac—are known to expose children to exploitation through “transactional sex.”<sup>141</sup>

In many countries, restaurants often operate as brothels, where the girls involved are actually being sexually exploited for commercial gain under the guise of working as waiters. Some restaurants that employ girls are believed to be using them as attractions for their customers, forcing waiters to wear short and revealing dresses, and turning a blind eye to sexual advances towards them.

In Burundi, a 2018 report showed that incarcerated women facilitated sex between male prisoners and detained children within the Burundian prison system. The report also showed that girls and young women were subjected to domestic servitude and sex trafficking by fishermen.<sup>142</sup>

Large social and sports events are further vehicles that provide opportunities for sexual predators and exploiters. For instance, before the 2008 African Cup of Nations in Ghana, police uncovered plans to recruit children into “transactional sex” during the event.<sup>143</sup> The Institute of Migration (IOM) also reported that young girls were rescued from a brothel in the days prior to this event.<sup>144</sup>

### **3.3 Unregulated online environment**

The onset of the internet era has left most children unsafe even within the confines of their homes. One danger is the sexual exploitation of children online, which includes—among other things—such practices as online grooming, sexting, sexual extortion, live streaming or live performance of child sexual abuse, and the production of child sexual exploitation material.<sup>145</sup>

Detailed evidence on the online exploitation of children in Africa is extremely limited, but it may be a notable and worsening problem in Africa given increases in internet access throughout the continent.<sup>146</sup>

Sexual exploitation online is driven mainly by computer-generated child sexual activities and materials. Representations of children involved in sexual activities and/or presented in a sexualised manner have the following implications:

- They may be used to groom children for sexual exploitation
- They sustain a market for child sexual abuse images
- They enable a culture of tolerance of the sexualisation of children, and cultivate further demand.<sup>147</sup>

In terms of vulnerability factors, access to smartphones, greater connectivity and the proliferation of pornographic video sites contribute to the increasing exposure of children to online sexual exploitation. Unlike sexual exploitation through “transactional sex,” where often deprivation and lack of education are factors, it is the availability of certain privileges—such as owning a smartphone and having ICT literacy—that fuels online sexual exploitation.<sup>148</sup> The average cost of smartphones has dropped from USD \$440 in 2010 to USD \$283 in 2016.<sup>149</sup> Trends indicate that phones produced *en masse* could be available for as little as USD 30-40 in Asian and African markets in the coming years.<sup>150</sup>

Studies in South Africa and Ghana found that children’s online access was relatively unmonitored by their parents/caregivers, and that most children did not discuss troubling online experiences with their parents. Most discussion about online content was with peers. An encouraging finding from this study was that the majority of children reported that they felt safe online and had developed personal safety strategies, which included efforts to prevent them from becoming victims of sexual exploitation.<sup>151</sup>

According to ECPAT international, the offenders in child pornography are primarily motivated by sexual interest in children or by financial gain. In Uganda’s capital, Kampala, child pornography has evolved into a practice for commercial gain, involving well-coordinated networks comprised of music celebrities and bar and *karaoke* group owners. Offenders can operate alone or through a network and may use different devices, software and/or the internet to produce, access or share materials. In addition to applying encryption methods, they also use hidden online platforms to conceal their conduct and avoid detection.<sup>152</sup>



Rapid expansion of internet access in Africa (at an annual average rate of 42% between 2016 and 2021<sup>153</sup>) in a context of limited or no regulation means that online sexual exploitation of children is likely to increase.

### Box 3.5 The darknet: a dangerous and impenetrable system

The darknet is an overlay network accessible only with specific software, configurations and/or authorisation, often using non-standard communications protocols and protective measures.

Darknet sites are appealing to offenders of online sexual exploitation of children not only because they are now relatively easy to operate and access, but also because they are difficult for law enforcement to remove. They allow the offender community to become more stable, as sites can exist in plain sight of law enforcement agencies over long periods of time, accumulating more content, more information and more users.

The darknet was expected to grow to over four million users by the start of 2018.

Source: WeProtect Alliance (2018).<sup>154</sup>

Online sexual exploitation remains one of the most pernicious facets of sexual exploitation, especially in terms of its long-lasting effects. Victims of online sexual exploitation not only experience trauma at the time the abuse first occurs, but they might also be tormented by the knowledge that images or videos depicting the incident still exist in cyberspace and are unlikely ever to be entirely destroyed. Even long after the original offender has been brought to justice and the victim has received support, the abusive material can still be shared and re-shared by other offenders, in effect re-victimising the child into adulthood and beyond.<sup>155</sup>

Another elusive attribute of online sexual exploitation relates to its transnational nature. The internet has defied traditional notions of national jurisdiction and sovereignty, making extraterritorial jurisdiction even more important.<sup>156</sup> Providers of new messaging applications often base their infrastructure and offices in jurisdictions with less robust legislation, creating barriers to international cooperation.<sup>157</sup>

### 3.4 A predatory travel and tourism sector: keeping up with a moving target

Sexual exploitation in travel and tourism refers to exploitation of a sexual nature perpetrated against children by a short-term or long-term visitor, travelling for work or on holiday, regardless of whether they have travelled internationally or domestically.<sup>158</sup>

Some studies suggest that CSE is a major problem within the travel and tourism sector in Africa. The following countries have been identified as particularly problematic in this regard: Benin, Cameroon, Côte d'Ivoire, Egypt, the Gambia, Ghana, Kenya, Madagascar, Mauritius, Morocco, Nigeria, Senegal, South Africa and Tanzania.

A 2000 study showed that travelling sex offenders felt that “the normal rules” in their home did not apply when they travelled to a foreign place. They often devalued the places they travelled to and made excuses such as “children grow up more quickly there” or “sexual encounters with children are tolerated there.”<sup>159</sup>

Reliable data for CSE in this sector is patchy, and only a handful of studies based on primary research have been undertaken in recent years.

In Kenya, a study indicated widespread perceptions that CSE existed in the Kenyan travel and tourism sector (although it did not interrogate how such perceptions were formulated).<sup>160</sup> Another Kenya-based study suggested that in some cases family members in coastal regions may have pressured children to engage in sexual acts with tourists for financial gain.<sup>161</sup>

In Egypt, a study showed that some parents from poor backgrounds facilitated “transactional sex” or “tourism marriages” between their daughters and male tourists (predominantly from Gulf states), in which the parents received financial payments including “*Moakher*,” financial compensation paid by the male tourist to the family of the girl in order to end the “tourism marriage”. Such exploitative sexual arrangements are often facilitated by a broker who also receives payment for his/her services.<sup>162</sup>

A study in Kenya on the state of sexual exploitation in travel and tourism showed that bar owners/managers accounted for 53% of the players involved in mediating and facilitating sexual exploitation in the sector, while peers/friends accounted for a further 27%. Other actors included individuals well known to and trusted by children, including police officers, teachers, lecturers, religious leaders, doctors, watchmen, and relatives.<sup>163</sup>

South African research among law enforcement officials and social workers suggested that organized criminal networks played a facilitating role in child exploitation through “transactional sex,” and that some tourists, both foreign and local, had interacted with such networks to gain access to children for sexual purposes.<sup>164</sup> A study of a small group of adults who had experienced CSE perpetrated by tourists in the South African town of Knysna reported that they had done so in order to survive.<sup>165</sup> In Ghana, some cases of child marriage have been linked to CSE, and some of these child brides have allegedly been forced into sex work or other exploitative acts with tourists.<sup>166</sup>

In the ECPAT study on sexual exploitation in the context of travel and tourism, typical offenders were identified as originating from the USA, the UK, Italy, Germany, Canada, Korea, and China, along with other developed nations. African countries identified as affected by sexual exploitation in the context of travel and tourism included South Africa, Nigeria and several Eastern African countries—namely Ethiopia, Somalia, Uganda, Tanzania, Kenya, Rwanda and Sudan.<sup>167</sup>

The study findings indicate that locations for sexual exploitation are usually designed to appear as places for legal businesses, such as house help bureaus (but where the main business is not in fact to recruit domestic workers, but instead to recruit children into sex tourism); video halls (where pornographic videos are shown to children); massage parlours (where employed children are asked to provide massage clients with sexual satisfaction as an extra service); strip clubs; and bars (where strippers and children working as waiters are made to provide sexual services to patrons).<sup>168</sup>

Tourists and travellers in countries heavily reliant on tourism-related income gain further power and status from the pervasive maxim the “client is king,” and that meeting the clients’ needs puts bread on the table. Such environments contribute to a feeling of entitlement among tourists—especially when combined with a low risk of punishment—that encourages both visitors who plan to abuse children and those who are situational offenders.<sup>169</sup>

### **3.5 Armed conflicts and humanitarian emergencies**

Sexual exploitation and sexual atrocities have long characterised most armed conflicts in Africa. Perpetrated by armed groups and government forces, sexual exploitation in the context of armed conflict is carried out with impunity.

The presence of military barracks in large numbers in some countries has aggravated the risk that children may be exposed to sexual exploitation. A study in rural Uganda found that the close proximity of military barracks to schools, combined with poverty and acute food insecurity, increased the risk of sexual exploitation of girls. In some instances, it was reported that relatives or guardians encouraged such sexual relations, as they were not in a position to provide financial support for their daughters/relatives. For example, a teacher who was interviewed claimed:

The girls would sneak to the barracks to have sex with the soldiers and if they got pregnant, the parents would follow the soldier and make him pay and then they would send their daughter to be the soldier’s wife in the barracks.<sup>170</sup>

Non-state armed groups have also been implicated in employing sexual exploitation as a weapon of war. The so-called Seleka, the Anti-Balaka militia, the Lord’s Resistance Army (LRA) in Uganda and the Movement for the Liberation of Congo have all have been implicated in the sexual exploitation of children, including the operation of a network of child trafficking for sexual purposes.<sup>171</sup>

During the 24-year civil conflict between the LRA and the Ugandan government, hundreds of unaccompanied children living in camps for the displaced were exploited in an organised manner for “transactional sex,” while others were recruited as child soldiers by the LRA, including a large number of girls who were subsequently sexually abused and used as servants.<sup>172</sup>

The brutal rape and sexual tortures committed *en masse* against girls and women in DRC and the Central African Republic during the civil wars that raged in that region have potentially had the effect of destroying the reproductive potential of women, and hence stemming procreation. These conflicts saw deliberate strategic efforts to desecrate the female body and use it as a battleground to bring shame on the enemy.<sup>173</sup>

According to a 2014 report on trafficking in persons in Somalia, traffickers took advantage of Somali children fleeing the militant group al-Shabaab and seeking refuge in Kenya by subjecting them to forced labour or sexual exploitation.<sup>174</sup>

United Nations (UN) and African Union (AU) peacekeeping personnel, as well as employees of humanitarian organizations, have been implicated in CSE in recent years in a number of African countries, such as DRC and the Central African Republic. CSE in such contexts has been predominantly underpinned by stark gender inequalities and economic disparities between peacekeepers/aid workers and local populations. Studies have also highlighted further risk factors including militarized masculinity, dysfunctional command and control (including ineffective discipline among peacekeeping personnel), and the generally unregulated nature of post-conflict countries.<sup>175</sup> . In one study it was noted that often

...sexual acts can be demanded in exchange for protection and material support, with peacekeepers and aid workers withholding food, shelter, and other services until their sexual demands are met.<sup>176</sup>

### Box 3.6 Peacekeeping missions and sexual exploitation: an unholy alliance

In post-conflict situations, it is commonplace for peacekeepers mandated by global or regional bodies to be deployed to maintain peace and protect the civilian population. However, there have been a number of instances where these bodies, which are supposed to uphold human rights, have instead been involved in violating them.

