



GAMBIA - KENYA - MADAGASCAR - SENEGAL - SOUTH AFRICA

DON'T LOOK AWAY !

**BE AWARE AND REPORT THE SEXUAL EXPLOITATION
OF CHILDREN IN TRAVEL AND TOURISM**



**Assessment on Commercial Sexual
Exploitation of Children related to
Tourism and Reporting Mechanisms**

**JULY
TO NOVEMBER
2013**



‘DON’T LOOK AWAY’

BE AWARE AND REPORT THE SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM

Assessment on sexual exploitation of children related to tourism and reporting mechanisms in Gambia, Kenya, Madagascar, Senegal and South Africa

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The report is a compilation of country assessment reports provided by ECPAT Austria, ECPAT France, ECPAT Germany, ECPAT Luxembourg and ECPAT Netherlands. The full research reports are available at ecpat.net. The country assessments are part of the European project ‘Don’t look away – Be aware and report sexual exploitation of children in travel and tourism’. This project is financed by the European Commission.

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SUMMARY

ECPAT Austria, ECPAT France, ECPAT Germany, ECPAT Luxembourg and ECPAT Netherlands have co-ordinated country assessments in 5 Sub-Saharan African tourist destinations. The country assessments describe the situation of child sex tourism and analyse existing reporting systems in the field of child protection policies dealing with sexual exploitation of children. The assessments are part of the EU funded project 'Don't Look Away'.

Through the research 496 child victims of sexual exploitation were interviewed. Furthermore, 800 members of the community (both adults and children) and 489 professional stakeholders (governmental authorities, NGOs, CSOs and members of the tourism industry) were reached through interviews, questionnaires and focus group discussions. This table provides an overview of some indicators on the situation of child sex tourism and protection mechanisms in the 5 countries:

Main conclusions of the analysis of the child protection mechanisms

Indicators	Gambia	Kenya	Madagascar	Senegal	South Africa
Tourism Arrivals	104.000 (2012)	1.26 million (2012)	256.000 (2012)	1 million (2011)	20 million (2012)
Human Development Index	165 of 187	145 of 187	151 of 187	154 of 187	121 of 187
Child sex tourism	Recognised problem	Recognised problem	Recognised problem	No statistics, but recognised by stakeholders	Recognised problem
Profile victims	Majority 14-17 > girls, school drop-outs, poor families, loss parent(s)	Majority 15-17 > girls, 50% goes to school, 70% forced by family	Majority 15-17 > girls, school drop-outs, 1-parent family, forced by family	Average age: Girls: 14.8 Boys: 18 > girls, school drop-outs	Age varies from 12-17 and younger, > girls, poor families, to pay school fees
International legal instruments	CRC + Opt. Protocol, African Charter	Optional Protocol CRC not ratified	CRC + Opt. Protocol, African Charter	CRC + Opt. Protocol, African Charter	CRC + Opt. Protocol, African Charter
National Action Plan against sexual exploitation	Not yet, in development	Yes	Yes	Yes	Yes, but not yet passed by the Cabinet
Taskforce against sexual exploitation	Against Trafficking, but inactive	No	No	Against Trafficking	Against Trafficking
24/7 free hotline	No: free but limited hours, not accessible for all GSM Number: 199 Social Welfare	Yes: 116 Childline, tel. + web, speak out boxes schools Free, 24/7	Yes: Police: 147 UNICEF: 511 Free, 24/7	Yes: 116 State-run Ginndi Centre Free, 24/7	Yes: Free, 24/7 Childline: 0800055555 + online reporting + chatroom Police: 10111
Data registration	No central registration system	Case management system in development	Ministry of Population & Social Affairs has database	No systematic registration of data	Department of Social Development has database
Tourism Child Protection Code	Gambian Code of Conduct is obligatory	No Local Code Representative	No Local Code Representative	No Local Code Representative	Fair Trade Tourism is Local Code Representative

Legislation

All the 5 countries have progressive laws and policies in place to protect children against sexual exploitation, but the laws and policies are often considered ‘paper tigers’. Powerful looking on paper but with little impact due to lack of practical implementation. There is an insufficient budget for full implementation of child protection initiatives and poor coordination across Government and between sectors, including with community-based organisations. Policies are adopted, but not fully implemented, monitored or evaluated. Matters are complicated further in that many duty bearers are not aware of all the different laws and policies, regulations and guidelines, leading to misapplications that result in children falling through what should be a protective net.

Kenya has not ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Pornography. Not all countries have harmonized their national legislation with the definition of a child as stated in the Convention on the Rights of the Child (CRC). The provision that prohibits child marriage in the Gambian Children’s 2005 Act is ambiguous since the Sharia or Personal Law governs marriage. If the parties are Muslims, having sexual intercourse with one’s married wife, even if the wife is under the age of 18 years, is lawful and not criminal. The Senegalese Criminal Code penalises marriage with minors aged less than 13 years old, while the Family Code sets a minimum marriageable age of 16 for girls and 18 for boys.

National Action Plans are important for implementation of child protection issues. Action Plans should address gaps in existing programs and policies and determine specific objectives, operational plans, designated actors, measurable targets, monitoring techniques and budgetary requirements that directly relate to sexual exploitation of children. The Action Plans need to be known by all stakeholders. In Kenya key stakeholders were not aware of the existence of the National Action Plan against Sexual Exploitation of Children, which was launched in July 2013. National Taskforces should monitor the implementation of the National Action Plans and (inter)national legal instruments, encourage collaboration and sharing of knowledge and expertise and prevent duplication of programs. Senegal and South Africa have a Taskforce on Trafficking. There are no specific taskforces against child sex tourism. The Gambian Tourism Board established a Taskforce against Trafficking, but this Taskforce is not active.

Social protection

Prostitution in tourism is not completely frowned upon by most of the African societies in the research or the immediate family members of the persons involved in such prostitution. To have a foreign tourist as a boyfriend or girlfriend, regardless of the person’s age, is seen as success; such a relationship brings material benefits for the family and carries a certain amount of prestige. Although adults and authorities may generally accept child prostitution, when it involves children younger than 12, it is not tolerated in the same way. But when girls reach the age of 13, they are generally not considered as children anymore and are encouraged by their parents to seek a foreign tourist. The family is considered the first and primary child protection structure, but many parents benefit from the sexual exploitation of their children in tourist and local prostitution. Some are actively involved in the exploitation, others act passively by turning a blind eye to the phenomenon and not asking questions when a child arrives home at night with money.

Tourism

Most large hotels have policies that prohibit entree of minors who are not accompanied by a responsible guardian. Attempted entrees are not reported and there are no mechanisms in place to avoid that the exploitation takes place somewhere else. Due to stricter regulations in hotels, private houses are more and more used for child sex tourism. Other places where the actual exploitation takes place are on the beach, in bars and disco’s, brothels and other non-tourism establishments. Facilitators of child sex tourism are often people who are in direct contact with tourists, such as tour guides, tourist taxi drivers and hotel workers.

In the Gambia there is the Gambian Code of Conduct for the Protection of Children from Sexual Exploitation in Tourism. This Code is state driven and obligatory for all accommodations, but lacks active implementation because there is no structural monitoring.

In Kenya there have been initiatives in 2006 and 2007 that resulted in 40 members of the Tourism Child Protection Code, but since there is no Local Code Representative these members are not active anymore. However, domestication of The Code is mentioned in the Kenyan National Plan of Action against Sexual Exploitation of Children.

In Madagascar there have been trainings of hotels in Toliara and in Nosy Be and these hotels also signed a Code of Conduct, but without a Local Code Representative, sustainable implementation is difficult because of lack of ownership and support. Fair Trade Tourism started a pilot in Madagascar to create a Fair Trade Holidays to Madagascar that will be available in 2014.

Fair Trade Tourism is the Local Code Representative in South Africa. In preparations of the World Cup in 2010 that was held in South Africa, hotels and tourism associations committed themselves to The Code. However, after the World Cup the active involvement of the Code members declined.

Social media

Internet is becoming an important tool for (child) sex tourists. Thousands of African youngsters create profiles on dating-sites. Internet cafes make money through recommending dating sites and helping to register. The Public Utilities Regulatory Authority (PURA), the agency that regulates utilities providers in the Gambia, has started initiatives to ensure that internet cafes have a code of conduct for the protection of children. In January 2013, PURA inaugurated a 'Child Online Protection National Consultative Committee Taskforce'.

Reporting

Except for the Gambia all countries have reporting hotlines that are open 24/7 and free of toll. In every country there is the possibility to report to the police and to a helpline that is run by social workers. In the Gambia there are many reporting telephone lines, but none of them is available 24/7 or accessible for all GSM providers. In South Africa the reporting telephone numbers are long, but easy to memorise and a 116 number application is underway. Only Kenya and South Africa have web-based reporting possibilities.

In most African countries within this research cases of child exploitation are underreporting because of the lack of awareness of the reporting mechanisms and of child protection legislation. People have little faith in the follow up of reports, due to corruption and overburdened police and referral systems. Frequent used pathways to respond to harm against children are through the family and community/religious groups, as well as women and youth groups. Often chiefs and elders settle matters within the family or the community. These settlements do not necessarily cater for the needs and best interest of the child and the perpetrator is not being stopped to abuse children elsewhere.

Follow up cases

Poverty, corruption and lack of responses by police and court, inadequate skills in detecting child sexual exploitation and in some cases inadequate reporting mechanisms, seem to be some of the barriers to arrest and convict child sex offenders. The human and financial resources of the law enforcement agencies appear insufficient to deal with the complexity of the issue. Police work is limited to carry out investigations only when a complaint is lodged, and sometimes not even then. Reported corruption in police affects victims, reporters (witnesses) and offenders. There are high legal costs and cases are very time-consuming. As a result, legal representatives prefer to ignore the law and seek a settlement so that everyone gets the most benefit from this arrangement.

Rehabilitation of victims

All countries have some provisions for rehabilitation of victims, but the respondents claim that there is a lack of trained psychologists and psychotherapists to provide the specific needs of minor victims of sexual exploitation. In many shelters for children, they are fed and have a place to sleep, but it lacks psychological support, schooling, play facilities, legal assistance, etc.

Data registration

Accurate data is a problem in the African countries, due to different case reporting forms for police, medical staff and social workers and lack of a central systematically reporting system. The South African Department of Social development and the Ministry of Population and Social Affairs in Madagascar have a central database for case management, but the reliability of the statistics is questionable as they are dependent on the accuracy of reporting from local level service providers where data is not captured systematically. In Kenya UNICEF supports the Government with the establishment of an online case management system/database. Data registration is vital to be able to guarantee that all children can be traced, that the effectiveness of the care can be evaluated and that the child's subsequent progress can be monitored.

Main recommendations

Invert poverty and parental unemployment

Promote job creation and granting of start-up funds for income generating activities in partnership with Micro Finance Institutes, private sector, NGOs. Also invest in education to decrease poverty.

Improve existing child protection structures

For the existing structures to function more efficiently, the formal and the non-formal systems need to be connected and recognised by all stakeholders. The roles and responsibilities of each duty barer need to be made clear and communicated to all stakeholders. The structures need to be strengthened, as there is a lack of capacity in terms of both human resources and competence. The police need to have a properly staffed children's helpdesk and social workers need be sufficient trained and in numbers. The reporting chain from police-hospital-social worker needs to use the same definitions and classifications of the cases/abuses.

