

The Commercial Sexual Exploitation of the Girl-Child in Commonwealth countries: *The African Perspective*

Florence Butegwa

Introduction

This study focuses on the causes, extent, trends and effects of sex tourism and trafficking in young girls within and between Commonwealth countries in Africa and between the Africa region and other regions of the world. It compares the incidence and effects of sexual exploitation among girls and boys. The study provides some information on the cultural, religious, socio-economic and socio-political contexts in which sex tourism and trafficking in young girls is practised in Africa. It also provides information on strategies and actions taken in different countries in Commonwealth Africa to combat the sexual exploitation of the girl-child and attempts to make recommendations for action.

Methodology

This report has been compiled from a variety of secondary sources of data including reports of workshops and seminars convened as part of preparations for the World Congress Against Commercial Sexual Exploitation of Children (August 1996). Newspaper accounts, official and non-governmental responses, and some studies and materials on general prostitution were also used. Requests for information on commercial sexual exploitation of the girl-child were sent out to government departments and non-governmental organisations (NGOs) in ten African Commonwealth countries. The few responses received provided additional information. Individual persons involved in women's and children's rights work in Commonwealth countries were also interviewed and provided valuable information on the situation, and action-strategies relating to commercial sexual exploitation of the girl-child.

Organisation of Report

This report is organised in six parts along the following lines: Part I looks at current definitions of key concepts used in relation to the problem under study and their application to Africa. Part II provides information on the incidence and magnitude of, and trends in, the commercial sexual exploitation of the girl-child in Africa. Part III outlines the effects on victims of sex tourism and trafficking while Part IV examines causal factors. Part V outlines current strategies and action to combat the problem and Part VI has recommendations for combating commercial sexual exploitation and trafficking in girls and assisting victims.

Definitions

This study, focusing as it does on the commercial sexual exploitation of the girl-child, invokes concepts which often do not render themselves to easy definition or to a common understanding. This section attempts to introduce some of these key concepts and the pertinent issues which the various definitions raise.

Commercial Sexual Exploitation

The word “commercial” is used to distinguish between the situation of children in prostitution and the sexual abuse of children which is so common in many communities today.¹ Commercial sexual exploitation of children was recently defined as the use of a child for sexual purposes in exchange for cash or in-kind favours between the child, the customer, intermediary or agent, and others who profit from the trade in children for these purposes.² Sexual abuse of children on the other hand is subjecting any child to sexual acts within a community or family without the accompanying intention that such acts should be a means of generating income for either the victim or any other person.

It is necessary to distinguish between commercial sexual exploitation and sexual abuse of children for the following reasons:³

- In commercial sexual exploitation of children, money or other material things are given in exchange for sex. The child is doubly exploited – firstly as a sexual object and secondly as a commercial object;
- In commercial sexual exploitation, there may be an element of slavery. Children who are trafficked are taken long distances away from home and kept in bondage to their masters/mistresses who are usually brothel owners. Even children who are not trafficked are under the control of syndicates, pimps and brothel operators who exploit their bodies for commercial purposes. The United Nations Centre for Human Rights defines modern forms of slavery as including:

*“...the sale of children, child prostitution, child pornography, the exploitation of child labour ... debt bondage...”*⁴

- Unlike child sexual abuse, commercial sexual exploitation may be controlled by criminal rings with international links such as the Mafia, who engage in large scale trafficking of children across boundaries as a commercial venture;
- A commercially exploited child comes into contact with a much larger number of abusers and the effects on such a child may consequently be more aggravated. Rehabilitative strategies may also be significantly different.

At the World Congress Against Commercial Sexual Exploitation of Children held in Sweden in August 1996, three forms of Commercial Sexual Exploitation of Children were addressed. These were:

Child Prostitution

“Child Prostitution is the act of engaging or offering the services of a child to perform sexual acts for money or other consideration with that person or any other person”.⁵ In Africa and in the world at large, child prostitution has grown in leaps and bounds over the past few years. Child prostitution usually goes hand in hand with adult prostitution.

Trafficking and the Sale of Children Across Borders and within Countries for Sexual Purposes

The 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery defines the sale of children as “the transfer of a child from one party to another for whatever purpose in exchange for financial or other reward or compensation”. Sexual trafficking is the profitable business of transporting children for commercial sexual purposes. It can be across borders or within countries, across state lines, from city to city, or from rural to urban centres.⁶

Trafficking of children is closely linked with *sex tourism*, which is a situation where tour operators include sex with prostitutes as part of the holiday package. The expectation is that tourists, especially those from developed countries, will be encouraged to go abroad on holiday, by the prospect of having sex with foreign girls, whom they consider more naïve, submissive and unspoiled and therefore more attractive.⁷ Sex tourism creates a large market for trafficked children.