In Bangui, in the Central African Republic, the presence of the international peacekeeping force—known as the UN Multidimensional Integrated Stabilization Mission in the Central African Republic, or MINUSCA—has aggravated child exploitation through the proliferation of “transactional sex” in the country. Peacekeepers across different nations are said to be the highest paying “customers” for sex with children. It is known that, generally, where peacekeepers have been sent, the number of children involved in the local child sexual exploitation industry has risen, allegedly due to increased demand, particularly in countries where poverty is rampant. The presence of these forces and their resources creates a fertile ground for exploitation of girls. Since their deployment in 2014, these forces have been accused of sexual violence against girls.<sup>177</sup>

Some humanitarian aid workers, responsible for the care and protection of refugees and internally displaced persons, have also reportedly used their positions to exploit children sexually, including by using food and aid to obtain sex from girls, primarily those between 13 and 18 years old. Both international and local staff have been implicated, including workers of respected and established agencies such as UNHCR.<sup>178</sup>

In Zimbabwe, flood victims at a camp for the internally displaced accused government workers and Zimbabwean police officers in charge of distributing aid of demanding sex from females (including girls) in exchange for that aid.<sup>179</sup>

Research has shown that higher levels of gender equality amongst aid workers and peacekeeping contingents have been linked to lower incidence of sexual exploitation and abuse. Therefore, in order to reduce the risk of such behaviour, it has been recommended that a culture and

practice of gender equality be introduced in these contexts, and in particular that there be a meaningful increase in the representation of women in peacekeeping and peace support missions.<sup>180</sup>

Studies have also indicated that significant legal reforms are required, particularly within the UN system, to further combat and prevent sexual exploitation, including the sexual exploitation of children.<sup>181</sup>

### **3.6 Human trafficking, migration and internal displacement**

Child sexual exploitation thrives in the context of migration, human trafficking, and both internal and external displacement

In the context of migration and forced displacement, girls are at exceedingly high risk of sexual exploitation, including from their family members and close relatives. For instance, Ethiopian girls traveling from their home country to the Republic of Sudan to engage in domestic work have experienced sexual violence at the hands of security personnel, fellow migrants, militia groups and their employers.<sup>182</sup> In Rwanda, a study based on a focus group in refugee camp settings found that girls

...had material needs but few options to meet those needs within the camps... [and] that the convergence of material deprivation, lack of economic opportunity, and vulnerability led to transactional sex and exploitation within and around the camps.<sup>183</sup>

Another study suggested that the risk of sexual exploitation of girls in refugee camps in Rwanda was also heightened by the cramped nature of the camps and their inadequate security provisions.<sup>184</sup>

In Kenya and Ethiopia, studies of internally displaced and refugee populations indicated that there had been high levels of CSE among girls due to a variety of vulnerabilities brought about by displacement.<sup>185</sup> Further to this, another study on unaccompanied and separated refugee children in Kenya suggested that factors making children vulnerable to exploitation included a lack of employment opportunities

and suitable programming for youth, and harassment and abuse by police personnel.<sup>186</sup> Kenya has been identified as a hub for child trafficking and smuggling in the region.<sup>187</sup> According to the NCRC Human Trafficking Report in 2015, trafficking for sexual exploitation purposes is the second main reason for child trafficking in Kenya. The Report shows that trafficking of children is one of the most profitable businesses in the country.<sup>188</sup>

Somalia is reportedly a major area of transit for people being trafficked from the Horn of Africa, mainly Ethiopia, to the gulf states for labour and sexual exploitation. Puntland is also reportedly one of the busiest human trafficking hubs in the region.<sup>189</sup>

Human sex trafficking is one of the fastest growing, most lucrative business ventures in the world. Although recent data is not available, data from 2009 shows that the global value of the human trafficking market had already hit 36 billion US dollars in that year.<sup>190</sup>

Children trafficked for sexual exploitation receive little pay and, sometimes no pay at all; instead, the traffickers usually end up receiving the bulk of the payment from the child sex offenders.

### **Box 3.7 An emerging form of sexual slavery and human trafficking in Nigeria**

The term “baby factories” refers to any place where women and young teenage girls are held captive, forcefully impregnated, and kept illegally until their babies are born. The babies are then sold for monetary gain, for adoption, or for use in witchcraft rituals. These places are usually disguised as hospitals, maternity homes, social welfare homes or orphanages. Since the first cases of baby factories in Nigeria were reported by UNESCO in 2006, these illegal ventures—operated by well-organized criminal syndicates and considered a form of human trafficking—have become the third most common form of crime in Nigeria, after drug trafficking and financial fraud.<sup>191</sup> Children born in the “baby factories” and trafficked to foreign countries are at heightened risk of sexual abuse.<sup>192</sup>



Research with the police has also suggested the human smuggling syndicates have employed “voodoo” (witchcraft) as a coercive method for use against CSE victims and their families, in an attempt to ensure continued sexual exploitation.<sup>193</sup>

In Benin, the Central Office for the Protection of Minors registered 103 cases of trafficking in minors (including 74 girls and 29 boys) in the first half of 2013.<sup>194</sup> The (former) Ministry of Social Affairs in Burkina Faso identified 280 child victims of trafficking in 2014, of which 211 cases concerned domestic trafficking and 69 were cross-border trafficking.<sup>195</sup>

Child victims of trafficking, having been separated from their families, are always in fear, which is in turn used by their traffickers to exploit them sexually.<sup>196</sup> This happens as most victims migrate through irregular channels, further exacerbating their risk of rape by corrupt border officials and other unauthorised migration agents who demand sex in exchange for onward passage.<sup>197</sup>

There is an equally important concern in this regard that has stood in the way of apprehending traffickers: the criminalisation of victims of trafficking. In most countries, and where the perpetrators have money and power, victims are the easier target for law enforcement. The repatriation of sex trafficking victims may expose them to further abuse upon return to their country of origin, where they may often face difficulties reintegrating if they are viewed as “dishonoured.”<sup>198</sup> These factors can make reporting by victims almost impossible, and can help perpetuate exploitation.

### **3.7 Patriarchal attitudes and gender discrimination**

Many girls in rural Africa are given in marriage, or betrothed, at birth or at an early age, although the actual marriage may not occur until the girl reaches puberty.<sup>199</sup> Child marriage is both a form of sexual exploitation of girls and a vehicle for the economic exploitation of their sexuality. This practice increases a number of risks including children’s exposure to domestic and sexual violence by intimate partners; early forced sexual initiation; premature onset of sexual activity; non-consensual sex; unwanted adolescent pregnancy and premature child

bearing; exposure to sexually transmitted diseases; and female genital mutilation (FGM).<sup>200</sup>

Child marriage is underpinned by both cultural and economic factors. On the cultural side, there is a widespread traditional norm and practice that regards girls and women as inferior, and as having less worth. Child marriage is also seen as a way of initiating girls into adulthood, womanhood and motherhood. In most cases, the nature of this traditional practice is a reflection of the power exercised by men in society, and the idea that girls and women are obligated to comply with sexual and other domestic roles assigned to them. Adult women are usually complicit as they see such roles as established by a natural or divine order.<sup>201</sup>

Worrying, laws in some countries require girls to marry their abusers. This has been reported in Angola, Equatorial Guinea, Sudan, Eritrea, and Libya. In Sudan, the law specifically protects a husband from prosecution for sex within marriage to a girl aged under 18 years.

Furthermore, the emphasis on physically visible maturity over chronological age, coupled with the near-total absence of birth registration services, can be linked to the tendency to give children up for marriage at an early age. Under such circumstances, strong muscles and protruding breasts are wrongly taken as more reliable yardsticks of maturity than numerical age, as these words of a girl from Benin reveal:

... once a girl's breasts start to appear, the parents stop caring for her; they think that she should be able to do it all for herself to solve her problems, and that is when she is believed to be ready for marriage.<sup>202</sup>

There are also economic reasons underlying child marriage, with factors driven by both "supply" and "demand". On the supply side, households may marry off their daughters at young age because of the high costs of raising children (food, clothing, education and healthcare). This is particularly likely in contexts where fertility is high, and parents have many children, in which situations girls may be viewed as an economic burden, less able than the boys to perform physical work, such as on farms.

National economic crises and individual economic shocks at household level might also force households to marry their daughters early. This economic drive is spurred by the inducement of getting an attractive bride price. For instance, bride price in Ghana involves a transfer of cash, livestock or other property from the groom's family to the bride's family as part of the marriage agreement. The practice of bride price is also common in many southern African countries, where it goes by a range of different names in different countries (for example, *lobola* in Zimbabwe, which literally means bride wealth or bride price). Usually, the heads of the two families involved, or their representatives, negotiate the transfer of cattle or cash to the groom's family in the presence of a messenger, when they ask for the girl's hand in marriage.

The practice of paying bride prices has not only fuelled child marriage in the country, but it has also led to situations where the married girls are held in a situation tantamount to sexual slavery. The transfer of wealth by the family of the bridegroom to the bride's family often forces the bride to abrogate her sexual rights.<sup>203</sup> Bride price brings with it "responsibility" on the part of the woman to live up to certain expectations before and after payment,<sup>204</sup> possibly instilling a sense of unquestionable subjugation and sexual bondage.

Bride price is also seen by some as a compensation for time and trouble taken to raise a daughter who will be sent off to another group, and as a compensation for the loss of a daughter's economic services. There is, therefore, an increasing commercialization of the practice into a form of marital transaction, or "the purchase of a wife."

On the demand side, from the perspective of the groom, younger brides may be preferred for a number of reasons. These include the following:<sup>205</sup>

- Women who are younger have longer reproductive lives during which to have children—a particular consideration in societies where infant mortality is high.
- Men or their families may want to deal with younger women who are less assertive and more easily controllable because of their lack of physical, mental and emotional maturity.

- Younger brides may be better able to perform household activities longer into the future.
- Younger brides are less likely to have had previous sexual contact, and hence have a reduced likelihood of having been exposed to sexually-transmitted diseases, including HIV/AIDS.

As previously mentioned, child marriage, as well as being driven by tradition, has a lot to do with poverty and the economic drivers around alleviating household poverty through the wealth transfer that takes place between the families of the marriage partners. This reality undermines the argument that early marriage is exclusively a matter of harmful traditional practices. The corollary to this position is that eliminating the underlying cultural attitudes and practices may not necessarily get rid of child marriage, as long as households remain haunted by poverty.