Improve existing reporting systems

Delayed response from the hotline and heavily loaded child protection services discourage potential reporters. Formal reporting structures should be developed which specifies responsibilities of all different stakeholders and ensure the ethical, appropriate and systemised processing of reports and timely referrals to the police. It is advisable to develop a website and an app to report. Also develop a variety of ways for children to report cases of abuse. Not every child has access to a phone or the strength to go to the children's office or to the police. There need to be structural cooperation between formal reporting systems and reporting in educational, community and religious settings.

Establish National Action Plans and National Taskforces on violence against children

All countries should establish a National Taskforces against violence of children. The Gambia should continue with the development of the National Action Plan, since there is no existing Action Plan that addresses sexual exploitation of children. National Action Plans should include a comprehensive framework for action on child sex tourism that addresses different stakeholders.

Set 18 years as minimum age for marriage

The laws on marriage and the legal age of adulthood should be improved in the Gambia and Senegal. NGOs and civil society should promote fixing the legal age of marriage at 18 years in order to provide minors with legal protection against the manipulation of promises of marriage for the purpose of sexual exploitation.

Improve international cooperation

Counteracting child sex tourism at both national, regional and international levels calls for an active participation in global networks and demonstration of a higher level of preparedness by countries to share data on travelling child sex exploiters. Therefore, pilot studies need be carried out to identify

and overcome jurisdictional obstacles in sharing information. Treaty agreements should be established with 'sending countries' that allows extradition of foreign nationals who engage in child sexual exploitation and escape justice.

Strengthen law enforcement in communities

Child protection activities should be intensified in areas where monitoring and investigation are required but inadequate, such as certain communities near tourism areas and places where private houses of foreigners are situated. Sex offenders need to be warned that they are being watched anywhere they go.

Raise awareness among communities

Awareness raising is required to alert parents and guardians to the risks of sexual exploitation of children and remind them of their responsibilities with regards to child protection. Parents require improved awareness of the vulnerability of children and their responsibility to provide supervision and report possible cases of sexual exploitation of children. Chiefs and elders should be sensitized to not settle matters of child abuse and sexual exploitation within the family or the community, but instead, support family members to bring the cases to the formal system to ensure that offenders are stopped from abusing children and that the need of the child is properly taken care of. Youngsters should be involved in the protection activities. For, instance teenage peer-educators could be trained to raise awareness amongst their peers.

Raise awareness towards tourism industry

The tourism industry requires a targeted campaign that specifically addresses the issue of sexual exploitation of children in tourism. This should be a national campaign for the tourism sector and consistently communicates a clear, streamlined message and online reporting possibilities. The awareness raising of tourists should start in the sending countries and repeated at the tourism destination.

Promote the Tourism Child Protection Code

The international Tourism Child Protection Code should be actively promoted throughout the tourism sector and the child protection sector. Promotion of and education on the Tourism Child Protection Code should include basic information on reporting mechanisms, legal obligations to report, and appropriate services for children affected by sexual exploitation of children in tourism. Local Code Representatives should be established in every country. Tour operators who send tourists should request from their suppliers that they have child protection policies in place.

Establish a central database, including referral mechanism

Central databases should be established in every country, including child sexual abuse and exploitation. The database should include a multi-sectorial referral system enabling linkages between the various key stakeholders. It should be possible to follow up on cases at any time in the database and to identify where in the process the case is located

Introduction

Background of the ‘Don’t Look Away’ Project

*Every child is entitled to full protection from all form of sexual exploitation and sexual abuse. States are required to protect the child from sexual exploitation and sexual abuse and promote physical and psychological recovery and social integration of the child victim.*¹

Sexual exploitation of children is a global problem. However, developing countries are among those countries which are most affected by this severe violation of children’s rights. Often a high influx of international tourists and travellers increases the problem.² Globalisation, the cross-border movement of people, increasing consumerism, persistent poverty, new communication technologies and increasing mobility have enabled the problem to evolve and manifest itself in new forms. Around the world, sexual exploitation of children is transforming and intensifying.

ECPAT (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes) has a longstanding history of work in promoting the rights of children and supporting action for their concrete realisation, particularly focusing on children’s rights to protection from sexual exploitation. ECPAT International and the network members in 75 countries promote and actively support the participation of children in efforts to combat commercial sexual exploitation.

In Africa, UNICEF³ and ECPAT International have conducted research during the past years in order to understand better how to prevent and stop sexual exploitation of children and to seek justice and assist victims. For instance, in 2007 ECPAT groups in 6 African countries (Zambia, Togo, Gambia, Ethiopia, Kenya and Uganda) examined ‘Linkages between HIV/AIDS and the commercial sexual exploitation of children in Africa’ with the financial support of the Ministry for Foreign Affairs of Finland.

After the first World Congress on Commercial Sexual Exploitation of Children in Stockholm (1996), ECPAT started to include the private industry in their child protection focus. This approach focuses on the development of child protection tools and the implementations of child protection policies in the tourism industry. In 1998, the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (Tourism Child Protection Code, or shortly ‘The Code’)⁴, was developed by ECPAT Sweden, Scandinavian tour operators and the UNWTO. In 2006 it was handed over to the industry and since then The Code is an industry-driven, multi-stakeholder initiative with the mission to provide awareness, tools and support to the tourism industry in order to combat the sexual exploitation of children in contexts related to travel and tourism.

There is still a lack of information and research. It is necessary to conduct studies that investigate the national situation, in order to maintain a progressive, proactive and pioneering approach to adequately protect children and prevent the escalation of child sex crimes in the future. Therefore ECPAT Austria, ECPAT France, ECPAT Germany, ECPAT Luxembourg and ECPAT Netherlands have coordinated country assessments in 5 countries in Sub-Saharan Africa which are tourist destinations and which are also affected by child sex tourism:

Country	Partner	Researchers
Gambia	ECPAT Netherlands	Frans de Man, Adama Bah
Kenya	ECPAT Austria	Katarina Westman, Stephanie Blutaumüller
Madagascar	ECPAT France	Brigitte Doppler, Anne-Sophie Buisset
Senegal	ECPAT Luxembourg	Cheikh Ibrahima Niang, Ndack Diop, Fatou Cissé, Moustapha Diagne, Marie Ange Guéye
South Africa	ECPAT Germany	Joan van Niekerk, Katarina Mancema

The assessments are part of the EU funded project ‘Don’t Look Away – Be Aware and Report

¹ Stockholm Declaration and Agenda for Action

² As an example see: UNICEF Kenya (2006): The Extend and Effect of Sex Tourism and Sexual Exploitation of Children on the Kenyan Coast

³ UNICEF Kenya (2006): The Extent and Effect of Sex Tourism and Sexual Exploitation of Children on the Kenyan Coast

⁴ The Code Website (www.thecode.org) (Accessed November 2013)

the Sexual Exploitation of Children in Travel and Tourism!’ The EU-project involves 16 European ECPAT groups and associated partner-organisations from 6 Southern countries. The project’s duration is from 23 October 2012 until 22 October 2015.

ECPAT France coordinates the project. Consortium partners are ECPAT organisations from Austria, Germany, Luxembourg, the Netherlands and Poland. Associated partners come from: Bulgaria, Belgium, Czech Republic, Estonia, Italy, Switzerland, Spain, Romania, Ukraine, United Kingdom as well as Brazil, Gambia, Madagascar, Kenya, South Africa and Senegal.

The global aim of this project is to improve the protection of vulnerable children in the tourist destinations of developing countries against sexual exploitation and abuse by persons travelling. Therefore it is essential that the tourism and child protection context of these destinations and the role of relevant stakeholders are well understood. It is intended that these assessments will provide all actors with information about how to improve child protection through enhanced reporting of cases of sexual exploitation of children.

Objectives of the country assessments

- ▶ Describe the national framework for combating sexual exploitation of children and for child protection as well as existing reporting mechanism.
- ▶ Analyse existing data/statistics collected through desk-research and through meetings with stakeholders.
- ▶ Identify and describe the categories of children most at risk and the categories of children who are victims of sexual exploitation.
- ▶ Map out the main areas that feature high levels of child sex tourism across the country.
- ▶ Identify the abusers by category (foreigners, nationals, tourists, on business, age, etc.).
- ▶ Describe risk factors for children to become victim of sexual exploitation.
- ▶ Map out the main stakeholders and ser-

vice providers and their areas of intervention.

- ▶ Analyse the national mechanism for prevention, protection and rehabilitation set up by the State and its partners working on child protection.
- ▶ Analyse the mechanisms for reporting and following up of cases by officials, NGOs, tourism sector, others.
- ▶ Identify emerging trends, national strengths and programming gaps in order to review and revise practical tools to fight sexual exploitation of children at the provincial and national levels.

Definitions

Who is a child?

In accordance with the United Nations Convention on the Rights of the Child⁵ (CRC) a child is defined as a person under the age of 18 years old.

What is sexual exploitation of children?

Sexual exploitation of a child involves:

- ▶ The use of girls and boys in sexual activities remunerated in cash or in kind.
- ▶ Trafficking a child for use in sexual activities, including prostitution or pornography.
- ▶ The production, promotion and distribution of pornography involving children.
- ▶ The use of children in sex shows (public or private).⁶

What is child prostitution?

Child prostitution involves the use of a child in sexual activities for remuneration or any other form of consideration.⁷ Children may be controlled by an intermediary who manages or oversees the transaction, or by a sex exploiter, who

⁵ UN (1989), Convention on the Rights of the Child (www.ohchr.org/en/professionalinterest/pages/crc.aspx)

⁶ ILO (2007), Guidelines on the Design of Direct Action Strategies to Combat Commercial Sexual Exploitation of Children, Switzerland

⁷ UN (2002), Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, Article 2 (b) (www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCRC.aspx)

negotiates directly with the child. Children are being exploited in prostitution in many different locations, such as brothels, bars, clubs, homes, hotels, the beach or on the street.⁸

What is child sex trafficking?

Child sex trafficking involves the recruitment, transfer, harbouring or receipt of a child within or across borders for the purpose of sexual exploitation.⁹

What is child pornography?

The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Pornography specifies that child pornography involves “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes” (Article 2(c), 2002).

What is child sex tourism?

While the definitions for child prostitution, child sex trafficking and child pornography are derived from an international legal instrument, there is no consensus or legal definition for child sex tourism. For the purpose of this report, child sex tourism will be defined as the commercial sexual exploitation of children by men or women who travel from one place to another (usually from a richer country to one that is less developed) and there engage in sexual acts with children.

Who is a child sex offender?

For the purpose of this study, the term ‘child sex offender’ will refer to those people who engage in sexual activities with children. The use of the term ‘offender’ acknowledges the criminality of the activities conducted by these individuals.

What is tourism?

“Tourism is a social, cultural and economic phenomenon which entails the movement of people to countries or places outside their usual environment for personal or business/professional purposes.”¹⁰ From the perspective of the

tourist there is domestic tourism (residents of the given country traveling only within this country), inbound tourism (non-residents traveling in the given country) and outbound tourism (residents travelling to another country). From the perspective of countries there is a difference between countries of origin (sending countries) and destinations (receiving countries).

What is important is that the definition of tourism is a demand side definition, not a supply side definition. It is defined by the activities of a particular type of consumer, defined as the tourist. A product or service is touristic, if it is bought by a tourist. The supplier of that service or product then automatically can/will be part of the tourism sector.