Child Pornography

Child pornography is any visual or audio material which uses children in a sexual context. It consists of “the visual depiction of a child engaged in explicit sexual conduct, real or simulated, or the lewd exhibition of the genitals intended for the sexual gratification of the user, and involves the production, distribution and/or use of such material”.⁸ However, since in most African countries child pornography is an issue that is rarely discussed or heard of, it was not possible to obtain material for the purposes of this report on this form of commercial sexual exploitation as identified by the World Congress Against Commercial Sexual Exploitation of Children. Nevertheless this should not be interpreted as indicating that child pornography does not exist in Africa.

Commercial sexual exploitation of children as defined above puts the emphasis on child prostitution, sex tourism and trafficking of children. By doing so, other forms of sexual exploitation of a commercial nature are ignored. Within the African setting there is a practice of relatively well-off adult men sexually exploiting very young girls, particularly school girls and paying for those sexual favours with money and other gifts. This so-called “sugar daddy” syndrome is a form of commercial sexual exploitation of children, particularly of those in the 13-18 age bracket. There may therefore be a need to deviate from the classic definition of prostitution envisaged by Benjamin and Masters (1964) who identified the following five elements:

- prostitution involves a person selling sexual services;
- the seller receives money which is paid by the buyer in a direct way rather than indirectly as gifts;
- the seller provides sexual services to a large number of persons;
- the relationship between the seller and buyer is transient;
- the relationship between the buyer and seller is also impersonal and anonymous.

The commercial sexual exploitation of children is a wider concept than prostitution. It includes the latter but extends to other vices and practices all of which need to be addressed at both the policy and strategy level.

Who is a Child?

The Convention on the Rights of the Child defines a “child” as anyone below the age of 18 years unless, under the law applicable to the child, majority is attained earlier. However, there are difficulties in defining a child in those African traditional societies where a 30 year old female who is still unmarried and has no children may be regarded as a girl, whilst a 14 year old girl who is married and has a child is regarded as a woman. In many African societies, early marriages are common and a girl is considered a woman, ready for marriage at puberty. Some existing national laws condone and perpetuate this state of affairs by ignoring the issue of age in legal marriages. In such situations, men who are legally married to children under customary law are exempt from law prohibiting sexual intercourse with children.

However, for purposes of this report, a child will be taken as any person below the age of 18 years. This is the definition adopted by the Convention on the Rights of the Child, which as of 1995 had been ratified by over 17 Commonwealth African countries.⁹

Incidence, Magnitude and Trends

It is difficult, with the limited amount of information available, to state with certainty, the actual incidence of commercial sexual exploitation of the girl-child within or between Commonwealth African countries or with other regions. Similarly, there is inadequate data to make categorical statements about the magnitude of the problem. There are many factors contributing to the dearth of information. So-called African values and morality made sex a taboo topic. It was never a topic for discussion in public. Prostitution and sexual exploitation, therefore, has until very recently not been covered by the media, religious establishments or government departments. In many countries sexual activity with a minor or coercing such a minor into prostitution (and related offences) are criminal offences attracting stiff penalties. The result is that a lot of the organised commercial sexual exploitation of children is secretive. This is particularly so in cases of sex tourism and trafficking in girls. The situation is aggravated by wide-spread corruption among law enforcement agencies, who offer protection to brothels and hotels offering young children to male customers. An interview with one police officer disclosed that in spite of clear laws against child prostitution, the keeping of minors for purposes of sexual intercourse, brothel-keeping etc., junior officers' attempts to deal with the problem are hampered by "directives from higher up in the police hierarchy" to release suspects and discontinue action. Even where police officers round up prostitutes, the preferred action in the case of children is a caution and return to parental custody etc., without making criminal charges. This means that police records may not be a true reflection of the magnitude of the problem of commercial sexual exploitation. Prostitution, whether involving children or adults, has also not attracted academic inquiry, making it a less understood phenomenon. There is also a tendency to equate commercial sexual exploitation with prostitution whilst ignoring other forms of exploitation (e.g. the sugar daddy syndrome, sex tourism and trafficking). Thus there is even less information available on the latter forms of commercial sexual exploitation.