### **3.8 Domestic work: hidden and unregulated**

Some limited research has been undertaken on child exploitation in the context of domestic work in Africa. Studies have shown that it is exceedingly difficult to access and interview children who are involved in domestic work.<sup>206</sup>

The “invisibility” of child domestic workers is one factor that has contributed to the perpetration of sexual exploitation with impunity in the context of child domestic work.<sup>207</sup> Invisibility is normally combined with isolation, as the employer/exploiter tends to isolate the child by limiting his/her movements and/or by forbidding contact between the child and her/his family, thus making the child more dependent on the employer.<sup>208</sup>

The reasons why children engage in domestic work are wide ranging. They include being sold or given to traffickers; being sent out to work for household survival; being fostered by relatives in order to fill a labour gap in the receiving household; or in order to pursue education.<sup>209</sup>

In Ghana, children, mostly girls, are allowed by their parents to provide household services to visitors or migrant workers in rural communities.

Parents may allow their daughters to visit male teachers or other migrant workers in their houses to perform household duties for them. This practice indirectly grants unsupervised access to the children by these adults, a situation that potentially leads to such children being sexually exploited in exchange for gifts or money.<sup>210</sup>

Migration to urban centres to engage in domestic work is especially common as a strategy by which poor families can: mitigate economic risks; diversify economic opportunities; broaden and consolidate social networks; and meet children's needs for clothing, shoes and other material items.<sup>211</sup>

Girls may be recruited for domestic work by women who have links with their village through kinship or trading activities, and who either require a girl to work in their own household, or who mediate a job with someone else looking for domestic help.<sup>212</sup> It is also common in Africa for “brokers” involved in recruiting child domestic workers and placing them in domestic service to also solicit sexual favours from the girls. Such recruitment modalities may sometimes amount to child trafficking, if the recruiters partly or wholly take the money earned by these children—which is usually the case.<sup>213</sup>

Young female domestic workers may be pressurized into sexual relationships with adult men and adolescent boys within the household, or with men visiting the household in which they work. It is reported that some of the physical and emotional abuse faced by domestic workers in the hands of their female employers emanates from fear of the domestic workers “stealing” their husband. It is also possible that these girls may be lured into engaging in relationships with young men of their own age, and with older men.<sup>214</sup> In both situations, the children not only enter into a forced or exploitative relationship that does not last, but may also become pregnant or contract sexually transmitted diseases.

Child domestic workers in Addis Ababa, Ethiopia, are reportedly subject to extreme exploitation, working long hours for minimal pay or modest food and shelter. In this situation, they are also vulnerable to physical and sexual abuse.<sup>215</sup>

In Guinea, research conducted by Human Rights Watch exposed several cases of girl domestic workers having been sexually harassed, sexually exploited, and raped.<sup>216</sup>

In Mozambique, girls employed as domestic workers or in subsistence agriculture were found to be exploited in “transactional sex” for additional money.<sup>217</sup> Similarly, in Uganda, child domestic workers and store clerks were reported to be particularly vulnerable to CSE, especially when they needed to earn more money.<sup>218</sup>

In Uganda, girls from rural areas involved in domestic work in cities were often at risk of sexual exploitation by male employers (or male relatives thereof) due to power imbalances, and concerns by the affected girls that they might be dismissed if they refused these men’s sexual advances.<sup>219</sup>

Studies of Ethiopian girls and young women employed in domestic work in the Middle East showed similar findings, indicating that girls were exposed to sexual, physical and emotional abuse.<sup>220</sup>

Studies have also established a link between child domestic work and subsequent engagement in “transactional sex.” For example, it was established that more than a quarter of girls being commercially sexually exploited in Dar es Salaam (Tanzania) were former child domestic workers, many of whom were sexually abused by members of the family for whom they were working. A study on children exploited through “transactional sex” in Tanzania confirmed that in about 25% of cases, girls become involved in “transactional sex” after they have been abused as child domestic workers.<sup>221</sup> Once child domestic workers face sexual violence in their workplace, they may decide to leave the house, but may not ever go back home because they do not want to face the humiliation of returning empty-handed. Most end up in “transactional sex” or on the street.

Abused child domestic workers tend not to report their abuse: some feel they are powerless to prove such attacks and/or are dependent on their employers for basic needs; others fail to report abuse out of a sense of duty to their parents to make the situation work, or just

because they are afraid to speak out.<sup>222</sup> Child domestic workers are also less likely to get access to sexual and reproductive health information, which may undermine their ability to fend off sexual advances and/or manage incidents of sexual exploitation.

### **3.9 Disability-related barriers**

Disability has been identified by many studies as a factor that exacerbates children's exposure to sexual exploitation. Studies have shown that children with disabilities in Africa are two to five times more likely to be abused than their non-disabled peers, while those with intellectual disabilities are three to eight times more likely to be abused. Girls with visual impairments are highly vulnerable to sexual abuse, especially in situations where they are without an accompanying person. Reports noted situations where, for example, visually impaired girls were gang raped after being led into the wrong place by offenders posing as helpers.<sup>223</sup>

The intrusive nature of some of the care provided to girls with disabilities (especially those with intellectual disabilities and/or multiple disabilities) during bathing and toilet routines and in the context of menstrual management means that the children risk being sexually exploited.<sup>224</sup> Such care might involve touching and massaging.

Sexual exploitation among children with disabilities goes unreported because of the mistaken belief that children with disabilities are asexual and cannot understand their own bodies. Sexual violence against children with disabilities may also arise in the context of using explicit sexual language, or making crude sexual jokes.<sup>225</sup> It is common to observe people getting involved in verbal and visual sexual humour directed at girls with disabilities, including jokes that portray them as asexual.

Girls and young women with disabilities are at greater risk of sexual violence when they are alone at home, as neighbours and family members take the opportunity to exploit them sexually with little risk of being caught or punished.<sup>226</sup>

Another challenge often overlooked in the child protection discussion is the issue of access to sexual and reproductive health information and services for girls with disabilities. Girls and young women with disabilities are almost without exception denied the right to make decisions for themselves about their reproductive and sexual health, increasing their risk of sexual violence, unplanned pregnancy, and exposure to sexually transmitted infections.<sup>227</sup>

A lack of sexual and reproductive health education means that adolescents with disabilities in some countries engage in casual and transactional sex without using condoms or other contraceptives. As a result, young people with disabilities have a higher risk of contracting sexually transmitted infections, including HIV, than their peers without disabilities.<sup>228</sup> In one study in Ethiopia, only 35% of young people with disabilities had used contraceptives during their first sexual encounter.<sup>229</sup>

Similarly, a study in Ghana on the experiences of people with hearing impairments trying to access sexual and reproductive health services found a range of factors discouraging persons with disabilities from seeking needed sexual and reproductive services. These included, among other things: communication barriers; ignorance about deafness among service providers; attitudes toward people with hearing impairments; illiteracy among people with hearing impairments; the absence of privacy and confidentiality at health centres; and absence or poor quality of sign language interpreters.<sup>230</sup> Children with disabilities are also at greater risk of being trafficked for sexual exploitation, including by their own families—a risk partly driven by negative community attitudes that regard them as “undesirable.”<sup>231</sup>

Adolescent girls with intellectual and psychosocial disabilities are also at very high risk of sexual abuse within institutions,<sup>232</sup> often perpetrated by other residents and/or staff at the institutions.

Lack of access to disability-friendly justice is also a formidable factor in the perpetuation of sexual exploitation of children with disabilities. A study by the Disabled Children’s Action Group (DICAG) in South Africa found that, of a sample of 36 cases of abuse against children with



disabilities that came to trial, 14 were withdrawn, eight resulted in acquittals, and 14 resulted in convictions. The prime reason given by the courts for this high rate of withdrawal and low rate of conviction was that “witnesses were seen as being incompetent.” This was despite the fact that the language used in the court proceedings was complex, and poorly understood by many of the victims.<sup>233</sup> As a result of such patterns, children with disabilities are frequently deliberately targeted by sexual offenders because those offenders are often able to get away without punishment.

The following factors contribute further to higher levels of sexual exploitation of children with disabilities in Africa, and denial of their access to justice as victims:<sup>234</sup>

- Testimonies from children with disabilities, especially those with intellectual disabilities, are not taken seriously in a court of law.
- Children with disabilities may be unable to report sexual exploitation because of language and communication barriers, and even if they do, they may not be trusted.
- Children with disabilities, especially those in foster/kinship care or institutions, depend on staff for survival, and are hence unlikely to report any abuses by those staff.
- Children with disabilities may feel that the abuse they suffer is their fault.
- Children with disabilities can even become desensitised to abuse.
- Children with disabilities are assumed to be unable to know about and/or understand their rights.

### **3.10 Children living on the street: exposed, defenceless and vulnerable**

Children living and/or working on the street, whether or not they have a place to return to at night, can be obliged to earn an income by whatever means. These children face danger from gangs and competitors, and need to be street-smart to survive.<sup>235</sup>

In many countries, children living and/or working on the street are brutalised by the police and security forces, a brutality that extends to sexual exploitation. As victims of random police roundups, these children often come into conflict with the justice system, and their rights to protection are frequently denied. Indeed, the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment reports that, in many countries, the criminal justice system functions as

...an ill-suited substitute for a lacking or dysfunctional welfare system, resulting in the detention of children who have not committed a crime but who actually require welfare assistance, such as street children.<sup>236</sup>

In Egypt, there are reports of sexual harassment and sexual assault against children living and/or working on the street. The police often consider these children as non-citizens or second-class citizens, and fail to give them proper protection.<sup>237</sup>

Girls living and/or working on the street are also sexually exploited by street gang leaders under the threat of withdrawal of protection in the context of a harsh and vicious street life. According to a study in Ethiopia, girls who spend the night sleeping rough on the street face another challenge, called “gelbo” in Amharic—literally, “forcefully undressing a woman”—in which they risk becoming victims of forced sex by older children living on the street. The study also found that girls newly arriving on the street are often exploited sexually by older boys and watchmen of shops at night, in exchange for promises of protection. The study also revealed that it is common for older children living on the street to force younger ones to have sex.<sup>238</sup>

## 4. ADDRESSING CHILD SEXUAL EXPLOITATION: PROGRESS

Despite the generally gloomy state of affairs described in the preceding sections of this report, there have been efforts to combat and prevent CSE in Africa.

Continental and regional guidelines and frameworks have been developed that are linked to existing global and African child protection legal instruments including the UNCRC (1989); The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000); The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2000); and The Declaration of the Arab-African Forum against Sexual Exploitation of Children (2001).

There has been an encouraging trend towards the ratification of international instruments related to sexual exploitation. For example, the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography has been ratified by 47 countries. Only five countries—Cameron, Ghana, Kenya, Liberia and Zambia—have not yet ratified it.

Still on an encouraging note, all African countries except Congo, Brazzaville, and Uganda have ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Another relevant instrument that is especially protective of girls is the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which has so far been ratified by 36 out of 54 countries.

Declarations and political commitments in relation to CSE have been adopted by regional bodies such as the Economic Commission for West African States, the Economic Community for Central African States, Middle East and North Africa, and the Southern Africa Development Community.

### Box 4.1 The African Union Campaign to End Child Marriage

In May 2014, the African Commission on Human and People's Rights, the African Committee of Experts on the Rights and Welfare of the Child, and the African First Ladies institute initiated the **Campaign to End Child Marriage**.