Who is a tourist?

The United Nations World Tourism Organisation (UNWTO) defines tourists as people traveling to and staying in places outside their usual environment for not more than one consecutive year for leisure, business and other purposes.¹¹

What is the Tourism Child Protection Code?

The Tourism Child Protection Code is an international industry-driven initiative with a mission to provide awareness, tools and support to the tourism industry to prevent the sexual exploitation of children. The goal of The Code is to work with travel and tourism companies to combat child sex crimes within the sector. As part of this mission, the Tourism Child Protection Code employs 6 criteria which members of the tourism industry must adhere to once they join The Code (requiring actions relating to child protection policy, training, awareness raising and reporting).¹²

8 ECPAT International (2008), Questions and Answers about the Commercial Sexual Exploitation of Children

9 UN (2000), Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (www.osce.org/odihr/19223)

10 <http://media.unwto.org/en/content/understanding-tourism-basic-glossary> (Accessed November 2013)

11 UNWTO (1995), Concepts, definitions and classifications for tourism statistics (<http://pub.unwto.org/WebRoot/Store/Shops/Infoshop/Products/1033/1033-1.pdf>)

12 The Code Website (www.thecode.org/) (Accessed November 2013)

In this table the research areas and number of research participants are given:

Country	Areas	Number respondents
Gambia	Senegambia Tourism Area, communities of Kololi, Kotu	6 Governmental authorities 2 NGOs, civil society organizations 105 Tourism industry 49 Children (no victims of exploitation) 6 Child victims of sexual exploitation 6 Adult female + 9 male sex workers
Kenya	Mombasa, Malindi	13 Governmental authorities 22 NGOs, civil society organizations 10 Community members 8 Tourism industry
Madagascar	Diego-Nosy Be, Tamatave, Tuléar, Tananarive	42 Governmental authorities 72 NGOs, civil society organizations 46 Community members 10 Tourism industry 175 Minor victims of sexual exploitation
Senegal	- Dakar region: Almadies, town centre, island of Gorée, East Corniche, West Corniche, suburbs - Northern area: Island of Saint-Louis, Langue de Barbarie, Hydrobase - Southern zone (Casamance Region): Abéné, Cape Skiring, Kafountine, Ziguinchor - Petite Côte (Region of Thies): Mbour, Saly, Somone, Nianing, Niakh Niakhal, Toubab Dialaw, Ngaparou, Mbodiène	9 Governmental authorities 2 Employees of local NGO 5 Medical staff 2 Teaching staff 5 Community members 1 Former sex worker 11 Tourism industry 689 Children (no victims of exploitation) 264 Female victims of sexual exploitation 51 Male victims of sexual exploitation
South Africa	All 9 provinces: Western Cape, Eastern Cape, Northern Cape, North West, Free State, KwaZulu-Natal, Mpumalanga, Gauteng, Limpopo	54 Government officials 85 National NGOs 12 International NGOs 36 Tourism industry 10 Academic institutes 1 Media sector

Methods used

This study is a collaborative partnership between an ECPAT research coordinator, international and/or local research-experts and possible a local associate partner. Teams of researchers were formed based on their knowledge of the area, institutions, protection mechanisms and experience with children in difficult circumstances. Due to the sensitive nature of research with child victims, special care was taken not to further traumatise children who have experienced any form of sexual exploitation.

Research methodologies included desk reviews, field assessments, situational analyses, comparative research and empirical research. Research techniques had a child-friendly and child-participative approach. Research tools in-

cluded both quantitative and qualitative methodological tools, such as questionnaires, surveys, interviews and focus group discussions. During workshops with key stakeholders the findings were shared and recommendations on improvements to the existing structures were developed.

The human & child rights based approach was used that respects children as 'rights-holders' with legitimate claims to protection from sexual exploitation and trafficking in accordance with the Convention on the Rights of the Child, and it examines the factors which prevent children from achieving these rights. In turn, it reviews the correlative obligations of 'duty-bearers' (including the State, other agencies and families) to protect children from sexual exploitation including prostitution, trafficking and pornography.¹³

13 UNICEF (2005), Trafficking for Sexual Exploitation and other Exploitative Purposes: Some Preliminary Findings of Research

Sampling

The study employed purposive and snowball sampling techniques because of the hidden nature of this activity, especially with children affected by sexual exploitation and other relevant informants. Community based groups were important entry points into communities particularly in the urban setting, such as slums and those in rural areas. Other entry points were the police, social workers, adult sex workers, pimps and hospitality and entertainment industry workers. Some country assessments have a larger scope than others depending on the size of the geographical location targeted and the amount of existing data on sexual exploitation of children in tourism and local reporting mechanisms.

Study population

Questionnaires and interviews were held with:

- ▶ Responsible Ministries and departments.
- ▶ Police, Judiciary, Immigration personnel, Tourism Security Units.
- ▶ NGOs, Church Based Organisations.
- ▶ Community Protection Groups, Youth Groups, Women Groups, key community leaders.
- ▶ Academic institutions, schoolteachers, youth.
- ▶ Tourism Boards, associations.
- ▶ Hotel employees, tourism guides, tourism taxi drivers.
- ▶ Adult prostitutes.
- ▶ Children involved in prostitution.
- ▶ Clients of prostitution.

Limitations of the country assessments

The following limitations were encountered during the conduct of the research:

- ▶ There is limited availability of verifiable data in relation to sexual exploitation of children. This reflects the global experience and is due to the clandestine, complex and sensitive nature of child sex crimes. Many stories and experiences were shared by the respondents, but the systematic collection of data in this field was compromised by a number of factors:

- ▶ Children do not usually report experiences of commercial sexual exploitation.
- ▶ Police do not always respond to reports and therefore official cases are not opened.
- ▶ Sexual exploitation of children crimes are reported and subsequently recorded in different ways. It is difficult to determine which incidents relate to tourism.
- ▶ A period of approximately 10 weeks was allocated to conduct the numerous activities required for research. Due to time restraints, only a relatively small-scale sample of the target group of respondents could be reached across the country assessments.
- ▶ The researchers contacted many experienced representatives from the Government, NGOs, the tourism sector and academia whose contributions are represented in this report. However, as a number of the respondents wished to remain anonymous. Therefore, the report only identifies respondents by their sector.
- ▶ Terminology relating to sexual exploitation of children was not consistently understood. Different stakeholders held varying understandings of sexual exploitation of children.

Set up of the report

Of the country assessment reports of Gambia, Kenya, Madagascar, Senegal and South Africa an extended summary was made. The full country assessment reports can be retrieved from the ecpat.net website.

The country summaries consist of a situation analysis, such as tourism facts, factors that make children vulnerable to sexual exploitation and what is already known about sexual exploitation of children in the country. This is done on the basis of literature research. After the analysis of the issues, responses are described from Government, NGOs and the tourism sector, as well as existing reporting mechanisms. These findings are mainly based on desk research and literature. Then the results of the fieldwork are given which holds an analysis of the situation of sexual exploitation of children and the effectiveness of the responses to protect children. Each country part ends with conclusions and recommendations.

After the 5 country reports, overall conclusions and overall recommendations are given. The overall recommendations were discussed during the international expert meeting in Berlin on 3-4 March 2014 where 55 participants from almost 20 countries participated. The participants included representatives from the Government, national and international police, tourism industry and NGOs. Their input is included in the overall recommendations in the report.

A. Gambia

Main conclusions on the situation of child sex tourism and mechanisms to protect children:

- ▶ Child sex tourism in the Gambia involves both male and female sex tourists.
- ▶ Most child victims of sex tourism are girls (14-17 years), but there are also young boys.
- ▶ Trends are the use of internet to establish contact and the use of private houses.
- ▶ There are many reporting possibilities, but a helpline that is available 24/7 for all telecom providers, is lacking.
- ▶ People have little faith in the follow up of reports, due to corruption and overburdened police and referral systems. Therefore, there is high underreporting of child abuse.
- ▶ There is a Gambian Code of Conduct for the Protection of Children from Sexual Exploitation in Tourism, which is state-driven and obligatory to all tourism accommodations. It lacks active implementation of the criteria due to insufficient monitoring of the Code.
- ▶ The minimal age for marriage is not set according to the Convention on Rights of the Child, which is 18 years.

I Analysis of the issues

The Gambia (officially the Republic of the Gambia) is a country in West Africa. It is surrounded by Senegal. It is the smallest country on mainland Africa. The country is situated either side of the Gambia River. Its area is 11,295 km² with an estimated population of 1.7 million. Banjul is the Gambian capital, but the largest cities are Serekunda and Brikama.

A variety of ethnic groups live in the Gambia, each preserving its own language and traditions. The Mandinka ethnicity is the largest, followed by the Fula, Wolof, Jola, Serahule, Serers and the Bianunkas. The Krio people, locally known as Akus, constitute one of the smallest ethnic minorities in the Gambia. They are descendants of the Sierra Leone Creole people and have been traditionally concentrated in the capital. English is the official language of the Gambia. Specific ethnic groups also speak their own languages, such as Mandinka, Wolof, Fula, Serer and Krio. Due to geographical setting the French language is relatively widespread. Islam is the predominant religion, practiced by approximately 90% of the country's population.¹⁴

The Gambia is one of Africa's poorest nations, ranking 165th out of 187 countries in the United Nations Development Programme's 2013 Hu-

man Development Index. Poverty is widespread, pervasive and predominantly rural. Approximately ¾ of the rural population is classified as poor. Underlying the high poverty rates is the country's relatively lack of economic diversity, which makes the Gambia highly vulnerable to increasingly erratic rainfall, food price volatility and financial crisis.¹⁵

Tourism

Gambia's tourism industry has been going through a rough time. Tourism is the second highest earner of foreign revenue but in 2010 and 2011 numbers dropped dramatically. This is a problem for the Gambia since tourism is important for the nation economy. In 2012 arrivals were up to 104,000, but this is still two thirds of top year 2008. Tourists mainly arrive from Europe, with package tour operators from United Kingdom making up over 50% of the visitors. The remaining visitors arrive from Sweden, the Netherlands and Germany.¹⁶

The Gambia Tourism Board estimated around 25,000 direct jobs from tourism in 2011 (3.7% of total employment). Indirect jobs consisted 11% of the total employment. The total contribution

¹⁴ http://en.wikipedia.org/wiki/The_Gambia#cite_note-irfr07-41 (Accessed February 2014)

¹⁵ www.ruralpovertyportal.org/country/home/tags/gambia (Accessed February 2014)

¹⁶ Gambian Tourism Board (www.visitthegambia.gm) (Accessed November 2013)

of tourism to GDP was 13% in 2011. In that same year the tourism industry contributed \$40 million in foreign exchange income to the economy.¹⁷

Most tourist accommodations are within the Tourism Development Area (TDA) in the Greater Banjul Area with almost 90% of the tourist accommodation available in the country (almost 35 hotels with 3,404 rooms and 6,285 beds).¹⁸ The remainder is spread across a wide range of small guesthouses, camps, lodges and apartments outside of the TDA.