Child Prostitution

There is, however, adequate information to show that the commercial sexual exploitation of the girl-child is a serious problem in Commonwealth Africa and other African countries just as it is in other regions of the world. Girls and boys, some as young as nine years old work as prostitutes in some cities. Many work under the control of ruthless syndicates or individual pimps while others work on their own, often staying in peri-urban townships and ply the streets at night.¹⁰ In countries where there is armed conflict, many young girls fleeing the fighting, or, separated from families or orphaned, have ended up in prostitution.

Civil war has left families dislocated, many in shacks and on the streets. In such situations young girls have drifted into prostitution to support themselves. Girls as young as 14, including school girls, ply the streets at night, particularly in areas around tourist hotels and night clubs. Many more children, some as young as nine years are sexually exploited as prostitutes in slum areas. Younger street girls are victims of commercial sexual exploitation, being pimped and controlled by older street boys and girls. Many young girls are trafficked between neighbouring countries.

Sex Tourism

Although there is a dearth of written information on the incidence and magnitude of sex tourism in Africa, interviews with people working in the tourism business and some law enforcement officers reveal that the availability of young, beautiful and "exotic" women ready to entertain tourists has always been a major attraction in some countries in Africa. Some hotels are known to give tacit approval to young child prostitutes, while others are said to actually "organise" both boys and girls for their customers. A particular hotel was said to "specialise" in young boys for its European clientele. Where this practice is encouraged or condoned, that in turn attracts many more young girls from rural areas who fall victim to this exploitation. It also provides a market for recruiters who

coerce and deceive parents to release young girls for supposedly lucrative jobs as domestic workers. These girls then become victims of trafficking and are usually recruited by older prostitutes and men known to the family of the young girls.

Young girl prostitutes expressly admit to preferring tourists to their local clientele due to the prospect of having better pay and other favours.¹¹

Trafficking in Girls

Just as in the case of sex tourism, there is very little information on the magnitude of the problem of trafficking in children for prostitution or other forms of commercial sexual exploitation. However, recent investigations on trafficking in women revealed a significant incidence of trafficking in girls ostensibly to work as domestic workers, but ending up as victims of commercial sexual exploitation. Some young girls from Africa are also trafficked to European countries. Incidents have also been reported of trafficking in young girls, mostly by relatives, to countries in the Middle East to satisfy the demands for young girls by a migrant clientele, many of whom are of Asian origin.

The “Sugar Daddy” Syndrome

In many African countries, young girls, particularly between the ages of 11 to 18, are victims of sexual exploitation by adult men, many of whom are old enough to be their fathers and with families of their own. This is not commonly considered to amount to prostitution, primarily because the girl will have one sugar daddy at a time, rather than many different sexual partners of a casual nature. The distinction is, however, narrower than it looks. Most men involved in these relationships are looking for casual sex with no strings attached and are willing to pay for it in terms of gifts and money. Many girls are also looking for those financial and material benefits, although the girls sometimes end up getting emotionally involved. This works to their disadvantage as the sugar daddy severs the relationship to avoid such entanglements.

Statistical data on this form of commercial sexual exploitation is very limited, even though it is widespread in African cities and towns. Schoolgirls from lower income families who want to keep up with their more affluent schoolmates are particularly vulnerable.

Effects of Commercial Sexual Exploitation on Children

The negative impact of commercial sexual exploitation of girls and boys is profound and often permanent. The effects range from medical conditions to physical, psychological and sociological damage. This section outlines some of the main effects.

Due to the fact that commercially exploited girls undergo repeated sexual intercourse with many adult men, cases of rectal fissures, lesions, poor sphincter control and lacerated vaginas are common. As a result of varying degrees of cruelty and sadism practised by the men, cases of foreign bodies in the anus or vagina, chronic choking from gonorrhoeal tonsillitis and even death by asphyxiation are not uncommon.

Commercially sexually exploited girls are exposed daily to the risk of infection with various sexually transmitted diseases, including HIV infection. They are particularly vulnerable because they cannot insist on safe sex practices with their many so-called customers. Due to their fear of arrest and/or institutionalisation, coupled with the hardships faced in their day-to-day existence, many such girls do not go for regular examination and treatment, a fact which exposes them to further reinfection and permanent damage. Psychological consequences include severe depression, suicidal tendencies and loss of trust in adults or other persons except for young girls in the same position as themselves.