The campaign was initially only for two years, from 2014 to 2016, targeting ten high burden countries; but it was later extended for another two years to 2018 and broadened to target 30 high prevalence countries. It has made impressive gains in advocating for the end of child marriage on the continent, from supporting stronger national normative frameworks to harnessing the political commitment of many member states. This commitment has included the adoption of the **African Common position on the AU Campaign to End Child Marriage in Africa** and its accompanying **Action Plan**.

On 8 February 2018, the African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child adopted the first Joint **General Comment on Child Marriage**. At the time of writing this report, in 2019, a new campaign strategy for 2019-2023 period has been developed, and the campaign is now in its fifth year.

However, at the national level, the 2019 report issued by the Economist Intelligence Unit, entitled *Out of the Shadows*<sup>239</sup>, revealed that only five out of 19 documented countries scored above 50% on their overall national efforts to prevent CSE (see aggregate scores in Table 4.1). The report is derived from a 40-country 'benchmarking index' that evaluates how governments, civil society and the private sector have responded to CSE, and scores countries across four categories in relation to CSE, determined and defined as follows:

- **Environment:** the safety and stability of a country, the social protections available to families and children, and whether norms allow open discussion of the issue
- **Legal framework:** the degree to which a country provides legal or regulatory protections for children from sexual exploitation or abuse

- **Government commitment and capacity:** whether governments invest in resources to equip institutions and personnel to respond appropriately, and to collect data to understand the scope of the problem
- **Engagement of industry, civil society and media:** the country's propensity for addressing risks to children at industry and community levels, and its provision of support to victims.

**Table 4.1: EIU CSE prevention aggregate scores for 19 African countries**

Country	Overall score
South Africa	58.1
Uganda	57.3
Tanzania	56.5
Kenya	53.8
Rwanda	50.3
Morocco	47.7
Nigeria	47.3
Madagascar	43.6
Mozambique	37.7
Ghana	35.9
Côte d'Ivoire	34.7
Egypt	32.0
Algeria	31.9
Angola	29.7
Ethiopia	29.1
Cameroon	28.9
Niger	28.7
Burkina Faso	28.6
DRC	26.4

(Source: EIU *Out of the Shadows* report, 2019)



## 5. THE LEGAL AND POLICY CONTEXT

There is considerable literature that describes progress in countering CSE in the law and policy context, and more recently a number of studies have been published that have explored the implementation of international, continental and regional commitments and obligations (and the challenges thereof). In various publications on child sexual exploitation in Africa there are indications that some legislative and policy reforms have taken place in African states to facilitate improved responses to CSE; yet it has nonetheless been stated by numerous authors that further reforms are required.

The previously-mentioned 2019 report by the Economist Intelligence Unit<sup>240</sup> shows that many African countries do have relevant legal provisions in relation to CSE. For instance, 12 of the 19 African countries assessed scored 50 or above in relation to their legal frameworks, which means that they have put in place optimally functional laws.

Some African countries scored relatively highly for the strength of their legal frameworks in relation to CSE. For example, South Africa's legal framework score (77) was higher than that of both the UK (73) and Germany (73), and South Africa was in the top five countries for highest overall scores. Kenya (69), Morocco (61) and Nigeria (62) also had legal framework scores that were well above average.

Legislative provisions and regulations geared towards reducing and preventing CSE are, however, largely meaningless in the absence of sufficient social protection and support measures and changes in societal attitudes; adequate capacity and commitment from government; and concerted engagement from the non-governmental sector.

The EIU report also reveals considerable variation in terms of the scope and rigour of legislation relating to the prevention of CSE in Africa. Common key deficiencies include, among other things, absence or inadequate treatment in existing law of the issues of: online sexual exploitation; online grooming; sexual exploitation in the context of

domestic work; and sexual abuse in the context of travel and tourism. There is also widespread failure in existing laws to explicitly categorise “sexual exploitation” as a criminal offence.

## Laws on sexual exploitation

Most laws relating to sexual violence in Africa do not contain explicit provisions on “sexual exploitation.” Law enforcement personnel often tend to refer to provisions relating to sexual violence when adjudicating sexual exploitation cases.

There are, however, encouraging examples. These include: laws that explicitly define sexual exploitation; laws that address online sexual exploitation; and laws that address extraterritorial jurisdiction and extradition in the context of sexual exploitation in travel and tourism.

For instance, the Trafficking in Persons Act (2015) of Malawi defines exploitation to include, among other things, forced labour or any extraction of work or services from a person; forced participation of a person in commercial sexual activity such as prostitution, sexually-explicit performance, or the production of pornography; and any other practices in terms of which it cannot be said the person participated willingly (Part I, Section 2).

One of the strongest laws in this regard is the South African Sexual Offences Act, which explicitly dedicates a number of sections to the issue of sexual exploitation. Section 17. (1) of the Act states:

A person (“A”) who unlawfully and intentionally engages the services of a child complainant (“B”), with or without the consent of B, for financial or other reward, favour or compensation to B or to a third person (“C”)— (a) for the purpose of engaging in a sexual act with B, irrespective of whether the sexual act is committed or not; or (b) by committing a sexual act with B, is, in addition to any other offence which he or she may be convicted of, guilty of the sexual exploitation of a child.



The penal codes of some countries either contain explicit provisions criminalising child sexual exploitation, or criminalise the practice through broader definitions of sexual abuse or sexual violence.

Article 330 of the Penal Code of Benin criminalizes rape, sexual exploitation and trafficking, and imposes a severe penalty when the crimes are committed against women and children under 15 years of age. The country's law also provides for penalties for persons who are aware of sexual harassment and do not report it, and hence protects children from parental consent and/or connivance.

The Penal Code of Senegal (Article 319) includes aspects of exploitation under its provision on sexual harassment. The code defines "sexual harassment" to include the use of orders, gestures, threats, words, writings or constraints to obtain sexual favours through a person abusing the authority conferred by his or her function.

## **Laws on online sexual exploitation**

A number of countries have developed legislation in an attempt to protect children from online CSE, and to take the necessary actions against perpetrators. For example, South Africa's primary legislative instrument to combat and prevent online CSE (and especially child pornography) is the Film and Publications Board Act (1996) (as amended). According to the Act, the failure to report images or occurrences of child pornography about which one is aware to relevant authorities is a criminal offence. Furthermore, the Criminal Law (Sexual Offences and Related Matters) Amendment Act (2007) criminalizes sexual grooming of children and the exposure of children to pornography.<sup>241</sup>

Section 16 of the Cybercrime and Computer Related Matters Act 2007 of Botswana defines the term "child pornography" to include material that visually or otherwise depicts: (i) a child engaged in sexually explicit conduct; (ii) a person who appears to be a child engaged in sexually explicit conduct; or (iii) realistic images representing a child engaged in sexually explicit conduct.

In Malawi, establishments serving the public, and places open to the public providing access to internet, are obliged to use adequate pornography filtering software as defined by subsidiary legislation under the Electronic Transactions and Cyber Security Act (2016). Failure to comply with the obligation is an offence punishable, upon conviction, with a fine of MK10,000,000 (US\$13,725.14) and imprisonment for 15 years.

At the regional level, the AU adopted a Convention on Cyber Security and Personal Data Protection in 2014, which, among other things, criminalises child pornography and sexualised representations of children. Unfortunately, this convention has, to date, been ratified by only two states, and signed by only ten.

## **Laws focusing on breaches of power, authority, trust and control**

While sexual exploitation is often perpetrated by people abusing their positions of power, trust, confidence and moral authority over the child, these factors are seldom recognised in law. There are some encouraging exceptions, however. For instance, section 296 of Cameroon's Penal Code<sup>242</sup> states:

Whoever by force or moral ascendancy compels any female whether above or below the age of puberty to have sexual intercourse... shall be punished with imprisonment from 5 to 10 years. Section 298 doubles the penalty if the offender –

- a) Has authority over the victim, or custody of [her] by law or by custom; or
- b) Is a public servant or minister of religion; or
- c) Is helped by one or more others

A similar provision highlighting the importance of misusing positions of authority or confidence as an important ingredient of sexual exploitation is contained in Togo's Children's Code. Under article 396, the Code defines sexual abuse to include

...an act of sexual contact against a child by person in a position of authority or of confidence vis-à-vis the child or by a person upon whom the child is dependent.

The Criminal Code (Amendment Act) makes it an offence for a person with control, custody or care of a child under the age of 16 years of age to cause or encourage the seduction, sexual activity, unnatural sexual activity, and prostitution or commission of indecent assault against a child. A violation of this law is, however, only a misdemeanour, which means it is considered a less serious offence (generally punishable by a fine, or in some countries by imprisonment not in excess of one year).

## **Anti-human trafficking laws**

Many countries have enacted laws criminalizing human trafficking and some countries—including Ethiopia, Burundi, Botswana, Namibia, South Africa and Uganda—impose maximum penalties when the trafficking victim is a child.

- The Prevention of Organized Crime Act 2009 of Namibia criminalises all forms of trafficking by recognizing trafficking as a form of organized crime, and prescribes sentences of up to 50 years' imprisonment and a fine for persons who participate in trafficking offences or aid and abet traffickers.
- The Prevention and Combating of Trafficking in Persons Act (PACOTIP) (7/2013) of South Africa criminalises all forms of human trafficking and prescribes penalties ranging from fines of up to 100 million South African rand (\$7.3 million) to life imprisonment, depending on the severity of the offence. The country's Sexual Offences Act not only implicates the actual traffickers, but also those who contribute to the act by, among other things, encouraging, promoting, supervising, advising or commanding the act (sec. 71(1)).
- The Anti-Human Trafficking Act of 2014 of Botswana (section 9) imposes upon a perpetrator of trafficking for the purposes of forced labour or exploitation of another person in prostitution

a term of imprisonment of up to 30 years and/or a fine not exceeding one million Botswana pula (approximately USD 93,170).<sup>243</sup>

- The Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants Proclamation No. 909 (Anti-Trafficking Act) of Ethiopia, adopted in 2015, makes it an aggravating circumstance if the victim of any of the crimes under this Act is a child, and provides for a penalty of imprisonment from 25 years to life.<sup>244</sup>
- The Penal Code of Cabo Verde, under article 271-A, not only criminalizes all forms of trafficking, but also prescribes penalties for those who have knowledge of trafficking crimes or who use the services of trafficking victims (one to five years' imprisonment) and those who retain, conceal, damage, or destroy trafficking victims' identity documents (up to three years' imprisonment). This is an important provision because the confiscation of identity documents is a recurring challenge faced by victims of trafficking, and a tactic used by human traffickers and smugglers to sexually exploit their victims.
- Law No. 2016-111 of Côte d'Ivoire on the Fight Against Trafficking in Persons not only criminalises trafficking, but also explicitly allows the courts to reduce the sentences imposed for those who alert the authorities, prevent the trafficking offence from taking place, or identify accomplices.

## **Laws on child sexual exploitation in travel and tourism**

Very few laws exist in Africa that explicitly criminalize child sex tourism or child sexual exploitation committed in the travel and tourism sectors. Encouraging examples in this regard include the following:

- The Anti-Trafficking in Persons Act of Lesotho criminalizes trafficking, broadly defined as the act of recruiting, transporting, transferring, harbouring, providing or receiving a person “by any means” for the purposes of prostitution, pornography, sexual

exploitation, forced labour, drug trafficking, slavery, involuntary servitude or debt bondage, as well as for other ends such as marriage with a foreign person, **tourism packages for the purposes of sexual exploitation**, adoptions, or organ removal (emphasis added).