Situation of children

Education

The population of the Gambia is mainly young with more than half (about 64%) is below 25 years.¹⁹ About 62% of children of primary school age are attending primary school. Almost all of the children who enter the first grade of primary school eventually reach Grade 6 (95%). Education in the Gambia is costly for most citizens. In the past, boys were far more likely to be sent to school if their parents had a bit of money, while girls had very little chance to succeed unless they came from a rich family. Now the Government provides support for the education of girls and more girls than boys are attending school (64% vs. 61%).²⁰

Birth registration

The birth registration rate is very low in the Gambia. Almost half the children (45%) are not in the possession of birth certificate (2000-2010). There are no significant variations in birth registration across sex, but there exists differentials by age, geographical and education categories.²¹ Children who do not have a birth certificate are particularly vulnerable to child protection violations. Birth registration enables a child to receive medical treatment, go to school, inherit property, prevent child exploitation and find legal work. All these rely on birth registration to prove identity and thus entitlement to basic rights.²²

Child marriage

Child marriages continue despite the criminalization of forced marriage of girls aged less than 16 years. This phenomenon is more common in rural areas and among girls, who are sometimes as young as 12 years at the time of marriage. Figures show that 7% of girls are married off before the age of 15 years and 36% before age 18. Factors that place a child at risk of marriage include poverty, protection of girls from out-of-wedlock pregnancies and the desire of parents to protect family honour.²³

Child marriages often occur outside of the law (customary practice) and as such, the child can have no legal protection against further abuse. It threatens a child's human rights, including the right to education, good health and freedom of expression. Once married, an underage person can lose the status as a 'child' including its associated protection.²⁴ Underage girls offered for marriage often end up divorced or abandoned by their husbands, partners and parents. The ensuing lack of financial support causes many of them to engage in prostitution. Some girls run away following a forced marriage (or to avoid it), thus becoming easy targets for commercial sexual exploiters. At the same time, girls who do not marry early are often viewed as a financial burden on their parents and feel pressured to contribute to the household in any viable way, including through involvement in prostitution.²⁵

Female genital mutilation

Child marriage is intimately linked to female genital mutilation because the practice forms part of the requirements of a girl for her distant or imminent marriage. In the absence of legal prohibition, the Gambia is one of the countries with the highest rates of female circumcision (64% in 2010).²⁶ Of the 9 main ethnic groups, 7 practice mutilation between birth and age 16. Among the Mandinkes and Sarakoles 100% of girls are excised or mutilated. These practices are more common in the Upper River Region,

17 Gambia Bureau of Statistics (www.gbos.gov.gm) (Accessed November 2013)

18 Gambian Tourism Board (www.visitthegambia.gm) (Accessed November 2013)

19 http://en.wikipedia.org/wiki/The_Gambia#cite_note-irfr07-41 (Accessed February 2014)

20 The Gambia Multiple Indicator Cluster Survey (2010) (www.childinfo.org/files/Gambia_2010_MICS_Final_Report.pdf)

21 The Gambia Multiple Indicator Cluster Survey (2010) (www.childinfo.org/files/Gambia_2010_MICS_Final_Report.pdf)

22 UNICEF (2006), Birth registration right from the start (www.unicef.org/spanish/infobycountry/files/p15-UNICEF-39x7.pdf)

23 Ford Foundation (2013), Mapping early marriage in West Africa, A scan of trends, interventions, what works, best practices and the way forward (www.girlsnotbrides.org/wp-content/uploads/2013/10/Ford-Foundation-CM-West-Africa-2013_09.pdf)

24 ECPAT (2007), Confronting the commercial sexual exploitation in Africa (http://resources.ecpat.net/El/Publications/Journals/Confronting_CSEC_ENG.pdf)

25 ECPAT International (2005), Monitoring Report – Gambia (http://resources.ecpat.net/A4A_2005/PDF/AF/Global_Monitoring_Report-GAMBIA.pdf)

26 The Gambia Multiple Indicator Cluster Survey (2010) (www.childinfo.org/files/Gambia_2010_MICS_Final_Report.pdf)

but less common in urban areas and among the more educated populations. In 2010 still 71% of the population favours the practice.²⁷

Child labour

About ¼ of Gambian children are involved in child labour, including the worst forms of child labour such as commercial sexual exploitation. Children in rural areas are engaged in agricultural production, which involves using dangerous tools, carrying heavy loads, and applying harmful pesticides. Children in the Gambia also work in domestic service.²⁸

Street children

Street children are most prevalent in the border towns of Farafenni and Basse, and in Brikania, Serekunda and Jarra Soma. Early 2008 the Gambian Government launched a crackdown on street children, with Immigration Department Officials and police starting round-ups every 2 months. Street children are brought to a Government-run transit centre in Bakoteh, 16km from the capital from where authorities try to reunify children with their families. But the department lacks capacity to handle the cases. Some 60% of children living on the street in the Gambia come from neighbouring countries, most from Senegal and Guinea-Bissau.²⁹

Sexual exploitation of children

Commercial sexual exploitation of children continues to be a serious problem in the Gambia. Some children are exploited in brothels. Evidence suggests that sexual exploitation of Gambian children in touristic areas persists, although stricter laws and enforcement have driven such activity away from major hotels towards lower-end guesthouses and motels.³⁰

Gambia is a source, transit, and destination country for women and children subjected to forced labour and sex trafficking. Within the Gambia, women and girls and, to a lesser extent, boys are subjected to sex trafficking and domestic servitude. Women, girls, and boys from West African countries – mainly Senegal, Sierra Leone, Liberia, Ghana, Nigeria, Guinea, Guinea-Bissau,

and Benin – are recruited for commercial sexual exploitation in the Gambia, in particular to meet the demands of European tourists seeking sex with children.³¹

A number of ‘bumsters’ - young people who follow tourists and offer to be a guide or a friend - are engaged in commercial sex or act as pimps. Anecdotal evidence and observation of certain locations around the beach and tourism development areas suggests that some of these ‘bumsters’ are below the age of 18. It is important to note that a certain percentage of sex tourists in the Gambia are female, and as such, it is possible that underage boys are also being sexually exploited by women.

A complicating factor in the case of the Gambia is the fact that there is a strong belief in a friendship factor involved in the relations between tourists and locals. Sex tourism is also known by the euphemism ‘romance tourism’ since the relationships between tourists and locals are more focused on romance and courtship than on sex for money. Actors are seen as being emotionally involved with each other and desirous of a long-term relationship.

Cases

In February 2011 63-year-old Dutch citizen was arrested in the Gambia on suspicion of the rape of 2 underage girls in 2010 and 2011. In November 2011 the court in Gambia sentenced him to pay a fine of €2,600 (100,000 Gambian Dalasi) and was ordered to pay compensation to the victims. The court took into account R.’s medical problems and the fact that it was the first time that he had been suspected of child sexual offences in the formation of the penalty.

Source: Terre des Hommes (2013), *Tipping the Scales Recommendations for a better balance in combating child sex tourism*

A Nigerian trafficker was arrested and prosecuted on charges of trafficking 2 young Nigerian women to the Gambia for forced prostitution. He was convicted in September 2011 and was fined only the equivalent of \$333 before being deported to Nigeria. Despite reports of the convicted trafficker having 3 accomplices in Nigeria, the Government neither engaged the appropriate Nigerian anti-trafficking authorities for assistance in the case nor even informed the Nigerian Government of the offenders’ deportation to Nigeria.

Source: ECPAT International (2005), *Monitoring Report – Gambia* (resources.ecpat.net/EI/index_A4A.asp)

27 www.humanium.org/en/gambia/ (Accessed February 2014)

28 Bureau of International Labor Affairs (www.dol.gov/ilab/reports/child-labor/gambia.htm) (Accessed February 2014)

29 www.irinnews.org/report/84713/gambia-street-children-persist-despite-crackdown (Accessed February 2014)

30 Bureau of International Labor Affairs: (www.dol.gov/ilab/reports/child-labor/gambia.htm) (Accessed February 2014)

31 US (2012) TIP Report 2012 – Gambia (www.state.gov/documents/organization/192595.pdf)

As in other African countries, the Gambia presents many incidences of children being sexually harassed by male teachers and students, as well as being forced into sexual relationships with teachers in exchange for better grades, protection from punishment and pocket money.³²

II Responses to the issues

Government

International legislation

The growing awareness on the issue has led to responses from the Government and other stakeholders involved. The Gambia ratified the United Nations Convention on the Rights of the Child (1990), the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2010) and became party to the African Charter on the Rights of the Child in 2000.

Although The Gambia has ratified the Optional Protocol the Sale of Children, Child Prostitution and Child Pornography, it does not have extra-territorial provision on child sex exploitation and has not entered into treaty with other 'sending countries' to make child sex tourism an extraditable offence.

National legislation

The Constitution of The Gambia 1997

The Constitution of the Gambia gives every child the right to a name and nationality. It protects children under the age of 16 years from economic exploitation and hazardous work or employment and guarantees to every child the right to free and compulsory basic education.

Criminal Code of the Gambia 1990

The Criminal Code has made extensive provisions to secure the protection of children from sexual abuse and exploitation. It contains provisions against the indecent assault of women, girls and boys, defilement of children, rape, procurement of children for sex or prostitution, child stealing, kidnapping and incest.

Tourism Offences Act 2003

Tourism for the purposes of sexual abuse and exploitation of children has been dealt with under the Tourism Offences Act 2003. It prohibits a tourist or any other person from making unlawful sexual advances to a child, sexually abusing a

child, procuring a child for sex, prostitution or to become an inmate of a brothel, taking, showing, distributing or publishing an indecent photograph of a child, exploiting a child sexually, committing indecent exposure in the presence of a child and trafficking children for the purposes of sexual exploitation. The Act also prohibits owners, occupiers, managers or controllers of premises to permit or allow the sexual abuse or exploitation of children on their premises.

The Children's Act 2005

The Children's Act 2005 defines a child as any person under the age of 18 years and protects children from all forms of violence and abuse, economic and sexual exploitation, trafficking abduction and sale, including ensuring that they do not fall prey to prostitution networks or are engaged in hazardous work. It also criminalizes foreign travel that promotes child prostitution.

The Act provides for every child the right to enjoy parental care and protection. Part IV of the Act prohibits child prostitution, child marriage and harmful traditional practices. The provision that prohibits child marriage is rather ambiguous since the Sharia or personal law governs marriage. If the parties are Muslims, having sexual intercourse with one's married wife, even if the wife is under the age of 18 years, is lawful and not criminal.

The Children's Act promotes reporting child abuse to the Department of Social Welfare or the nearest police station. The vulnerability of certain categories of children to abuse and exploitation is recognized by the Children's Act, such as orphans and victims of sexual abuse and exploitation. The Gambia established a Children's Court that is specialized in offences related to children.

Trafficking in Persons Act 2007

In fulfilment of its obligations to international conventions (Palermo Protocol), the Government enacted the Trafficking in Persons Act in 2007. This comprehensive Act deals with offences relating to trafficking in persons, complaints procedures and arrests, treatment of victims of trafficking, and rescue, rehabilitation and reintegration. Its extensive provisions include the right of a victim of trafficking, irrespective of his or immigration status, to bring civil action and to compensation, restitution and recovery.

³² ECPAT International (2005), Monitoring Report – Gambia (resources.ecpat.net/EI/index_A4A.asp)

The Act calls for the establishment of a National Agency against Trafficking in Persons to, among other things, ensure the effective implementation of the Act. It also established a fund for victims of trafficking known as the 'Fund for Victims of Trafficking.'