There are severe social consequences too. Child victims are inadequately protected by law and their problem is addressed through misconceived retrieval programmes. They are often treated as criminals and subjected to militaristic or disciplinarian approaches which leave them with little recourse but to ply the streets where they fall victims to so-called “protectors”. Social stigma is attached to prostitution, without any regard as to how the young girls ended up in that situation. This leaves them as social outcasts, even when they try to return to their communities. Many young girls are exposed to addictive drugs which bring with them new dimensions of dependency and exploitation.

Where girls are trafficked for purposes of commercial sexual exploitation, they are the victims of more than one wrong. They are sexually exploited and they are always at the risk of arrest as illegal immigrants in the country of destination. They are in a strange environment with no friends and they are cut off from their families. They are at the sole mercy of their trafficker or those to whom they were sold.

Causal Factors

The types of backgrounds and situations in which children are victimised are manifold and intricately linked. The underlying causes are numerous and complex. They range from the expansion of global market forces and a growing materialism perpetuated by the media, to rapid social transformation and the erosion of values, nationally and locally. They include political and economic injustices leading to migration, urbanisation and family disintegration. They also include ancient and prevailing cultural attitudes which accord low status to girls and women. None of these forces should be looked at in isolation; usually, two or more of them combine to produce a thriving ground for commercial sexual exploitation.

Poverty

Poverty is a situation of deprivation and lack of self-sustenance, the inability to provide oneself with the basic needs, food, shelter and clothing. Most African countries are poor countries with very low per capita incomes (usually below \$250), which is far below the cut-off point of \$370, the yardstick for categorising countries as poor. The economies of most African countries have a large subsistence sector; in some countries, up to 80 per cent of the population are peasants who live directly off the land.

Many Africans live on the edge of destitution. In some cases, parents may be desperate enough to sell their own children. A case was reported of a woman who tried to sell off her six year-old daughter, alleging that she could not afford to look after her. Such cases are not isolated. Poverty also makes parents vulnerable to the deception and tricks used by individuals recruiting children, particularly girls, for commercial sexual exploitation.

Structural Adjustment Programmes aimed at revitalising Third World economies have accentuated the problems of poverty and unemployment in many African countries. Women who find themselves retrenched, turn to prostitution to earn a living. Children from families where parents have been retrenched are either neglected or have to work to support the family income, thereby making them vulnerable to commercial sexual exploitation.

The attempt to increase economic growth in many Third World countries in Africa has led to numerous investors flocking to the continent. Governments, in their eagerness to please, have afforded many exemptions and protective measures for these investors. Unfortunately, this policy of encouraging investors has brought into African countries, people from cultures in which sex with children is accepted, or a novelty to be experienced. This has created a “market” or demand for young girls. Exploitative adults have been quick to respond to this demand by providing young girls.

Poverty and unemployment cause frustration which leads to the break up of families and child neglect. Tension in the family may cause children to run away from home, and such children invariably end up on the streets. Studies have shown that there is an ever-increasing number of runaway and homeless children around the world (estimated at over 1000 million) who serve as recruitment sources for street and brothel prostitution.¹²

Due to the high levels of unemployment and poverty, some children are required to supplement the family income; and where legitimate work opportunities are not available, the girl-child may engage in commercial sex without the knowledge and approval of her parents. Some of these girls receive an early exposure to sex because of overcrowding in their homes. Indeed, the children most at risk tend to be those from desperately poor families, broken marriages or from families in which the parents are alcoholics or drug addicts. Some studies have also found that some child prostitutes had extensive experience of institutionalisation.¹³

Rural-Urban Migration

Poverty has led to a high rate of rural-urban migration. People leave the rural areas hoping to get higher paid jobs in the towns. This has led to high unemployment rates in urban areas. Just as adults migrate to urban centres for work, many young girls leave their homes in the rural areas, hoping to find some kind of employment in the towns, usually as domestic workers. Many of them end up on the streets where they are greatly exposed to being commercially sexually exploited. A large number of them inevitably end up as prostitutes. Most of those who find work are underpaid and some are even sexually abused by their employers.

It is not only poverty that leads to rural-urban migration. In some African countries, prostitution has become an alternative way of life to many children and women who flee their villages due to several other reasons including famine, drought and the disintegration of the family.