- The Kenyan Sexual Offences Act of 2006, under Sections 14 and 15, criminalises the facilitation of child sex tourism and “child prostitution,” and prescribes a punishment of no less than 10 years’ imprisonment.
- The Tourism Offences Act of 2003 of the Gambia criminalizes child sex trafficking and prescribes a penalty of 10 years’ imprisonment. The inclusion of child sex trafficking in an act regulating the tourism sector is an acknowledgment of the risks of child sex trafficking within the sector.

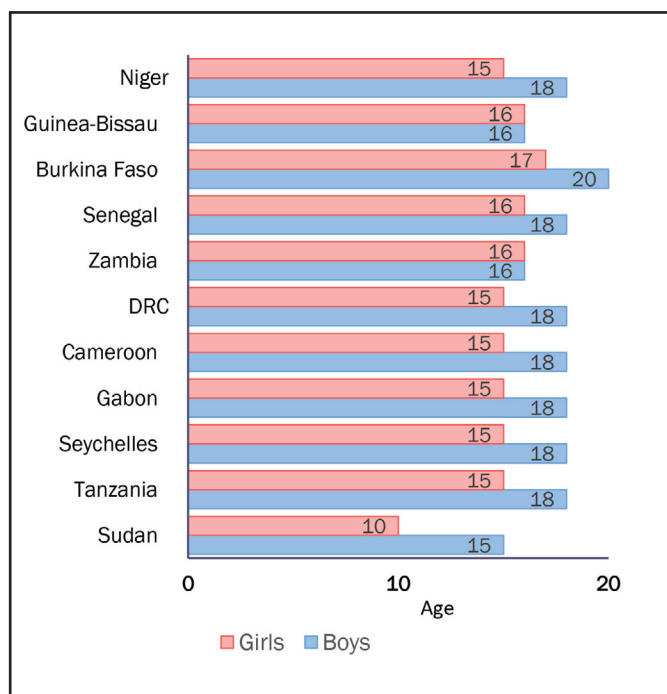
## Laws on minimum age of marriage

Legislation in a number of African countries fails to provide proper protection from sexual exploitation for children in the context of child marriage.

Of the 54 African countries, 36 have set the minimum marriageable age at 18 or above, equally for both girls and boys. Algeria, Lesotho and Rwanda have a higher minimum age with no gender discrimination, while in Burundi, Republic of Congo, Côte d’Ivoire and Togo it is 18 or above for girls, but higher for boys. The remaining countries have a minimum age of marriage for girls below 18, with some of them having discriminatory ages for boys (Figure 5.1). Such disparities can expose girls to a greater risk of child sexual exploitation.

In recent years, commendable progress has been made in some countries—such as Zimbabwe and Malawi—to bring the law on minimum marriageable age in line with international standards. But the minimum age of marriage is as low as 10 years in Sudan, or 15 in seven further countries.

**Figure 5.1: African countries with minimum age of marriage below 18 years**



Source: Compiled by ACPF from “Child Law Resources,” 2019

## Law on minimum age of sexual consent

The legally accepted age at which a child can engage in consensual sex by and large determines whether or not sexual exploitation of children can be strongly defended in legal proceedings. The CRC and the ACRWC do not contain any specific provisions related to the minimum age of sexual consent—that is to say, the age at which a child can, with her or his informed and voluntarily given consent, and with full knowledge of the consequences of the risks involved, engage in sexual activities.

The CRC Committee does however recommend that States Parties provide adolescents with access to sexual and reproductive health information, including on family planning and contraceptives, the risks associated with early pregnancies, the prevention of HIV/AIDS and the prevention and treatment of sexually transmitted infections.<sup>245</sup>

Given that many cultures view consummation as a prerequisite for a valid marriage, governments should act to ensure the minimum age of marriage is set higher than that for sexual consent. Where the age limit for giving sexual consent is lower than the age of marriage, it can be used as a pretext for early marriage.

In many countries, no specific minimum age of sexual consent has been set. Where it has been set, it is all too often too low, or inconsistent with other legislation, such as legislation on the age of marriage (Table 5.1).

In 14 countries, the minimum age of sexual consent is 16 years. In seven countries it is 15 years (Comoros, Côte d'Ivoire, Djibouti, Gabon, Mali, Seychelles and Togo).<sup>246</sup> In Sudan, the minimum age of sexual consent is 18 years for girls, but girls as young as 10 are legally allowed to marry—and furthermore, the law specifically protects a husband from prosecution for sex within marriage to a girl aged under 18 years (Section 316 (a), Sudanese Penal Code, 2003).

**Table 5.1 Minimum age of sexual consent**

13		14		15		16		18	
Minimum age for sexual consent									
									Botswana
									Burkina Faso
									Burundi
									Central African R.
									Congo
									DRC
									Egypt
									Equatorial Guinea
									Eritrea
									Eswatini
									Ethiopia
									Gambia
							Algeria		Kenya
							Benin*		Lesotho
							Cameroon		Liberia
							Ghana		Libya**
							Guinea		Mauritania
							Guinea-Bissau		Morocco
							Malawi		Nigeria
							Comoros		Mauritius
							Côte d'Ivoire	Mozambique	Rwanda
							Djibouti	Namibia	Sierra Leone
							Angola	Senegal	Somalia
							Cape Verde	South Africa	South Sudan
							Niger	Madagascar	Tanzania
							Sahrawi Arab D. R.	São Tomé & Príncipe	Togo
									Zambia
									Tunisia
									Zimbabwe
									Uganda

\* For girls

\*\*For girls, 16 with parents' consent

Related to this is the existence of legislation that allows a perpetrator of rape, including statutory rape of a minor, to be excused of his crime if he marries his victim. Such laws not only legitimize abusive unions, but can also potentially deepen problems of child abduction for sexual exploitation. According to Article 351 of the Penal Code of Guinea, anyone who abducts and departs a child under 18 years of age, or attempts to, will be sent to prison for 2-5 years or pay a fine of 50 000 to 200 000 Guinean francs. Besides imposing what is a light penalty under the circumstances, the Article goes on to state that, if the abducted child marries her abductor, the latter will be indicted only if a legal complaint is lodged by persons capable of requesting the nullification of the marriage, and will be condemned only after the marriage is annulled. A similar provision mitigating the crime of rape if followed by marriage is found in Article 348 of the Senegalese Penal Code.

Such provisions not only potentially encourage the abduction of female children, but also encourage child marriage, given the limited possibility for parents or caregivers to come forward and call for nullification of such marriages (notwithstanding the fact that in some cases these marriages might even have been done with their tacit consent).

### **Laws on extraterritorial jurisdiction and extradition**

Given the international nature of some of the sexual exploitation offences committed against children, extraterritorial jurisdiction and extradition become a crucial consideration, especially in countries where legislation is weak or absent.

The laws of South Africa and Angola<sup>247</sup> allow extraterritorial jurisdiction and extradition of sex offenders. The Law of Angola awards jurisdiction to national courts over anyone accused of CSE on Angolan territory, or when the act is committed outside the country by an Angolan citizen or resident of Angola, provided that the act is punishable by the law of the place of its commission.

A similar provision is contained in the South African Sexual Offences Act. Section 61(1) of the Act states:



Even if the act alleged to constitute a sexual offence or other offence under this Act occurred outside the Republic, a court of the Republic, whether or not the act constitutes an offence at the place of its commission, has, subject to subsections (4) and (5), jurisdiction in respect of that offence if the person to be charged—

(a) is a citizen of the Republic; (b) is ordinarily resident in the Republic; (c) was arrested in the territory of the Republic, or in its territorial waters or on board a ship or aircraft registered or required to be registered in the Republic at the time the offence was committed; (d) is a company, incorporated or registered as such under any law, in the Republic; or (e) anybody of persons, corporate or unincorporated, in the Republic.

Despite the existence of such policy frameworks, their effectiveness is moot. In Tanzania, for example, an evaluation of legislated child protection measures (including protections relating to CSE) showed that such measures have not been effective—in fact, CSE levels had increased after the relevant policy and legislation were significantly reformed. The key reason for this ineffectiveness was the fact that most cases of child sexual exploitation took place within the family home.<sup>248</sup>



## 6. PREVENTION EFFORTS

### 6.1 CHANGING NORMS AND ATTITUDES

Growing public sensitivity towards child rights in Africa has meant that discussions about sexual violence are no longer considered taboo. Campaigns to change norms and attitudes have targeted predominant views that regard girls as inferior to boys or as having less worth, and those views that embolden masculinity and male dominance.

There are encouraging practices in some areas, with potential for replication elsewhere on the continent.

#### Box 6.1: Changing attitudes towards violence through community-based approaches

Designed by Raising Voices and implemented in Kampala, Uganda by the Centre for Domestic Violence Prevention, the SASA! approach seeks to change individuals' attitudes, community norms and structures by supporting entire communities through a phased process of change.

SASA! (Kiswahili for "NOW!") uses community-based approaches that engage both men and women in preventing violence against women.

In communities where men and women participated in the programme, women experienced 52% less physical intimate partner violence, and the social acceptance of violence fell. Among women who did experience intimate partner violence, appropriate community responses more than doubled, and a follow-up study suggested there was a triple benefit for children. This also led to a 64% reduction in the prevalence of children witnessing intimate partner violence in their home.

Source: Watts et al. 2014<sup>249</sup>

Successful campaigns to create public awareness have used radio, television and the print media. Examples include a television drama series in Nigeria educating the public on the vices of trafficking in women, instituted by Women Trafficking and Child Labour Eradication

Foundation and Mrs Titi Abubakar, wife of former Nigerian Vice President Atiku Abubakar. This weekly drama series, called *Izozo*, is broadcast on national television and focuses mainly on the evils of child labour and child trafficking.<sup>250</sup>

Other emerging practices in some countries have also proved effective in building skills in self-protection, self-awareness and self-confidence. An initiative to empower adolescent girls in self-protection skills called “No Means No”<sup>251</sup> has been shown to be effective; also called IMpower, the programme was developed in Kenya and seeks to improve adolescents’ self-esteem and ability to defend themselves against the risk of sexual violence. Through the programme, girls learn to identify risks and say “no,” and talk their way out of trouble. If that “no” is not respected, girls learn physical skills to enforce their position. The programme also targets boys, teaching them to challenge rape myths, to ask for consent, and to intervene if they anticipate or witness predatory behaviour on the part of others. A review of the programme found a significantly increased (34%) likelihood of disclosure of sexual violence among the intervention group, and an annual decline in sexual assault rates of 38%.

### **Box 6.2: Life skills training on gender based violence and partner relationships**

Stepping Stones is a life skills training programme found to be effective at curbing physical and sexual intimate partner violence among male and female 15-26-year-olds. Designed to improve sexual health by developing stronger, more equal relationships between partners, the programme addresses issues such as gender-based violence, communication about HIV, and relationship skills and assertiveness.