Women's Act 2010

The Women's Act, 2010 addresses the rights of girls and women in the Gambia. The Act prohibits all forms of violence against women and girls and also protects them 'against any form of physical, sexual, psychological or economic harm, suffering, or violence whether occurring in public or private life.'

National Action Plans

The Department of Social Welfare is currently developing a comprehensive National Plan of Action on Sexual Abuse and Exploitation of Children, which has some activities to combat child sex tourism. In 2010 the Gambian Tourism Board drafted a Child Protection Policy, which is under review for adoption.

National Taskforces

The Gambian Tourism Board established a Taskforce against Trafficking, but this Taskforce is not active. The Public Utilities Regulatory Authority (PURA), the agency that regulates utilities providers in the Gambia, has started initiatives to ensure that internet cafes have a code of conduct for the protection of children. In January 2013, PURA also inaugurated a 'Child Online Protection National Consultative Committee Taskforce', which comprised institutions/organisations such as Child Protection Alliance-ECPAT, PURA, Department of Social Welfare, Ministry of Justice, the Gambia Police Force, National Intelligence Agency, Consumer Advocacy Group, Telecom Operator Representatives, Ministry of Basic and Secondary Education, Office of the President, ISP representatives and Ministry of Youths and Sport.

Law enforcement

There are special Police Child Welfare Units and there is the Police Intervention Unit to reduce or totally eradicate hassling of tourists by bumsters, drugs peddling, child sex abuse and exploitation, prostitution, mugging of tourists and other offences related to tourists. The Police Intervention Unit is also known by the name 'Tourism Security Unit' because that was the original name given by the Gambia Tourism Board in 2002.

Rehabilitation of victims

The Department of Social Welfare provides a wide range of care and support, including counselling for child victims of sexual abuse and exploitation. It has established a 'Shelter for Children', with temporary shelter and psychosocial support for children at risk and victims of sexual abuse and exploitation. In August 2013 the Network Against Gender Based Violence, in partnership with the Department of Social Welfare and other stakeholders, established a One-Stop Centre at the Shelter for Children that provides counselling, medical services, psychosocial support and legal aid to victims in a more therapeutic and friendly environment.

Through the Programme *Afrique de l'Ouest*, the project that focuses on children on the move, the Department of Social Welfare provides rehabilitation services to vulnerable children and their families as well as micro-finance support to enable their rehabilitation.

Responsible Ministries

Involved Ministries in the protection of children against sexual exploitation in the Gambia are: the Ministry of Justice, Ministry of Health & Social Welfare, Ministry of Tourism & Culture, Ministry of Trade, Ministry of Interior, Ministry of Basic & Secondary Education and the Ministry of Youths & Sport.

NGOs

The work of NGOs in the area of child protection against sexual abuse has mainly been concentrated on raising awareness, training and research. There are 3 main NGOs working on child protection issues. They are all engaged in different activities and programs.

Child Protection Alliance

The Child Protection Alliance (CPA) is a child-rights coalition that is committed to the promotion and protection of children's rights in the Gambia. Part of its strategic focus is monitoring of child protection issues in the Gambia especially around the Tourism Development Area. CPA also provides capacity development for various stakeholders and rights claimants, promotes and encourages children's participation and conducts researches on child protection issues. CPA is the ECPAT affiliate in the Gambia. In 2009, the CPA, with support from UNICEF, established Neighbourhood Watch Groups, comprising adolescents and adults in the communities of Bakau,

Kololi, Manjai Kunda, Kerr Serign and Bijilo. Some of the activities the groups are engaged in include raising awareness on child sexual abuse and exploitation and reporting suspected child sex tourism cases to the relevant authorities.

ChildFund

ChildFund is an international organisation that is committed to ensuring that children have access to education. It provides sponsorship for children from poor and vulnerable families mainly in the West Coast Region. Recently, ChildFund established Community Child Protection Committees as part of efforts towards building of a protecting environment for children within the 'PROTECT Project'.

CEDAG

CEDAG (Children Environment and Development Agency – The Gambia) is an organisation working with/for vulnerable children and has a project called 'Programme Afrique de l'Ouest', which focuses on children on the move. Through the programme, the Department of Social Welfare provides rehabilitation services to vulnerable children and their families as well as micro-finance support to enable their rehabilitation.

Tourism sector

Gambian Code of Conduct

In May 2004, the Gambia Tourism Authority (now Gambian Tourism Board) adapted the international Tourism Child Protection Code to a Gambian version: the 'Code of Conduct for the Protection of Children from Sexual Exploitation in Tourism'. All the key players in tourism in the Gambia signed this Code with the following criteria:

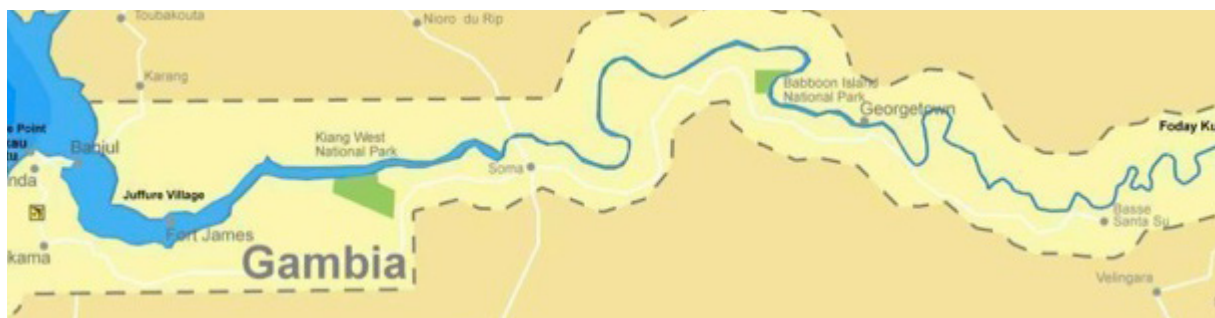
- ▶ Inform and promote the awareness of employees, based on the folder compiled by Gambia Tourism Board together with CPA.
- ▶ Include clauses in contracts, and other suitable measures displaying an unanimous rejection of the sexual exploitation of children.
- ▶ Promote the awareness of customers through the distribution of information leaflets.
- ▶ Include child protection as a subject in training employees.

- ▶ Consider the Code of Conduct when laying down business principles.
- ▶ Submit yearly reports to the CPA on the steps taken concerning the Code of Conduct.

There is a major difference between the Gambian Code and the international Tourism Child Protection Code. The latter is industry driven, the first is state enforced. The elements of the Gambian Code are obligatory by law, whilst the international Code is voluntary and an instrument of Corporate Social Responsibility. A structural monitoring of the implementation of the Gambian Code is lacking, but the Gambia Tourism Board and its partners, such as the Gambia Hotel Association and CPA, are intensifying efforts towards the effective observance of this Code.

Gambian Tourism Board

The Gambia Tourism Board, in cooperation with other stakeholders, has introduced many activities to increase the awareness on child sex tourism. This has been done through a weekly phone-in radio programme called 'The Tourist' at the West Coast FM Radio Station, career days in Senior Secondary Schools, workshops and seminars towards tourism professionals, including tourist taxi drivers, and an electronic signboard about reporting child sex tourism at the arrival lounge of the Banjul International Airport (with financial support of CPA through ECPAT Netherlands).



III Reporting mechanisms

Reporting can be done via:

- ▶ The police, especially the Child Welfare Units (220-4225300/220-4224914).
- ▶ Department of Social Welfare (220-4228843).
- ▶ Helpline 199 (only accessible via Africel).
- ▶ Tourism Security Unit (220-4463676).
- ▶ Gambian Tourism Board (220-4464859/220-4462496/220-4466378).
- ▶ Child Protection Alliance (220-4498154).
- ▶ Neighbourhood Watch Groups (Community members).
- ▶ Child Protection Communities (Community members).

The only real (and free) hotline is the 199 hotline operated by trained staff from the Department of Social Welfare. The 199 hotline is not available 24/7 and not accessible via all the GSM providers. The other telephone lines are not dedicated hotlines but rather official landlines, which are used for official purposes although people can also call in to report cases, make enquiries, etc. The telephone numbers of the Police Child Welfare Units and Tourist Security Units are to some extent reporting systems/structures but are not entirely there for sexual abuse or child sex tourism.

The official follow up of reports at the Helpline 199, the Tourist Security Units or directly to the police, consists of the police visiting the venue or 'crime scene' together with Department of Social Welfare. Social Welfare brings the victim to a place of safety and necessary procedures like medical check-up or procedures are conducted or carried out. The police arrests of the perpetrator, investigates and takes the offender to a competent court (Children's Court) for prosecution.

IV Assessment of sexual exploitation of children and child protection mechanisms – Field research

Methodology of the field research

The field survey was conducted during the months of June and July 2013 in several locations within the Senegambia Tourism Development Area and around the communities of Kololi and Kotu in the Gambia. These areas were chosen for the number of tourists they attract. The survey was based on formal and informal interviews, focus group discussions conducted with hotel managers (20), tourist taxi drivers (25), Official Tourist Guides (20), Tourism Security personnel (2), officials of the Ministry of Tourism and the Department of Social Welfare (4), bumsters (20), international tourists (15) Youth Associations (49 children), 6 child victims of sexual exploitation, 6 adult female sex workers and 9 adult male sex workers. In 30 occasions observations were held in nightclubs, bars and restaurants that are frequented by sex workers, pimps and clients and in internet cafes. The data was collected by 7 researchers and was coordinated by a local consultant.

Non-probability snowball sampling was used to identify stakeholders and children involved in commercial sexual exploitation. Identifying child victims of sexual exploitation was not easy due to its illegal practice and its sensitive and hidden nature. Because of the dangers for homosexual prostitutes, it remained very hard to collect data from them.

Description of the area

Senegambia area

This area is the centre for nightlife and is a favourite destination for commercial sex workers from all parts of the country and from the sub region. Senegambia is home to famous nightclubs, bars and restaurants frequented by tour-

ists, local and expatriates seeking sex. A security checkpoint is stationed at the entrance of the Senegambia strip to deter children under the age of 18 years from entering the area without a responsible adult. This led to the dispersion of under-aged children to the residential areas of Kololi, Kotu, Bijilo and Kerr Serign where they have been operating secretly through a network of pimps and contacts.

Case stories

Case from a focal group discussion: Awa is 18 years old Gambian girl. She could not complete high school as she lost her father at the age of 12. She met an European in his late fifties at a restaurant in Kololi. He told Awa he loved her and that he would marry her and take her to Europe. During his 2 weeks stay in the Gambia he gave her many presents and cash. He went home and never contacted Awa again. A year later a friend of Awa told her that he saw him in a hotel with another teenager. Awa went together with the friend to the hotel and found him beside the swimming pool with another teenager.

Case from a focal group discussion: Naima was brought to Gambia in 2011 by a Nigerian woman who promised her a hotel job. She paid for the fares to Gambia by road. Unfortunately, when she arrived she was told that the fastest money making job in the tourist industry is to sell sex. During the first 4 months all the money was given to the woman to repay for the expenses and commission for the trip to the Gambia.