The Role of HIV/AIDS

The fear of AIDS has caused a greater demand for ever younger girls. Men, fearing HIV infection, seek sex with young girls who are less likely to be infected. Since the danger of AIDS became known, child prostitution has grown by leaps and bounds. There are also some indications that the fear of HIV/AIDS has also contributed to sexual exploitation by sugar daddies and pimps of child prostitutes.

AIDS has also led to an ever increasing number of orphaned children. The large number of AIDS-related orphans has caught society largely unprepared. There is no formal social welfare system and the traditional extended family with its cushioning role has been unable to cope and is in many cases dysfunctional. An individualistic and nuclear family outlook among well-off families and the growing instances where all able adult siblings die of AIDS, have left AIDS orphans with no alternative but to stay with their grandparents who are old, originally dependent on their children and unable to take care of children. Many consequently end up on the streets as street kids or in search of jobs from where they are lured into the sex trade. It is estimated that AIDS will have created 10 million orphans by the turn of the century, 90 per cent of them in Africa.¹⁴

Social Problems

African cultural values which once provided for the safety of children no longer seem to be the basis for life for a large number of people in Africa. The external influence of foreign cultures has had a negative impact upon African traditions and values. These influences have come through colonialism, the media, religion and education systems. African culture allowed for community

responsibility over children and child neglect, child sexual abuse or sale of children were rare phenomena. Where they occurred, they were more associated with spiritual cleansing than commercial gain. The break up of the extended-family system and community responsibility has made children more vulnerable to abuses both at home and outside the home.

There is a discernible rise in materialism and individualism. In their desire for material gain, parents are becoming more and more willing to sell off their children to recruiting agents. Teenage girls from families which are not very well-off have a desire for money and clothes, and so they exchange their bodies for money. This in turn leads to teenage pregnancies and the girls dropping out of school. Girls who are school drop-outs may end up as prostitutes in order to earn an income to support their children.

Morals have become lax, and people have no qualms in their search for stronger and stronger sensations. Paedophiles or people with an abnormal preference for pre-pubescent children are becoming more and more common in society. However, there is evidence that the millions of men who commercially exploit girls under the age of 18 are first and foremost prostitute users.¹⁵ They become sexual abusers of children through their use of prostitutes and not because of any specific preference for children.

Studies in South Africa also revealed that there was a tendency for sexually abused children to end up as prostitutes.¹⁶ Some girl prostitutes who had started prostituting themselves between the ages of 12 and 18 years narrated how they had been sexually abused by their fathers, step-fathers, neighbours, or boyfriends. Having been sexually abused, it was no problem for them to turn to prostitution as a means of earning a living, since they attached no value to their bodies. Some of them who had been physically abused by their parents, ran away from home and ended up being exploited by pimps who promised them protection and comfort.

Cultural Values and Practices

To some extent, the culturally embedded ideology of male supremacy over women is one of the main underlying reasons leading to the commercial sexual exploitation of the girl-child. Men view women as objects of sexual pleasure, and women become dependent and behave in this manner. Since women are viewed as sexual objects, in some societies, it is quite normal for girls to engage in sex at an early age. Men who are caught having sex with young girls may be required to pay a certain amount of compensation; usually a goat or a few chickens, and the matter is quickly buried and forgotten.

Boy-children are generally preferred to girl-children. Many girls in Africa do not go to school simply because they are girls and are therefore expected to get married and be supported by their husbands. The rate of school drop-out for girls is much higher than it is for boys – 75 per cent of girls compared to 64 per cent of boys.¹⁷ This is because girls may be forced to leave school and get married; in other cases, when money is scarce, parents would rather pay school fees for boys than for girls.

In some African communities, child marriage is a common practice. The abuse associated with this kind of practice has heightened because more and more parents marry off their daughters for financial gain. This has resulted in early drop-out from school and early pregnancies, which have adverse effects on the health of girl-children and makes them vulnerable to commercial sexual exploitation.

Tourism

Technological advancements in the world have made travelling across continents easier and cheaper. All over the world sex tourism has grown at an alarming rate, therefore an increasing proportion of exploiters are foreigners. Africa, with its unique peoples, culture and abundance of wild life, coupled with a good climate, is visited by a flood of tourists all year round.

However, it is important to note that not all tourists are sex tourists. Some tourists come with the aim of relaxing and generally to have a good time. Sex tourism is the dark side of tourism.

In many African countries, tourism has become a major source of income. The flourishing tourism industry has created a big market for prostitutes. Girls leave their homes in the rural areas and flock to towns, hoping to earn their living through prostitution. In this manner, tourism has become one of the major factors which has led to the increase in commercial sexual exploitation of children.