Findings of an evaluation of the programme in Eastern Cape Province, South Africa, indicated that in the two-year period following an intervention with female and male participants aged 15–26 years, boys and men demonstrated a reduction in violent and exploitative behaviour. Compared with the baseline, participants in the intervention were involved in fewer incidents of intimate partner violence, rape and “transactional sex.”

Source: <http://www.mrc.ac.za/policybriefs/steppingstones.pdf>

Not all such results are positive, however. A study of refugee girls in Ethiopia found that standalone empowerment interventions<sup>252</sup> were ineffective in reducing the risk of sexual exploitation, including exploitation that is transactional in nature. It was recommended that a more comprehensive basket of interventions was required “to address broader structural barriers.”<sup>253</sup>

There is general consensus that for all forms of CSE to be effectively prevented, interventions need to adopt context-specific, rights-based, child-centred approaches, and operate in a coordinated manner at multiple levels and in settings such as among families/caregivers, in communities and in institutions (e.g. schools and care centres).<sup>254</sup> There should also be stronger partnerships to improve prevention between various arms of government (particularly law enforcement), practitioners, the private sector and academia.<sup>255</sup>

One successful initiative to tackle online sexual exploitation is the ‘Make-IT-safe’ campaign.<sup>256</sup> This campaign lobbies the information technology industry and governments to make new online technology safe for children and young people everywhere. It also empowers young people to promote internet safety, and encourages cyber-cafes around the world to sign a code of conduct. The campaign, led by ECPAT International and the Children’s Charities Coalition for Internet Safety, was initiated in 2005, and has been joined by children’s groups in 67 countries, including countries in Africa.

The make-IT-safe campaign has been applied in The Gambia by the Child Protection Alliance, in collaboration with the Department of Social Welfare, to sensitize schools, internet cafe owners and internet service providers to the dangers that children face online. In Kenya, the campaign has raised awareness about the dangers of violence in cyberspace among children and adults, addressing local attitudes that perceive this simply to be a concern in other countries. Young people are carrying the campaign to all parts of Kenya, working with internet cafe owners to set up monitoring systems and raising awareness about the safe use of the internet in schools and universities. The campaign provides mobilization and campaign materials, including stickers, flyers

and t-shirts, as well as postcards for display in internet cafes with information on the care and protection of their younger visitors.

### **Box 6.3: Protecting children in contact with peacekeeping missions**

In 2019 the UN Secretary-General released a report on the special measures that the UN had been undertaking to facilitate greater protection from sexual exploitation and abuse around peacekeeping and peace support operations, particularly in the context of UN activities.

It was reported that the UN had improved coordination and collaboration efforts in this regard across the various UN agencies and with humanitarian organisations. Furthermore, the report indicated that the UN had made progress in “mainstreaming” a victim-centred approach, including by implementing mechanisms to prevent the appointment of personnel with a history of sexual exploitation.

The UN has also encouraged the AU to adopt a similar approach with respect to peacekeeping personnel deployed under AU mandates.

In addition, the Office of the Victims’ Rights Advocate sent victims’ rights advocates to the field in a number of African countries, including the Central African Republic, DRC, Liberia and South Sudan. Some of these interventions resulted in the establishment of complaint mechanisms, better access to legal services, and improved availability of livelihood and psycho-social support.

(UN Secretary-General, 2019).<sup>257</sup>

## **6.2 ENGAGEMENT WITH THE PRIVATE SECTOR**

Sexual exploitation is an area in which private sector involvement is inevitable. Telecommunications, travel and tourism and the media (including the print media) all have roles to play as providers of most of the services that are used as vehicles for child sexual exploitation. NGOs involved in evidence generation, advocacy and victim support services can also play significant roles.<sup>258</sup>

The previously-cited 2019 Economist Intelligence Unit study<sup>259</sup> revealed generally low levels of engagement with the issue of sexual exploitation by industry, civil society and media. The exceptions were in Uganda, South Africa, Tanzania and Nigeria, which were reported to have high levels of engagement with these sectors. Of particular concern, however, were particularly low levels of civil society engagement in—for example—Mozambique, Ghana and Rwanda. South Africa and Kenya were considered to have high levels of engagement in the technology sector.

There was relatively weak engagement, however, by the travel and tourism sector in many of the main tourism destinations in Africa. For example, Kenya, Egypt, Mozambique, Uganda, Ghana, Tanzania, Rwanda and Egypt all had low engagement within the sector. In South Africa and Morocco, however—both also popular countries for international tourists—there was significant engagement within the travel and tourism sector with respect to preventing CSE.<sup>260</sup>

Perhaps one of the strongest indications of ongoing engagement with the private sector has been the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (Box 6.4).

### **Box 6.4 The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism<sup>261</sup>**

The Code of Conduct was initiated by ECPAT International as a multi-stakeholder initiative to provide awareness, tools and support to the tourism industry in order to combat the sexual exploitation of children in tourism destinations. The Code is one of the first initiatives to define the role and obligations of tourism organisations regarding child sexual exploitation.

Tour operators and tourism organisations that sign the Code of Conduct commit to:

- Establishing policy and procedures to prevent and stop sexual exploitation of children
- Training employees in children’s rights, the prevention of sexual exploitation and how to report suspected cases
- Including a clause in contracts throughout the value chain stating a common repudiation and zero tolerance policy of sexual exploitation of children
- Providing information to travellers on children’s rights, the prevention of sexual exploitation of children, and how to report suspected cases
- Supporting, collaborating with and engaging stakeholders in the prevention of sexual exploitation of children.

As of March 2019, the Code had 325 member companies across 150 countries, and around 960 000 staff had been trained. Those known as “Top Members”—i.e. the companies that had excelled in their implementation of the six steps—included Accor Hotels, Carlson, Hilton Worldwide, the Tui Group and the Mexican airline Volaris.

Despite putting the Code in place, there was considerable scepticism about its effectiveness, as it was thought not to be adequately policed and enforced.<sup>262</sup>

With regards to the digital world, there is a lot more that industry can do to stem sexual exploitation in the online environment. This could include:<sup>263</sup>



- Creating products and services that are “safe by design”
- Stopping child sexual abuse material being shared or generated via companies’ online platforms
- Proactively identifying, and taking action to remove, offending material
- Proactively identifying those who seek to use their platforms to groom and exploit vulnerable people
- Investing in global technology innovation and making it available across the wider, trusted, industry community
- Contributing to a comprehensive understanding of the threat through forums with government, international and non-governmental organisations, and law enforcement partners.



# 7. IMPLEMENTATION AND ENFORCEMENT

## 7.1 ENFORCEMENT OF LAWS

With or without good laws to protect children from sexual exploitation, the law enforcement process in many African countries is plagued by numerous obstacles at all levels. Despite variations among countries in terms of legal systems, frameworks, traditions and enforcement capacities, the challenges they face are often similar. These include:

- Failure to understand the nature of child exploitation
- Corruption
- Enforcement that does not keep pace with new forms of child sexual exploitation
- Weak judicial processes
- Lack of capacity and resources
- Fragmentation of efforts across sectors and actors
- Under-reporting.

Globally, there is considerable variation across regions and countries in terms of CSE prevention efforts. It is therefore clear that significant improvements are required in relation to policy, legislation, interventions and services. In one survey of child maltreatment experts in 73 countries it was reported that in approximately two-thirds of the countries surveyed, law enforcement authorities “often” or “sometimes” prosecuted citizens and foreigners suspected of engaging in CSE—but not always.<sup>264</sup>

Capacity challenges varied between countries, with law enforcement capacity a key issue of concern for many countries, such as Uganda, Ghana and Morocco.<sup>265</sup>

In several contexts, the capacity and behaviour of law enforcement and judicial officers were potential problems in prosecuting perpetrators. Their attitudes towards rape and sexual violence suggested that they regarded gender-based crimes as crimes of a lesser sort, and not worth prosecuting. In some cases, the police themselves settled cases without referral to court; even prosecutors sometimes pressured victims to settle matters out of court.<sup>266</sup> This, coupled with the predominance of male-dominated court systems, makes systems less likely to protect women's rights and overturn discriminatory decisions. This in turn highlights the need to engage with men to combat sexual exploitation of children—and particularly with chiefs and other community leaders who wield authority.<sup>267</sup>

Even when complaints procedures exist that enable aggrieved children to report cases of abuse, provision of appropriate legal support remains a challenge. Normally, investigations begin after the police have received reports of abuse against a child. Procedures currently in place in the country cannot be relied on to ensure the child friendliness of the investigation process—such as, for example, making sure to videotape children's testimony and present the recording to the court as official evidence, in order to avoid re-victimization or re-traumatisation through requiring repeated testimonies.<sup>268</sup> In Sierra Leone, for example, due to limited office space in many police stations, staff are forced to conduct interviews with child victims in open spaces that intimidate children.<sup>269</sup>

The hostile or unfriendly nature of the court environment can also force victims to boycott legal proceedings. Victims are re-victimised when subject to rigorous cross-examination by defence lawyers, especially when they do not have adequate legal representation from the prosecutor.<sup>270</sup>

Access to victim support programmes was also fairly dire in the majority of countries in the Economist Intelligence Unit study,<sup>271</sup> even among some of the countries with a relatively high level of victim support services, such as South Africa and Uganda. Even in cases where CSE victims were able to access support, the quality of care was not

necessarily high. In Kenya, for instance, where victims of sexual abuse required hospital treatment, it was reported that staff were inadequately trained; there was a lack of essential equipment; and there was poor coordination of services.<sup>272</sup>

### Box 7.1 South Africa's Sexual Offences Courts

First developed in South Africa, the Sexual Offences Courts are special courtrooms that deal only with sexual offences. Their aim is to ensure that perpetrators are brought to justice while supporting the notion that the victims of crime must be the focus of the court system. This way, rape survivors, for example, are able to testify during the court case while receiving support.

These courts provide special services to rape survivors and other witnesses. They have a special courtroom and a testifying room with CCTV equipment so that children and other vulnerable victims can testify from a separate room without having to see the perpetrator while they talk about what happened to them. In short, these courts, with specially trained prosecutors, court supporters and magistrates, are sensitive to the survivor. They help to:

- reduce the level of trauma experienced by survivors;
- speed up cases so they are completed more quickly;
- improve court decisions or judgements, because the people working in these courts are skilful, experienced experts;
- give more people hope that reporting rape will work out well, so more rape survivors report their cases to the police; and
- get more convictions and send more perpetrators to jail.

Source: The Shukumisa Coalition: <https://shukumisa.org.za/wp-content/uploads/2017/11/Shukumisa-fact-sheet-sexual-offences-court.pdf>

In terms of addressing human trafficking, one hurdle that countries have to overcome is the lack of formal agreements and collaborative frameworks between countries of destination and origin of trafficked victims. Nigeria offers an example in this regard (Box 7.2).

### Box 7.2: Stemming trafficking from the receiving end

The Nigerian government, aware of the fact that Nigeria is an important country of origin of children and young women trafficked for sexual purposes to Europe, signed agreements with known destination and/or transit countries.