Interview respondent – Hotel manager in Fajara area: “I had a case involving a French man aged between 60 to 70 years who was staying at my hotel. Whenever he goes out, he comes back with boys as young as 12 years and some of the boys are in school uniforms. I became suspicious when I realised that he spends time with the boys in his room. I informed the Tourist Security Unit. They got into his room and found him naked on the boy who was also naked. Later in that evening I was shocked to see the man return to the hotel without any escort and checked out of his room. I tried to find out from the police officer who made the arrest but he told me he handed the case to his boss and does not know what happened afterwards. Later I learned from sources that the offender bribed the police with D60,000 and the case was aborted with no charges sent to the court.”

Kololi Residential area

The Kololi Residential area is known for its many private residents owned or rented by foreigners who do not wish to stay in hotels. Community members notice that since the introduction of the Tourism Offences Act, which lead to all hotels imposing stricter controls on visitors, a lot of the tourist seeking sex prefer buying or renting a holiday home in these residential areas. In the Kololi residential area there are certain guesthouses, restaurants and bars which are frequented by prostitutes, pimps and their clients.

Profile of the victims

For the study 6 under-aged girls were interviewed. They explained that most of the young girls engaged in commercial sex are aged between 14 to 17 years. The majority of these children are dropouts from school, are poor or lost one or both parents. Although the majority of the children are girls, it was also discovered that the number of young boys engaged in commercial sex is on the rise as there is an increasing number of male tourist seeking young boys. There is less suspicion when a young boy is with a man, because it is easy to pretend to be friends.

The girls engaged in commercial sex explained their preference for foreigners with several arguments. In the first place, foreign customers are willing to pay large sums of money. Secondly, foreigners are considered as less abusive than the Gambian clients. The other reason is the girls' motive to establish a relationship that may lead to marriage and a journey to Europe.

None of the children engaged in prostitution reported testing for HIV. Most prostitutes of all ages reported consistent condom use, however this information conflicts with reports from users of prostitutes and intermediaries.

Organization of child sex tourism

What is typical for the Gambia is the fact that it belongs to a number of countries that are attractive to both male and female sex tourists. All the Gambian respondents were aware of this. During the survey in the Tourism Development Area, over a period of 6 weeks during low season, more female tourists were observed with Gambian men than male tourists with Gambian women. Although the Gambia is known to attract single European women who come on holiday looking for sex with Gambian men, until now

no cases have been reported involving women with under-aged boys. However, some respondents have spotted women with under-aged men. Female tourists having sex with boys, is seen as a danger for the future.

Grooming tactics

Respondents mentioned that some offenders gain access to children and develop relationships with them through charitable organisations, providing sponsorship and support for the children. Another method used involves ingratiating themselves with the child's family and/or the community. Such grooming-based tactics within the family may include building a house or repairing an existing home for the child's family, or providing financial support. This provides children, families and communities with confidence in the person and reduces the possibility of complaint against the person involved. Child sex tourists often approach children who are selling fruit or peanuts on the beach. They make contact with their family and offer financial help and school sponsorships. When child sex tourists are caught, they have used this sponsorship to justify their relationships with their victims.

Middlemen

According to most of the respondents, child sex tourism is an organized act and it involves middlemen. Tour guides, taxi drivers, bumsters and hotel workers belong to the most frequently identified key actors in facilitating child sex tourism. Sometimes there are girls who are already in the business who introduce others. Even family members serve as middlemen who introduce children to the foreigners for their benefit. Most middlemen are Gambians but foreigners are also part of it. Another type of middlemen are other tourists, especially those that have been in the Gambia many times or have got private homes in the Gambia. Some have established clientele with children and recommend them to other tourists seeking to have sex with children. Middlemen also arrange false identification papers for minors.

Social media

Internet is becoming an important tool for (child) sex tourists. Thousands of Gambian young women create profiles on several dating-sites, such as Bar4fun.com, Absoluteagency.com and Afrointroductions.com. In some instances the contact becomes very serious and leads to sending gifts and even meetings. According to the

children in the focus discussion groups, the age group mostly involved is between 14-24 years and their clients are usually Swedish, British and Belgian. Most of the youth registering a profile hide their ages according to internet operators, or state on their profiles that they are in their twenties when actually they are 16 or 17 years.

An internet cafe operator revealed that most internet cafes make money through recommending dating sites to their customers and even helping them register on those sites. Both boys and girls apply to these sites. Boys are coming to look online for elder women. Some of these young boys invite these European women into their homes, as it is common in the Gambia for boys to have their own quarters separated from their parent's house at 16 years of age. Boys also meet homosexual men online on sites as Badoo and Facebook. The boys write on their profiles that they are interested in both men and women.

Locations

During observations in bars, restaurants and nightclubs that are mainly frequented by sex workers, minors were seen at night drinking alcohol with European men over 45 years in Cape point, Fajara, Kotu, Kololi and Senegambia. Interviews pointed out that they normally have sex with clients at the clients' houses. Because there have been stricter controls on children entering the hotel areas, child sex offenders are now buying or renting private homes to conceal their acts. Kololi, Kotu, Kerr Sering, Bijilo and Brufut areas are known for the many residential homes owned by foreigners. Informants stated that most of the homosexuals stay in Kololi, Manjai and Kotu areas.

Reporting

Several ways of reporting child abuse were mentioned by the stakeholders. There are traditional ways of reporting within a local cultural or religious setting, there are reporting mechanisms to report abuse in the setting of the family and there is extensive regulation on sexual abuse in an educational setting with reporting mechanisms in place. This has led to a number of telephone numbers and procedures available.

Prostitution in tourism is not completely frowned upon by society or the immediate family members of the persons involved in such prostitution. To have a *touba* (Caucasian person)

boyfriend or girlfriend, regardless of his person's age, is considered as 'good luck' and a sure passport to Europe or *Babylon*. Informants believed that even though there is awareness in the country about child sex tourism, the phenomenon is still going on due to the fact that when a person offers to support a family he or she is welcomed with open arms and allowed to do anything they want with the child. Abuse goes unreported when the surrounding adults allows it to happen. Corruption and misuse of power were also reported as factors for poor reporting.

In the focal group discussions with children from communities in and around the Tourism Development Area (no victims), it was discussed what they would do when they suspect a child being sexually exploited. Some of the children preferred to report a case to someone older (teacher, parent, youth worker). Some said they would not take action because they wouldn't know where to report it. Others knew they could report to the police, but believed that the police would not listen to them or take their cases serious.

Hotel managers stated that they are not always aware of when they should report. Should they report any suspicious tourist entering, wait until the tourists talk to the front desk or until they are in the room? The lack of trust in a reliable reporting strategy and the difficulty of determining at which stage should be reported, are reasons why managers might prefer to just dismiss the case and send the tourist out into the street. When tourists with children are turned away there is no report made of the case. Therefore, there is no clear insight in how many child sex tourism cases exist.

Follow up of cases

Inadequate reporting mechanisms, inadequate skills in detecting child sexual exploitation, poverty and corruption of law enforcement officers seem to be some of the barriers to arrest and convict child sex offenders. The human and financial resources of the law enforcement agencies appear insufficient to deal with the complexity of the issue. Police work is limited to carry out investigations only when a complaint is lodged, and often not even then. Reported corruption in police affects victims, reporters (witnesses) and offenders. As a result, the country is seen as a safe destination for travelling sex offenders, the few listed cases involving tourists confirms this fact.

While efforts are being made by the Women's Bureau, Department of Social Welfare and NGOs to raise awareness and knowledge of children's rights, there still exists some resistance against it. It was said that women and children's rights are seen as Euro-centric and opposed to Islam and Gambian culture. Many people in the communities are also unaware of these rights. According to different stakeholders, awareness raising towards children, parents, religious and community leaders, tourism professionals, teachers and communities in and outside the Tourism Development Areas have not been systematically and regularly targeted.

Rehabilitation of victims

Although the Department of Social Welfare has made some provisions for rehabilitation of victims, the respondents claim that there are no trained psychologists and psychotherapists to provide the specific needs of minor victims of sexual exploitation. There is a shelter for children where they are fed and have a place to sleep, but it lacks psychological support, schooling, play facilities, legal assistance, etc.

Tourism

All managers interviewed found the Gambian Code of Conduct for the Protection of Children from Sexual Exploitation in Tourism very relevant and motivating to take action. All the hotels surveyed had adopted policies that every outside visitor must show their ID before being allowed in rooms and if they are under 18 years, they must not be allowed in. According to them, the problem with this however, is that they are pushing the problem out in the communities.

All of the hotels surveyed claim that information on sexual exploitation of children is shared with tourists through display of the Gambian Code at the main reception areas and placing of leaflets. However, hardly any information materials were encountered in the hotels visited. All hotel managers interviewed said tour operators never asked for their adherence to any code for the protection of children and were not aware of the inclusion of clauses on the protection of children in the contracts they make with them. None of the hotels have submitted annual reports to CPA.

Tourist taxi drivers and tourist guides were also aware of the Gambian Code and they discuss about it amongst them and also during stakeholder meetings. Most drivers stated they know how they should report child sex tourism to the authorities. The bumsters who are members of the Bumster Rehabilitation Program were aware of the Code, but in general none-members were not aware.

According to stakeholders a tourist pay prices for sexual services that vary between mobile phones and money up to 100 pounds (about €125). The prices involved depend on the agreement and normally range from D1000 (about €20) and above. Compared to salaries earned by youth in the poverty stricken regions, this is a large amount and very tempting.

V Conclusions country assessment the Gambia

The Gambia is one of the most known tourism destinations for sex tourism. What is typical for the Gambia is the fact that it is attractive to both male and female sex tourists. Child sex tourism is closely related to the friendship business. It is an organized act and it involves middlemen like tour guides, taxi drivers and hotel workers. Bumsters play a special role in tourism in the Gambia, as sex workers targeting women and as middlemen for child sex tourism.

Bars, restaurants and nightclubs in the Gambia also play a part in facilitating child sex tourism. Bars within the Tourism Development Area are off limits for children, but there are bars, restaurants and nightclubs in the areas neighbouring these areas facilitating prostitution and child prostitution. Private houses are more and more used for child sex tourism and internet is becoming important for building relationships between Gambians and (sex) tourists.

Child sex offenders also gain access to children and develop relationships with them through charitable organisations, providing sponsorship and support for the children and ingratiating themselves with the child's family and/or the community. They have used their sponsorship to justify their sexual relationships with their victims.

Most of the children engaged in commercial sex are aged between 14 to 17 years and mainly female. The number of young boys engaged in

commercial sex is said to be on the rise as there is an increasing number of male tourist seeking young boys. Clients of child prostitutes are mainly tourists from Europe, China and India.

The Gambian Government implemented multiple initiatives to improve the protection of children against sexual exploitation, including (inter-) international legal instruments, Police Child Welfare Units, National Agency Against Trafficking in Persons and Tourism Security Units. The Department of Social Welfare intensified its awareness raising and service delivery efforts and established regional offices. ChildFund, CPA and UNICEF established protective mechanisms at community level.

There are many reporting possibilities, but a helpline that is available 24/7 for all telecom providers, is lacking. There is low level of faith about the follow up of reports, due to corruption and overburdened police and referral systems. This leads to a low number of reports and convictions of sexual exploitation of children.

A Gambian Code of Conduct for the Protection of Children from Sexual Exploitation in Tourism is in place, but lacks active implementation of the criteria due to the fact that there is no structural monitoring of the Code. The Gambian Tourism Board is active in the field of awareness raising, for instance through radio programmes and an electronic signboard at Banjul Airport.