Tourism also provides a fertile ground for the establishment and growth of organised crime syndicates dealing in trafficking of children. Through coercion, deception and tricks, girls are lured into sham marriages with foreigners, or lured to European countries where they work as prostitutes in conditions akin to slavery.

Armed Conflict

Many African countries are engaged in civil strife, conflicts and wars. Consequently there are large numbers of orphaned and abandoned children many of whom have crossed borders in search of peace and a better life. Displaced children are easy prey for commercial sexual exploiters. They are more vulnerable to enticement of any kind. There is an increasing number of child prostitutes, many of whom have entered the profession as a result of the hardships caused by the war.¹⁸ Many child prostitutes can be found on the streets of large cities.

Legal and Administrative Machinery

Widespread corruption, low commitment and motivation in different government agencies including the police, hinder efforts to eliminate or even expose commercial sexual exploitation.

The existing laws in most African countries do not provide adequate protection against the commercial sexual exploitation of children. The fact that the age at which the protection of children ceases, varies from country to country has created loopholes in the legal machinery which could be used to counteract the evil. This situation is put to maximum use by perpetrators of child abuse.

Action to Combat the Commercial Sexual Exploitation of Current Children

There are various strategies and actions taken by governments and NGOs to combat the commercial sexual exploitation of the girl-child. These range from using the criminal justice system to offering services to victims. This section takes a closer look at four of the strategies, namely, criminal sanctions, special units for better surveillance, establishment of institutions and services to victims.

Criminal Sanctions

The main strategy for African countries has been to outlaw all actions which would bring a child into a situation of sexual exploitation. Uganda's Penal Code Act, for instance, has the following provisions:

“Any person who:

- (a) procures or attempts to procure any girl or woman under the age of 21 years to have unlawful carnal connection, either in Uganda or elsewhere, with any person or persons; or*

- (b) *procures or attempts to procure any woman or girl to become either in Uganda or elsewhere a common prostitute; or*
- (c) *procures or attempts to procure any woman or girl to leave Uganda, with intent that she may become an inmate of or frequent a brothel elsewhere; or*
- (d) *procures or attempts to procure any woman or girl to leave her usual place of abode in Uganda (such place not being a brothel), with intent that she may, for the purpose of prostitution, become an inmate of or frequent a brothel either in Uganda or elsewhere, is guilty of an offence and shall be liable to imprisonment for seven years.*¹⁹

The Penal Code further provides that “any person being the owner, holder, or occupier of premises, or having or acting or assisting in the management or control thereof, knowingly suffers any girl under the age of eighteen years to resort to or be upon such premises for the purposes of being unlawfully carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, is guilty of a felony and is liable to imprisonment for five years.”²⁰

Kenya law makes it a criminal offence for any person to have unlawful carnal knowledge of a girl below the age of 14 (defilement). Sex with such a girl is statutory rape whether or not the girl purports to consent.²¹ South Africa has equivalent provisions aimed at protecting children from sexual exploitation and targeting those engaging them in actual sex acts and those managing brothels or parlours in which commercial sex with the children takes place. Laws also provide for stiff sentences for those found guilty of defiling a minor or otherwise sexually exploiting a child. In Uganda defiling a girl below the age of 18 is a capital offence.

How effective is criminalisation? That criminalisation of sexual exploitation of children has not eliminated the practice is evidenced by its continued prevalence and magnitude. There are many factors contributing to the relative ineffectiveness of penal sanctions as a strategy. They include the fact that:

- commercial sexual exploitation, like many aspects of sexual conduct, does not easily render itself to detection, investigation or prosecution. The moral outrage directed at men sexually exploiting children forces the practice underground.²² The difficulty in proving sexual offences often means that suspected offenders are charged with minor offences;
- commercial sexual exploitation of children is a symptom (albeit inexcusable) of underlying socio-economic and socio-political problems which make children vulnerable to such exploitation. A penal system which is not combined with concerted efforts to address the causal factors is unlikely to register significant success;
- widespread and systemic corruption within law enforcement agencies often means that in some countries, syndicates and the individuals who control and operate the child sex trade enjoy “protection” rather than the children who are the victims of the trade.