It is known, for example, that most children and young women trafficked for sexual purposes end up in Italy. The Italian Government was also increasingly concerned with the high number of Nigerian minors and young women being trafficked into Italy for the purposes of sexual exploitation and the violation of human rights that that involves. In September 2000, Nigeria and Italy signed a bilateral agreement designed to combat clandestine immigration, which included commitments relating to welfare and respect of human rights in the repatriation of illegal migrants.

In 2003, Nigeria enacted a law banning human trafficking (The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003) and created a body or Agency charged with the responsibility to enforce, administer and manage the law prohibiting human trafficking and other related matters.<sup>273</sup>

In some countries, limited government action has meant that community members have taken the initiative to combat child exploitation in travel and tourism. For example, in the island of Nosy Be, off the northwest coast of Madagascar, community-based resistance to CSE has paid off. On this island, a group of about eight volunteers patrols the streets; if a girl is found outside who is under 18 years of age, or who is without identification, she is escorted to the police station. Hotel managers are obliged to check the IDs of sex workers who show up in their hotels to ensure they are over 18 years old, and community patrols are permitted to check hotel rooms if it is suspected there are underage girls inside.<sup>274</sup>

## 7.2 RESPONSE AND SUPPORT SERVICES

Most African countries have non-existent or very weak complaint and response mechanisms and/or referral systems to guarantee the security of, and medical, legal and psychosocial assistance for, the victims of sexual exploitation.<sup>275</sup>

A study involving girls who have been victimised through “transactional sex” in Benin, Burkina Faso and Niger revealed that such children often experienced sexual violence from clients, community members, and/or the police, but that they did not approach child protection services to report the violence.<sup>276</sup> Key reasons for this included attitudinal and sociocultural factors and the inadequate resources allocated by government to these services.<sup>277</sup>

There are also unclear reporting procedures for cases of violence, and a particular lack of procedures that:

- Guarantee the confidentiality of the victim
- Identify alternative adults to contact when adults in positions of authority are involved in acts of sexual exploitation
- Identify alternative adults to contact when so-called amicable settlements are pursued outside of court by parents and perpetrators.<sup>278</sup>

A 2010 study found that in Senegal, for example, 74% of abused girls did not report, for a combination of reasons; in Burkina Faso the figure was 57%, and in Cameroon it was 59%.<sup>279</sup>

Victims often also fail to report abuse because of intimidation and/or a fear of reprisal from perpetrators. The measures recommended by the applicable international standards for the prevention of intimidation—such as imposition of physical or legal restraints on the accused through judicial restraining orders, pre-trial detention and/or house arrest to avoid direct contact between child victims, witnesses and alleged perpetrators—are not adhered to.

Children may also not report abuse because they feel that parents and guardians will not be supportive, or may not believe them. If the victim or the victim's parents complain to the relevant authorities, the complaint often falls on deaf ears—especially when the acts are committed by people in power or positions of authority—as authorities do not want to acknowledge such abuse.

Victims may also remain silent about abuse because of shame or fear of embarrassment if the incident becomes public. Fear and shame are barriers to reporting and, therefore, to ensuring that victims receive the necessary support.<sup>280</sup>

In light of these challenges, an increasing number of countries in Africa have implemented child helplines to report abuse. Malawi has introduced an Android mobile application<sup>281</sup> that is used by clients and stakeholders to report cases of online child sexual abuse. The application also has a panic button that can be used by clients to request urgent support when they are at risk of abuse or when they are being abused.<sup>282</sup> Growing awareness and easier accessibility of the services has meant that the percentage of children reporting abuse annually has grown consistently from 26.2% in 2015 to 35.5% in 2018.

On top of general low rates of reporting, late reporting is a further serious issue in dealing with CSE. It is of particular concern because of the difficulties involved in securing evidence, and particularly medical evidence that may lose its probative value over time.

Identification of child victims is often through referral by institutions providing health care, education and other services to children. Upon suspicion of a crime, these structures either inform the police or direct child victims, parents and guardians to the police.

Prosecution can be made more difficult given the fact that while medical and psychological services for victims of sexual exploitation are very limited in many countries, victims may still be required to obtain a medical report in order to file charges. Sexual exploitation offences are also difficult to prove through eyewitness accounts, because they are often committed in secret.<sup>283</sup> Due to these and related factors,



investigation of a considerable number of cases is discontinued for lack of evidence.

Studies have identified a range of weaknesses and obstacles with regard to existing CSE responses and prevention. In Kenya, Malawi, Swaziland, Tanzania and Zimbabwe, less than 10% of survivors of child abuse had accessed government health support services.<sup>284</sup> With respect to trafficking in children, a South African study indicated that relevant authorities, including social workers, often encountered challenges in identifying child trafficking victims due to inadequate detailed knowledge of child trafficking and the investigation of trafficking cases—which are often concealed, and/or take place with the consent of the child’s family.<sup>285</sup>

Some countries, including but not limited to Morocco, South Africa, Tanzania, Uganda, Kenya, Malawi and Ethiopia, have introduced one-stop centres to provide integrated services to victims. But these centres, except those in Morocco and South Africa, are very few in number, and are concentrated in capital cities or in a few major cities.

More positively, about five years ago Morocco had established 76 specialized units for child victims of violence in provincial, regional and university public hospitals,<sup>286</sup> and South Africa’s Thuthuzela Centres have now been expanded to the majority of the provinces.

### **Box 7.3 South Africa's One-Stop Thuthuzela Care Centres: turning victims into survivors**

Thuthuzela means “comfort” in Xhosa. The Thuthuzela Care Centres in South Africa are a reaction to an urgent need for an integrated strategy for prevention, response and support for rape victims. The initiative is led by the National Prosecuting Authority's Sexual Offences and Community Affairs Unit (SOCA), in partnership with donors. One-stop Thuthuzela Care Centres aim to reduce secondary trauma for victims of sexual violence, improve conviction rates, and reduce the timeframe for finalizing cases. Rape survivors who come to the centres have access to all relevant service providers in a single location, helping to ensure their comfort, restore their dignity and offer them justice.

Given the growing number of child victims coming to the centres, the presence of specially trained child-friendly nurses or caregivers to receive and comfort children before they are taken for examination is essential. The centres operate in public hospitals located in communities where rape levels are particularly high, and are linked to sexual offences courts staffed by prosecutors, social workers, investigating officers, magistrates, health professionals, NGOs and police. The centres themselves are managed by interdepartmental teams comprising representatives of the departments for justice, health, education, the treasury, correctional services, safety and security, local government, home affairs and social development, together with designated civil society organisations.

There is clear evidence that these facilities have improved the process of reporting and prosecuting rape and other sexual offences, and contributed to reducing secondary trauma among survivors.

Source: The National Prosecuting Authority of South Africa, “Thuthuzela Care Centre. Turning victims into Survivors”

The availability of specialised units within the police and judicial functions provides greater access to child-friendly policy and justice services. For instance, in Zimbabwe, the Police have introduced a dedicated specialized unit that polices crime against women and children. Called the Victim Friendly Unit (VFU), it carries out crime

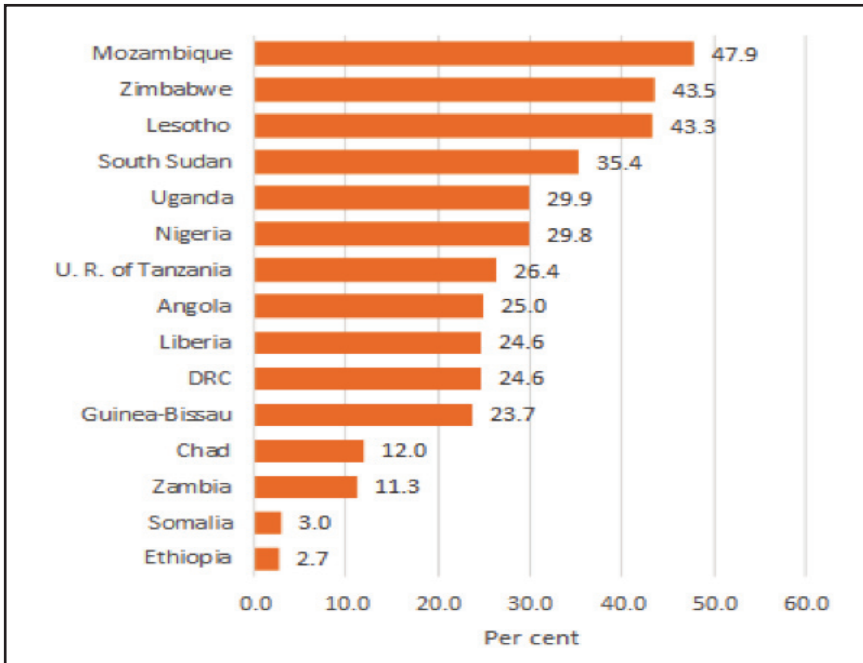
awareness campaigns in communities, targeting potential abusers and victims and their families. Similar specialised police units are available in Namibia, Zambia, and Malawi.<sup>287</sup>

A lack of knowledge about sexual exploitation and other similar offences among law enforcement officers is another crucial issue. In Malawi, for instance, there is limited knowledge among judicial and prosecution officers, particularly of newly or recently-enacted laws such as the Electronic Transactions and Cybersecurity Act (2016), the Trafficking in Persons Act (2015) and the Marriage, Divorce and Family Relations Act (2016).<sup>288</sup> This lack of knowledge can limit prosecution of—for example—online sex offenders, as prosecutors resort to using outdated Penal Codes with which they are more familiar to charge suspected offenders. Older codes often carry relatively lenient penalties.

Another important issue is the fact that the majority of countries do not have adequate registration systems, including for such vital functions as registration of birth services. This has consequences for enforcing children's rights. It undermines their ability to prove their legal identity and age in court proceedings, which can be crucially important, especially when they are subjected to sexual exploitation and child marriage. The fact that births are not registered in many countries also contributes to the failure to prosecute perpetrators. Often, the victims of child marriage and sexual exploitation cannot prove that they are children.

Figure 7.1 shows wide disparities in the availability and function of these services. Some countries (especially those in North Africa such as Algeria, Egypt and Tunisia) have universal birth registration, while coverage of birth registration in many others is extremely low—just 3% in Ethiopia, for example.

**Figure 7.1: Countries with highest and lowest birth registration coverage (per cent)**



Source: Based on data from UNICEF, 2017

When birth certificates, immunization or baptismal cards and school records (such as a school identity card indicating date of birth) cannot be presented for victims, courts have often acquitted alleged defilers on the basis that the victim behaved like an adult and engaged in sexual intercourse. The use of law alone as a means of regulating child marriage is, therefore, in no way sufficient unless it is accompanied by services like birth registration.

This was illustrated in the Kenyan case of *Omus Kiringi Chivatsi v Republic* (Box 7.4).<sup>289</sup>

**Box 7.4: Access to justice for sexual victims through the courts**

A sexual offences case involving *Omus Kiringi Chivatsi v the Republic*,<sup>290</sup> in which the accused was said to have defiled a 16-year-old girl, was presented before the High Court of Kenya in 2017.

The court considered a defence provided by law: that the accused reasonably believed that the victim was over the age of 18. The court thought that although the offence of defilement is proved whenever sexual penetration and the age and identity of the defiler are established, there is need to analyse the circumstances of the case so as to exclude the presence of the conditions provided for under section 8(5) of the Sexual Offences Act. This states that where the alleged victim was not complaining, but enjoying the relationship, then depending on the circumstances of the case, the accused should be accorded the benefit of doubt.