VI Recommendations for the Gambia

Cooperation

All respondents plea for strengthening collaboration between all stakeholders, including Governmental agencies, CPA, UNICEF, Tourism and Travel Association Gambia, Gambia Hotel Association and ASSET (Association for small enterprises in tourism). They all mentioned the need for collaboration between Governments and international donor agencies in terms of the effective enforcement and implementation legal instruments and joint prosecution, investigations of perpetrators.

Respondents made clear that institutions/ organizations/persons that should play a role in combating trafficking and sexual exploitation of children/adolescents, should take their responsibilities according to their tasks:

- ▶ Police/law enforcement agencies: investigate, prosecute, prevent, and put up surveillance.
- ▶ NGOs: help in capacity building, support partners in raising awareness.
- ▶ Customs and Excise Department: often the role of customs and excise in child protection is not visible and validated. Customs and Excise personnel need to be vigilant.
- ▶ Justice system: ensure children are protected and the existing laws are enforced in a stringent manner.
- ▶ Education system/schools: ensure child protection, child rights issues are integrated in the school curriculum or mainstreamed in the POPFLE or Social and Environment Science subject.
- ▶ Children: children need to be empowered to ensure that they understand their rights and acquire life skills.
- ▶ Parents/caregivers: parents need to be vigilant on what goes on around them, teach and discuss with their children on sex and sexuality.
- ▶ Media: help educate the general public. They should also encourage open and

sustained discussion of child protection issues.

- ▶ Healthcare system: medical practitioners need to be sensitive to the needs of victims as well as treat them with dignity and respect.
- ▶ Private sector: the private sector needs to strengthen its corporate social responsibilities by supporting organizations, NGOs or child protection services.
- ▶ International organizations: continue to support capacity building and awareness-raising initiatives.
- ▶ Social care system: inform parents, provide psychosocial support, care and protection for child victims.

Establish a National Taskforce on child sex tourism

A National Taskforce is required to build a more strategic and collaborative approach to addressing child sex tourism. The taskforce will encourage the sharing of knowledge and expertise, prevent duplication of programs and promote a more considered approach to the distribution of resources. The Gambia Tourism Board should be responsible for leading such a taskforce and coordinating the engagement and action of concerned Government Ministries (like Justice and Interior). UNICEF could play a role in liaising with other child sex tourism stakeholders including UN Agencies, NGOs, children, private sector representatives and academia.

Engage tour operators (more) hotels and the private sector

Child sex tourism is not only the responsibility of Government, NGOs, UNICEF, communities and families. The Gambia Tourism Board should encourage tour operators and the private sector in The Gambia to use their networks, corporate knowledge, human and financial resources, business structures and leverage power to proactively address child sex tourism and other forms of child sexual exploitation. It should also encourage the private sector to establish a business forum or platform to mobilize corporate, strategic and financial inputs to combat child sex tourism and other related initiatives.

Promote regional and international cooperation on child sex tourism

The need to learn from other destinations and apply effective methods of prevention in the Gambia, should lead to more efforts to develop and sign regional Memorandum of Understandings. Counteracting child sex tourism at both national, regional and international levels calls for a more active participation in global networks and demonstration of a higher level of preparedness by countries to share data on travelling child sex exploiters. This would require that the Gambia enters into treaty agreements with 'sending countries' that would allow extradition of other nationals who engage in child sexual exploitation in The Gambia and escape justice. The Gambia should therefore enact extraterritorial legislation and provisions on child sex tourism. The Gambia Interpol Unit will also have to work with Interpol units of these countries so that there would be better and well-coordinated information sharing on and a list of convicted child sex offenders.

Legislation

Government and NGOs should intensify the awareness raising on the legislations, targeting all communities through every available communication means. The minimum age of legal marriage should be set at 18 years within the Children's Act 2005. It also should be mandatory for social workers, teachers, health personnel, law enforcement officers and employees in the tourism industry to report child abuse and protection cases (amend Children's Act 2005).

Develop of a National Plan of Action on child sex tourism

There is a need to quickly develop the National Plan of Action (NPA) on child sex tourism, which can either 'stand alone' from the National Action Plan being developed by the Department of Social Welfare or be an integrated part of it. This dedicated child sex tourism NPA will respect or acknowledge that child victims of sex tourism have differing experiences and needs to adults who are engaged in commercial sex or children who experience other special circumstances. In accordance with the Gambia's commitment to the Stockholm Agenda for Action (1996) and the Rio de Janeiro Declaration (2008), the NPA must take a cross-sectorial approach and bring key stakeholders together to deliver a comprehensive framework for action on child sex tourism. The NPA should address identified gaps in exist-

ing programs and policies and determine specific objectives, operational plans, designated actors, measurable targets, monitoring techniques and budgetary requirements which directly relate to child sex tourism.

Law enforcement

Many improvements can be made in law enforcement like improving the reporting mechanisms and the skills in detecting child sexual exploitation, fight poverty and corruption of law enforcement officers, enlarge the human and financial resources of the law enforcement agencies and organize and implement a better and structured follow up of reported cases.

Increase awareness and knowledge

Law enforcers have a critical role in preventing and responding to child sex tourism cases. An on-going and sustainable program of capacity building is required for all the law enforcement agencies to strengthen their knowledge of laws, and their practical skills in detecting, investigating and intercepting child sex tourism cases and responding to child victims. This would also require updating the Gambian Tourism Board's child sex tourism prevention training manual to including law enforcement and legal issues. Ultimately, the training manual should be mainstreamed into the training curriculum of the various law enforcement agencies.

Strengthen law enforcement in communities

Child protection activities should be intensified in certain communities near the Tourism Development Area where monitoring and investigation are required but inadequate. Sex offenders need to be warned that they are being watched anywhere they go.

Combat the intermediaries in sexual exploitation of children

It is recommended that tourism authorities take steps to prevent middlemen, such as tour guides, tourist taxi drivers and hotel workers, from facilitating the sexual exploitation of children. Regular and continuous training and awareness should be given to them on child rights, tourism ethics and other relevant issues. Moreover, there is a need to register all these groups and compel them to follow a Code of Conduct for the protection of children.

Monitor records at borders

The security forces at border posts should continuously be monitoring records of abusers, and potential offenders. The main stakeholders in child sex tourism should be ready and willing to share information. In terms of trafficking, all officers need to be vigilant and trained on trafficking issues especially in terms of verification, immediate response, etc.

Identify different types of tourists

For effective monitoring it would be good to have a clearer view of how many and what type of tourists and travellers come to the Gambia, and how they spend their time. The Gambian Tourism Board should make sure that the way tourists are identified and counted is functional for the fight against child sex tourism. Also travellers coming overland and from neighbouring countries should be counted. It is important that tourists entering over land from neighbouring countries are also registered as tourist arrivals and taken into account when dealing with child sex tourism. Tourism accounting systems and statistics should be adapted accordingly.

Reporting

Of all reporting systems it should be clear: where, what and when to report, what happens after reporting and its resources and effectiveness.

Establish a central reporting system

There is the urgent need to have in place a 24-hour toll-free telephone hotline with specific, easy-to-remember and widely published number(s), and which is manned by staff that are well trained to provide the necessary or needed services. Delayed response from the hotline and heavily loaded child protection services discourage potential reporters. For many travellers, using a computer or a smart phone might be an easier option for reporting than using a telephone. Therefore, it is advisable to develop a website and an app to report.

Increase trust and cooperation

The lack of trust is a big problem. Ways should be found to improve the trust stakeholders have in reporting systems. The best way to do this is to make sure that reporting leads to convictions. Another way to build trust is to improve cooperation with the stakeholders. By improving the cooperation stakeholders should feel more involved. It was recommended to look for more

cooperation with NGOs in the reporting and referral process. Cooperation could be sought with other systems of reporting like for family abuse, reporting in educational settings and local and traditional reporting systems. Local communities and youth should be involved more. Ways should be found to guarantee that those who report will be protected and that they will not find themselves in awkward situations afterwards.

Build effective referral and social welfare responses to child sex tourism

A functional referral system and an effective case management approach are prerequisites for efficient service delivery that meets the needs of child victims of sexual abuse and exploitation. Social workers, law enforcers and other child protection specialists should be equipped to manage intervention and recovery services for children at risk and victims of child sex tourism. To bring this about, the Department of Social Welfare could work with Community Based Organizations and other agencies to explore and establish community-based, non-institutionalized care options that meet the particular needs of child victims of commercial sexual exploitation and trafficking and prevent them from returning to exploitative situations. It is critical that these services address the current marginalization of boy victims and pregnant girl victims of commercial sexual exploitation.

Awareness

Respondents recommended to improve awareness of the issue amongst youth, victims, police, tourism staff and people in the communities. A plan should be made on how information materials get to the target group and how supply can be continuous. Campaigns against child sex tourism should be centrally managed by the Gambian Tourism Board with expert technical advice from behavioural change communication specialists. Campaigns should target specific audiences, include relevant, accessible and simple to understand messages, generate awareness and ignite public response and link to suitable reporting mechanisms including hotline numbers.

Increase reporting and awareness of the public

Agencies working in the area of violence concerning sexual abuse and exploitation of children need to work in collaboration with local mass media to increase reporting and awareness of the public on the issue. Utilizing grass root com-

munication channels such as community conversation, community radios, traditional communicators, cultural and social gatherings (religious and or cultural structures of the community) is also very important to reach the wider community.

Increase awareness on reporting of child sex tourism in the tourism sector

Tourists should be made aware of the channels that exist for reporting sexual offences against children. Tourists are most likely to witness inappropriate and illegal behaviour conducted by their fellow travellers, and many would want to report these cases, anonymously or otherwise. It should be possible to report anonymously, in different languages and in different ways.

Encourage tour operators in sending countries to participate in awareness raising

Tour operators, travel agencies, airlines and other travel and tourism companies in sending countries should be encouraged to include in their information materials that child sex tourism is illegal in the Gambia and is punished with lengthy prison terms and fines, for instance in travel brochures, ticket folders, luggage tags, video spots, public service announcements, and other methods to convey messages to travellers concerning child sex tourism.

Tourism

There is a need for regular trainings on child sex tourism with different stakeholders to refresh knowledge, exchange experiences and to invest in networking. Realistic ways of enforcing the Gambian Code of Conduct for the Protection of Children from Sexual Exploitation in Tourism through clauses in contracts should also be elaborated.

Develop monitoring and evaluation tools

The Gambian Hotel Association and the Gambian Tourism Board need to take a more effective role in the implementation and compliance with the different elements of the Gambian Code.

The Quality and Control Unit of Gambian Tourism Board should develop a comprehensive monitoring and evaluation tool that would assess implementation of each of the Gambian Code's criteria on an annual basis. Without such

a tool, it is be difficult to measure improvement in implementation of the Code or have a basis of evaluation. Code members should make yearly reports. CPA could monitor the process and the reports.

Involve other stakeholders

Other stakeholders such as small hotels, tourist taxi drivers and bumsters should be involved more with the Code and adaptations to their specific situations should be developed. Also include tourism schools and make the protection of children against sex tourism an obligatory topic.