Special Units for Better Surveillance

Some countries have set up special units to patrol areas in which children are most vulnerable to commercial sexual exploitation or establishments (such as brothels, massage parlours and escort services) suspected of harbouring children for sexual exploitation. The South African Child Protection Unit plies the streets of major urban areas where children already in the sex trade are monitored and “picked up” for placement in rehabilitative institutions. The Unit’s specially trained personnel also enter premises in which children might be exploited for similar purposes.²³ The Kenya Ministry of Tourism and Wildlife in collaboration with the Kenya Police Force has put in place a Kenya Beach Management programme with regular beach patrols on some of the more notorious east coast beach hotels where sex tourism is a problem.²⁴ The programme aims at *inter alia* ensuring that curio and souvenir vendors are not used as contact points by tourists who may be targeting children for sexual exploitation.

Establishment of Institutions

Many Commonwealth African countries have some kind of institution for difficult children. Unfortunately, the philosophy behind most reformatory schools is flawed. The children are not seen as the victims, but rather as delinquents and/or criminals. The treatment meted out follows this line attempting to “instil discipline” in the children rather than love and care which they might have lacked in their homes. In many countries, children with a criminal background and those who are victims of abuse by adults are all kept together. Those who are already “street wise” are together with younger ones. Small budget allocations for the institutions mean that no meaningful rehabilitative programmes are undertaken for the children. The institutions end up as hard labour camps pushing the children back onto the streets when they escape.

Provision of Services²⁵

In some countries both government departments and NGOs offer a variety of services for sexually exploited children. These range from counselling to vocational training so that the children can find alternative employment. A few NGOs offer free legal aid to those children or parents of child victims of commercial sexual exploitation who would like to institute legal action against the abusers. Such cases are rare as most parents prefer to avoid the exposure, public scrutiny and possible ostracisation which a trial of this nature would entail.

The principal weakness here is that services presuppose the availability and freedom of the child to ask for help. In practice, children who are undergoing commercial sexual exploitation are not free agents. They are often scared of pimps, brothel owners and syndicates whose livelihood depend on the exploitation of their young bodies. Those who are not under the control of another person are often scared of the police and other authorities whose normal response is to haul them to the local police station and court for prosecution and committal to institutions. Those who are on the streets for lack of a better means of livelihood often need immediate money to purchase food and are attracted to counselling programmes if these basic needs will also be met. Others are addicted to drugs and are incapable of making informed decisions on what is best for them.

Other Relevant Action

There are other governmental actions which, though not specifically aimed at eliminating the commercial sexual exploitation of children, might have some positive impact on the problem. These include the decentralisation of government budgets and functions to administrative districts. It is expected that this focus will create rural jobs and stimulate rural growth thereby curtailing rural urban migration. Governments and NGOs have programmes to encourage girls to remain in school or to return to school if they drop out due to pregnancy. Awareness programmes aimed at keeping children and parents informed about the dangers of sexual exploitation and avoiding such exploitation are available in some countries. Needless to say, most of them are in their infancy and their potential effectiveness is not clear.

Recommendations

The commercial sexual exploitation of the girl child is a huge and widespread problem which, unfortunately, is not greatly appreciated. There is little information on the contexts in which commercial sexual exploitation takes place or its magnitude and/or trends. This means that it is not clear which children are most at risk and deserve early protection. The profile(s) of the trafficker or commercial exploiter(s) is also not clear, making the development of strategies difficult especially as they are inadequate empirical data. The problem itself is not yet fully part of the national debate

thus excluding the public and communities from the search for solutions. This is the context within which recommendations are made in this paper listed below:

The Commonwealth Secretariat, Commonwealth governments in Africa, academic institutions and NGOs should carry out studies which will improve understanding of the phenomenon. Particular attention should be paid to the causes, context, magnitude and form of commercial sexual exploitation of children in each country. The commercial sexual exploitation of children must be analysed, understood and confronted in the social context in which it occurs. The role of the family, community, government, criminal syndicates and individuals in promoting and/or perpetuating the practice needs to be understood more clearly if appropriate strategies are to be developed.

Current strategies, intended or incidental, should be analysed for their effectiveness and appropriate action should be taken to enhance their effectiveness. In particular, current legislation and administrative machinery should be analysed and assessed for their potential to protect children from sexual exploitation and to deal with offenders.

Law enforcement officials, including the police and immigration officials, should receive special training in detecting and handling victims of commercial sexual exploitation. The children are not sexual offenders but victims of sexual offenders and other socio-economic and socio-political problems.

Both governments and NGOs should create awareness about existing laws and programmes and ways in which the public and civil society can contribute to the elimination of the problem. Concerted effort should go into creating and sustaining a functional network of interested government departments, NGOs and members of the public to facilitate information exchange and action.