The court found that the girl behaved like an adult and engaged in sexual intercourse.

This case followed the 2015 case of *Martin Charo v. Republic*, which similarly overturned a conviction on the grounds that: (i) the victim behaved like an adult and engaged in sexual intercourse; (ii) the accused “was not expected to inquire from several people about the age of the complainant”; and (iii) “the relationship continued for quite a long time to the extent that age became a non-issue”.

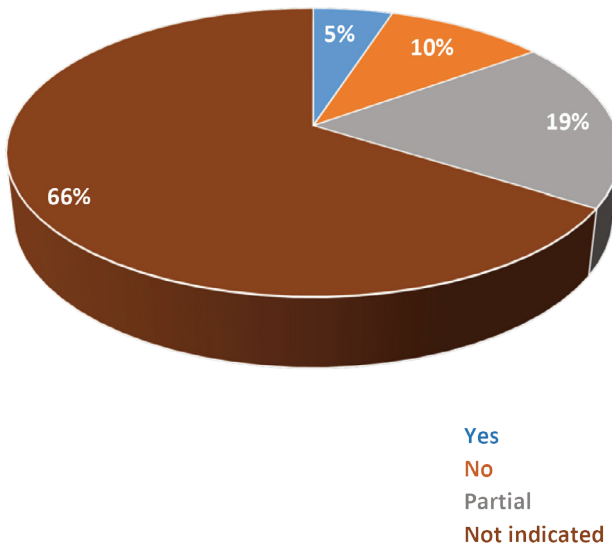
The *Omus* case has been relied upon since by individuals charged with defilement. In *Samuel Nzioka David v the Republic* (2019), the appellant appealed his conviction and in so doing relied on the reasoning in *Omus*, arguing, among other things, that the prosecution did not prove its case beyond reasonable doubt since the age assessment report of the victim was inconclusive, the victim “wilfully participated in the sexual activity,” and she behaved like an adult.

In dismissing the appeal, however, the court was progressive enough to consider that the accused did not take any cogent steps to ascertain the victim’s age “before engaging with her and [could not therefore] be accorded relief”.

The most perennial problem of all in this area is, perhaps, the issue of human resources and budgetary capacity. The child protection workforce in Africa is mainly made up of volunteers and NGO employees. In Malawi, for instance, the National Plan of Action for Vulnerable Children (2015-2019) indicated that the country had 800 Child Protection Workers (CPWs), of whom only 37.5% (300) were on government payroll, while the rest were volunteers.<sup>291</sup>

Financial resources allocated to policies and programmes to address violence against children, including child sexual exploitation, have been very limited globally. Few governments set aside specific funding for violence-related interventions, and most acknowledge a lack of resources in this area. As shown in Figure 7.2, a 2013 UN global survey on violence against children found that only 5% of governments indicated that they provide full resources for policies and programmes to address violence against children, while 10% said that no resources at all were allocated.

CSE prevention plans also require specific (and realistic) budget allocations from governments. In Kenya, for example, a study showed that despite the development of a comprehensive National Plan of Action Against Sexual Exploitation of Children (2013–2017), implementation had been lacklustre, as the stated activities did not have specific budget allocations.<sup>292</sup> Government budget allocations to child protection across Africa are estimated to be only 1% of GDP.<sup>293</sup>

**Figure 7.2: Funding allocated to address violence against children**

Source: UN (2013).<sup>294</sup>

For instance, in Malawi, during the 2018-19 Fiscal Year, the total government budget allocation (to ministries, departments and agencies (MDAs))<sup>295</sup> for child protection was MK27.7 billion, representing 1.9% of the total approved national budget during the financial year. In 2017/18, the comparable child protection budget allocation accounted for 3% of approved national budget, despite the actual allocation being lower. Adjusted for inflation, budget allocations to child protection decreased at an annual average of 4% between 2012/13 and 2017/18.<sup>296</sup> With the exception of 2013/14, Plan Malawi and UNICEF each contributed more resources to child protection interventions than the government during the period covered by the analysis. This finding is corroborated by findings in the Ministry of Gender, Children, Disability and Social Welfare 2015 report, which showed that external support accounted for 91% of spending on child protection in Malawi, compared to government funding of around 9% (UNICEF 2019).<sup>297</sup> The fact that the lion's share of the child protection budget is externally funded raises serious questions of sustainability and ownership.





## 8. CONCLUSION AND RECOMMENDATIONS

### Key drivers of CSE

- Abuse by adults of their positions of power, authority, control and trust
- Poverty and inequality
- Patriarchal attitudes and gender discrimination
- Disability, street life and unregulated domestic employment
- Unregulated online environments
- A predatory travel and tourism sector
- Armed conflicts and displacement
- Limited reporting and enforcement

The preceding chapters have shown that child sexual exploitation affects nearly each and every country in Africa, and it is on the rise. It is a formidable social conundrum like no other facing Africa today.

Despite this, many countries in Africa have either underestimated, misunderstood or neglected the extent of this heinous crime.

Globalization, poverty, the growth of consumerism, an upsurge in travel opportunities, an increasingly accessible but impenetrable cyberspace, and weak law enforcement have together created the perfect storm of opportunities for child sex offenders to thrive.

Armed conflicts and displacement have aggravated the state of child sexual exploitation on the continent, creating situations where displaced children find themselves at the mercy of armed groups and human traffickers. Once in refugee camps, children fall prey to unscrupulous humanitarian agents who abuse their own positions of power and control to exploit children sexually. Poorly regulated or hard-to-regulate settings—such as the household settings in which girl domestic workers are sexually exploited without any public scrutiny—also contribute to the overall increase in cases of sexual exploitation.

Although all children are vulnerable to sexual exploitation, girls have suffered most of it. Girls fall victim daily to a toxic mixture of traditional, patriarchal attitudes that belittle women and trivialize their sexuality on the one hand, and modern-day practices that commercialise and fetishize the female body through fashion, movies and beauty contests on the other.

Traditionally, one in four girls in Africa is given to marriage at a very young age, usually to a much older husband, with a view to making her a malleable wife and a sexual property of her husband. Despite conventional narratives that place the entire blame for this practice on tradition, there is considerable evidence that child marriage—almost always forced—is driven by factors of economic supply and demand. Household poverty, and attempts to alleviate it through bride price, partly explain the perpetuation of child marriage in many societies.

While girls are the primary targets of sexual exploitation, this malaise is also taking a toll on boys. In a context where men and boys are almost always considered perpetrators, the notion of boys as victims of sexual exploitation has not been taken seriously by law makers and law enforcement officials. This mindset stands in the way of efforts to give proper legal protection to boys.

Not only is child sexual exploitation on the rise, but it is also fast outpacing existing legal and child protection efforts. In many cases, it shifts its tactics, at times forming alliances with traditional practices. It has become difficult to manage also because it uses apparently positive human endeavours as its instruments—such as foreign investment, the attraction of tourists, interconnectedness, and a misplaced sense of respect for cultural values.

The analysis in this report demonstrates that child sexual exploitation is a multifaceted problem involving multiple sectors and actors ranging from government bodies to the private sector, from armed groups to humanitarian agencies, and from traditional leaders to children.

Some manifestations of CSE have blurred traditional notions of national jurisdiction and legal sovereignty, and hence require cross-country and

international co-operation to mitigate them. It is paramount, therefore, that action against CSE takes a more systemic, multi-sectoral approach.

In this light, the following recommendations are offered that relate to both preventative and response actions.

### **Law and policy reform**

- Adopt national legislation that explicitly defines sexual exploitation and which prohibits, prevents and responds to sexual exploitation in all its manifestations, including by imposing the maximum penalties on the perpetrators.
- Adopt laws and policies that fully recognise boys as victims of sexual exploitation and provide adequate legal protection and access to justice
- Bring the laws that prohibit child sexual exploitation in travel and tourism and in the online environment up to speed with the level of sophistication with which these crimes are perpetrated.
- Develop and enforce laws that improve the protection of children who are especially vulnerable to sexual exploitation such as children with disabilities; child-headed households; children living and/or working on the street; child domestic workers; children living in poor, urban slums; refugees and displaced children; and migrant and trafficked children.

### **Preventative interventions**

- Develop and implement poverty alleviation programmes, including targeted cash transfers to poor, urban slum dwellers and female- and child-headed households, and ensure improved access to food, social services and education.
- Ensure greater action-oriented engagement with the private sector, notably those parts of it that provide the means for sexual exploitation of children, such as the travel and tourism sectors and telecommunications and internet service providers.
- Build the life skills and capacity of children and adolescents to enhance their resilience to sexual harm, their readiness to

report incidents, and their ability to protect themselves from potential predators and exploiters. Means by which this is done should include the school curriculum and school and youth clubs.

- Break the silence and start a sustained public conversation about sexual exploitation, including by teaching about it in schools, community gatherings and other economic and cultural assembly points.
- Combat prevalent gender-discriminatory attitudes and practices surrounding sexual exploitation, including those that underestimate, objectify, commercialise or trivialise girls' sexuality and their dignity, human worth and integrity.

### **Appropriate response services**

- Ensure better enforcement of laws and more effective policing, including by undertaking capacity building measures.
- Ensure the availability of care and support services for all child victims of sexual exploitation, in an integrated manner, including through one-stop centres.
- Address the various barriers facing children, especially vulnerable children, within the justice system, by introducing inclusive, child-friendly justice mechanisms.
- Develop internal child protection policies and procedures (e.g. codes of conduct) within peacekeeping missions and humanitarian agencies, and promote their implementation at all organisational levels.
- Recognise that sexual exploitation is a multi-sectoral predicament that requires a multi-sectoral and systemic response.
- Ensure that adolescents with disabilities get access to sexual and reproductive health services in accessible formats.
- Nurture more effective collaboration with countries that receive trafficked children, including by signing agreements to extradite perpetrators.

- Strengthen national routine data collection and research. The body of knowledge on child sexual exploitation in Africa has grown significantly in recent years. Nonetheless, some aspects and determinants of the phenomenon still require further research, especially in relation to understanding government capacity (i.e. law enforcement and policing) and evaluating the implementation and impact of legislative and programmatic efforts.
- Build surveillance systems for child sexual exploitation that are anchored in community structures and better positioned to “watch” and to act. This includes universalising access to child helplines and hotlines and toll free call centres.

In conclusion: the sexual exploitation of children is a multifaceted problem, and therefore requires action on multiple fronts. It requires:

- Changing deeply-entrenched patriarchal attitudes
- Revising laws to bring them up to speed with the level of sophistication of current sexual crimes
- Alleviating household poverty
- Improving political governance
- Ensuring access to education for girls.

The steps to be taken are numerous, interdependent and intertwined, but urgent. Preying on innocent African children, child sexual exploitation is engulfing the entire continent: Africa is fast becoming a new frontier for sexual predators and sexual offenders on the move in both virtual and physical spaces.

Sexual exploitation is a crime; it is premeditated and vicious; and it requires serious and immediate action.



## ENDNOTES

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