Governments should make concerted efforts towards improving the standards of living of families so that parents are not driven to sell their daughters and children are not driven to the streets, from where they become vulnerable to sexual exploitation.

Counselling and medical services should be available to victims of commercial sexual exploitation, in an environment which is non-threatening and conducive to openness.

The Commonwealth Secretariat needs to play a role in providing new and/or using existing fora to initiate intergovernmental and non-governmental dialogue on the problem, devise possible strategies for addressing it and encourage research and action.

Girls who are or have been commercially sexually exploited should be encouraged and supported to organise themselves for mutual support and to facilitate access to services. This could lead to strategy development and/or implementation.

Conclusion

This study must be seen as preliminary and has barely touched the core of the problem. The resources and time at hand precluded any systematic attempt at an in-depth study of commercial sexual exploitation of children on the African continent. In contrast to the Asian sub-continent where work in this area by NGOs and some governments has been under way for some time, Africa has yet to start understanding the magnitude of the problem and the challenges posed by the commercial sexual exploitation of children. This study should challenge governments and NGOs to design and carry out more systematic studies and to re-examine existing legislation and administrative mechanisms.

Statistics, inadequate as they may be, all point to a serious problem warranting action by intergovernmental organisations like the Commonwealth Secretariat, the African Commission on Human and People's Rights and the Organisation of African Unity. They need to take steps to support

governments in co-ordinating, not only the studies but also the strategies. The Convention on the Rights of the Child, in its Articles 34, 35, 36, 37 and 39 provides the minimum standard that states should be striving to attain in protecting children against commercial sexual exploitation.

NGOs also have a crucial role to play in understanding the issues at hand, by playing an advocacy role encouraging governments to take action and in offering services to victims of sexual exploitation.

Notes

- 1 ECPAT (End Child Prostitution in Asian Tourism) Journal, July 1995.
- 2 Background document to the World Congress Against Commercial Sexual Exploitation of Children, Stockholm, Sweden, 27-31 August, p.3.
- 3 ECPAT Journal, July 1995.
- 4 UN Human Rights Centre, Contemporary Forms of Slavery, Fact Sheet No. 14.
- 5 United Nations Document A/50/456, "Promotion and Protection of the Rights of Children: Sale of children, child prostitution and child pornography".
- 6 Background document to the World Congress Against Commercial Sexual Exploitation of Children, p. 4.
- 7 "Trafficking of African Women", African Women in Europe, Akina Mama wa Afrika, June-November 1993, London.
- 8 UN General Assembly Document A/50/456, p. 6.
- 9 United Nations, State of Ratification of Major Human Rights Conventions, as of 31 July 1995.
- 10 Willem Schurink et al, "Children Involved in Prostitution: Exploring a Social Process to Manage the Problem", Human Sciences Research Council, 1995.
- 11 Sub-Saharan Africa Regional profile for World Congress Against Commercial Sexual Exploitation of Children.
- 12 Davis, 1993, quoted in "Children Involved in Prostitution – Exploring a Social Process to Manage the Problem in South Africa", Workshop Background Document by Willem Schurink, Evanthe Schurink and Charmaine Smit.
- 13 Ibid.
- 14 "The Gone Ones – Girls Lost to the World's Growing Sex Trade", by Delia Ross and Stephanie Welsh, printed by Newhouse News Service.
- 15 The Commercial Sexual Exploitation of Children: Regional Consultation, Pretoria, overview of theme papers by Pauline O'Dea.
- 16 "Children involved in Prostitution – Exploring a Social Process to Manage the Problem in South Africa", Workshop Background Document.
- 17 UNICEF, 1994.
- 18 Newsweek, The International News Magazine, August 1996.
- 19 Section 125 of the Penal Code.
- 20 Section 12.
- 21 Penal Code, Cap (63).
- 22 Inciardi, J.A. 1984, "Little Girls and Sex: A Glimpse at the World of the "Baby Pro"", Deviant Behaviour, 5:71-78.
- 23 Willem Schurink et al., "Children Involved in Prostitution: Exploring a Social Process to Manage the Problem in South Africa" supra.
- 24 Draft Kenya Country Paper on Commercial Sexual Exploitation of Children, prepared for the Africa Regional Consultation on the Commercial Sexual Exploitation of Children, Pretoria, South Africa, 17-19 April 1996.