Prevention

Children (including child victims and those at risk of sexual exploitation and child sex tourism) must be included as active participants in the process of policy and program development relating to child sex tourism. Meaningful child participation can be formalized through the use of Youth Advisory Committees, community-based programs and peer-to-peer initiatives. Children should be invited to contribute to the development of the NPA and to participate in the National Taskforce. Some suggested to install KIDS team in hotels like comparable to the so-called green teams. Youth organized in the youth groups of ChildFund and CPA should be involved in prevention programmes and in programmes to empower their peers in risk situations.

Strengthen protective capacity of families

The main factors that exacerbate the vulnerability of children to sexual exploitation are poverty and a dysfunctional family. The Ministry of Trade, Ministry of Tourism and Culture, Department of Social Welfare, UN Agencies and NGOs can play an important role in strengthening the protective capacity of families in communities around the Tourism Development Areas and thereby reduce children's vulnerability to child sex tourism and other forms of child sexual exploitation. This can include positive parenting training for mothers and fathers, improving access to local income generation sources, livelihood and vocational training for children out of school, initiating community-based support services, providing low-interest rates for struggling families and improving access to basic health care services.

Improve access to education and employment

Lack of education, limited employment options and boredom, all contribute to children and adolescents' vulnerability to child sex tourism and other forms of child sexual exploitation. Children must be provided with opportunities and encouragement to stay in school. This includes reducing school fees, educating parents about the importance of education and strengthening social services to monitor and encourage children's attendance. Vocational and higher education must meet the demands of the labour market and provide training which is compatible with existing employment opportunities.

Address the risk of child sex tourism via information and communication technologies

Information and communication technologies present serious child sex tourism risks. The Ministry of Information and Communication Infrastructure must strengthen the protective environment through stricter monitoring, filtering and blocking of websites containing child sexual abuse images. The Public Utilities Regulatory Authority (PURA) should oblige Internet Service Providers and GSM Companies, internet cafes and financial institutions to develop child protection codes of conduct and mandatorily report cases of child sexual exploitation. Public education campaigns need to be expanded to reach a wider audience of children, parents, teachers and other concerned individuals and groups to improve awareness of child sexual exploitation risks via digital technologies and promote accessible reporting mechanisms. In cooperation with internet cafes, programs should be setup to address youth using websites to lure tourists to the Gambia.

Monitor private houses of tourists

The respondents highlighted that prevention cannot do without a good system of monitoring that needs control measures to ensure that tourists who have bought properties in the Gambia do not have easy access to the children and monitor the ways and manners in which homes and compounds are either sold or rented out to tourists.

Rehabilitation of victims

There is a lack of shelters with necessary facilities. It should be a priority to create more sanctuaries for victims. There is a need to train psychologists and psychotherapists, and establish rehabilitation centres. There is also the need to strengthen the monitoring systems, which provides reliable data.

Research

Research is needed to gather data on the sexual exploitation of children in the Gambia. Only by gathering information, it becomes clear which children are at risk, which types of perpetrators come to the Gambia, where it happens and which stakeholders are doing what. This information is needed to improve the effectiveness of the combat against child sex tourism. Conduct regular and structural research on perpetrators, victims, trends in tourism, grooming and trends in internet dating.

Since the Gambia is known not only for male tourists looking for women but also female tourists looking for men, it would be good to do more research into the issue of gender and sex tourism/child sex tourism. One first issue could be to compare return rates of men and women with other countries. Comparative researches between neighbouring and regional countries and other major child sex tourism destinations on child sex tourism issues could be helpful in understanding child sex tourism and sexual exploitation of children.

B. Kenya

Main conclusions on the situation of child sex tourism and mechanisms to protect children:

- ▶ Child sex tourism is a recognised problem at popular tourist areas, such as Mombasa and Malindi.
- ▶ There are substantial international and national laws and legislation protecting children from sexual exploitation of children, however implementation is lacking.
- ▶ The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography is one of the key international documents that still need to be ratified.
- ▶ Cases often go unreported because a lack of faith in the system. Frequently used pathways to respond to harm against children are through the family and community/religious groups, as well as women and youth groups. Often chiefs and elders settle matters within the family or the community.
- ▶ There is no standardised case management and cases of sexual exploitation of children are categorised as child abuse, hence data is scarce.
- ▶ The follow up of cases is difficult due to lack of coordination between different services, lack of resources (understaffed offices) and corruption.
- ▶ There is a national toll-free telephone and web-based helpline that is functioning 24/7 available. 'Speak-out Boxes' is piloted in selected schools and in informal settlements.
- ▶ In 2013 a National Plan of Action against Sexual Exploitation of Children was adopted that focuses on prevention, protection, recovery and reintegration, coordination and cooperation, child participation as well as monitoring and evaluation. Unfortunately, important stakeholders are not yet aware of the Action Plan.
- ▶ Hotels have policies that prohibit visitors to check in with a local child or teenager, but there are no existing mechanisms to protect the child from being exploited elsewhere.

I Analysis of the issues

Situated on the equator on Africa's East coast, Kenya has been described as 'the cradle of humanity'. It is an ethnically and culturally diverse country with 42 ethnic groups. Christianity and Islam are the main religions. English and Kiswahili are the official languages, whilst Kiswahili is the national language. According to United Nations Development Programme, Kenya's population is currently estimated to be close to 43 million.³⁵

According to the World Bank Kenya Economic update 2013 "Poverty has likely declined".³⁶ But despite the economic growth, Kenya is among the world's 40 poorest countries, ranking 145 out of 187 countries on the 2013 United Nations Human Development Index. Inequality in Kenya

remains high with the top 10% of Kenyans earning 44% of the national income, whilst the bottom 10% earns less than 1%. The Kenyan poverty profile reveals strong regional disparities in the distribution of poverty. Kenya's poorest regions, including North Eastern Province, have twice the relative poverty headcount of least poor regions.³⁷ Corruption has been identified as a root cause for Kenya's unequal development. Kenya scores 27 on Transparency International's Corruption Perceptions Index. Corruption and bribery are holding back foreign investors, which also obstructs the development of the tourism sector.³⁸

35 UNDP, Kenya Country Profile: Human Development Indicators (Accessed August 2013)

36 World Bank, Kenya economic update 2013

37 UNICEF, Kenya at a glance http://www.unicef.org/kenya/overview_4616.html (Accessed August 2013)

38 Transparency International, Kenya <http://www.transparency.org/country#KEN> (Accessed September 2013)

Tourism

Kenya is one of the leading Tourism destinations in Africa. National nature reserves hold a vast array of wildlife, the country is culturally diverse and the Indian Ocean coastline includes several marine parks providing the basis for leisure tourism products. In addition, Kenya has developed various conference centres to high technological standards to target the business meetings, conventions and events tourism sector.

According to data from the Kenya National Bureau of Statistics, the number of tourism arrivals in 2012 declined by 2.3% to 1.23 million compared to the 1.26 million visitors who landed in the country in the previous year. The tourism industry has become a growing force in Kenya's economy. In 2012, tourism accounted for about 13% of Kenya's GDP, making it the third largest contributor after agriculture and manufacturing. The tourism sector is linked to other industries and has a wide range of impacts. This leads to a total contribution to employment of 11% in 2012 along the supply chain.³⁹

In 2012 66% of international tourists visited Kenya for leisure and 34% visited for business purposes. The main markets for tourists to Kenya include the UK, USA, Italy, Germany and France. In the African market Uganda, South Africa and Tanzania have been the leading nations. The Asian market was led by arrivals from India, followed by China and UAE.⁴⁰ In 2012 the industry's earnings were divided, 54% came from foreign visitor spending and 46% from domestic spending. Domestic tourism is expected to grow by 5% per year until 2023.⁴¹ The coastal area displays the highest levels of bed occupancy, followed by Nairobi and the Masailand.⁴²

Situation of children

Education

The Kenyan population is youthful with 45% below the age of 15 and 63% below 25 years.⁴³

An estimated 53% children aged between 0-18 years old live below the poverty line.⁴⁴ Most children attend primary school from 6 to 13 years. Rural families are more reluctant to invest in educating girls than boys at higher levels. Between the ages of 12 and 14, girls generally drop out of school at a higher rate than boys due to the lack of sanitary facilities at schools and the general family preference to focus limited resources on the education of sons. In 2008 the Ministry of Education estimated that 80,000 children dropped out of school annually due to forced marriage and child labour.⁴⁵

Child marriage

Child marriages are common, especially among pastoral communities, in districts including Kajiado, Transmara, Moyale, Wajir and Mandera. In some communities children are married off when they are as young as 6 years old. A sharp increase of child marriages is observed during periods of severe droughts, as the girl child is traded for cows and blankets.⁴⁶

Child labour

There are an estimated 3 to 4 million child labourers in Kenya, many of whom work in hard conditions, negatively affecting their health, education and development.⁴⁷ Children have jobs that make them vulnerable for sexual exploitation, such as domestic servants where they work long hours and are vulnerable to sexual harassment by their employers. Children are also subjected to debt bondage, prostitution, and sex tourism.⁴⁸

HIV infections

The number of new HIV infections is falling in Kenya, however the number of people living with HIV continues to increase as access to health

39 World Travel and Tourism Council (www.wttc.org/site_media/uploads/downloads/kenya2013_1.pdf) (Accessed August 2013)

40 Ministry of Tourism (www.tourism.go.ke/Ministry.nsf/pages/facts_figures) (Accessed September 2013)

41 World Travel and Tourism Council (www.wttc.org/site_media/uploads/downloads/kenya2013_1.pdf) (Accessed August 2013)

42 Ministry of Tourism (www.tourism.go.ke/Ministry.nsf/pages/facts_figures) Hotel Bed Occupancy by Zone

43 Kenya National Bureau of Statistics (KNBS) and ICF Macro. 2010. Kenya Demographic and Health Survey 2008-09. Calverton, Maryland

44 Kenya Social Protection sector review 2012, GOK Ministry of Planning, national Development and Vision 2030 http://www.vision2030.go.ke/cms/vds/Kenya_Social_Protection_Review_Final.pdf

45 United States Department of State (2012) Country Reports on Human Rights Practices – Kenya (www.refworld.org/docid/517e6e1d9.html) (Accessed August 2013)

46 WAOT (2007), Rights of the child in Kenya, An alternative report to the UN Committee on the Rights of the Child on the implementation of the Convention on the Rights of the Child in Kenya 44th session

47 Republic of Kenya (2011), Knowledge, Attitudes and Practices - Baseline Assessment on Child Protection Issues in 7 Districts in Kenya

48 United States Department of Labor (2010), Findings on the Worst Forms of Child Labor – Kenya

facilities and effective treatments increase longevity. In 2011 an estimated 6% of people aged between 15 and 49 were living with HIV and an estimated 1.1 million children in Kenya had lost one or both parents to AIDS.⁴⁹ Kenyan children with one or more HIV-infected parents are more vulnerable and less likely than other children to attend school. Children with infected parents are often given the responsibility to care for the sick parents and/or for younger siblings.

Street children

According to the 2012 Kenya Social Protection Sector Review, there are approximately 3.6 million orphans or otherwise classified as vulnerable children in Kenya.⁵⁰ Numerous and complex socio-economic factors have fuelled the rising presence of children on the streets. Poverty, HIV, rapid urbanization and the breakdown of traditional extended family support structures are factors behind the estimated 700,000 street children in Kenya.⁵¹ Some were orphaned, others abandoned, and some have chosen to leave families because of (sexual) violence. Violence against children is a serious problem in Kenya. Levels of violence prior to age 18 as reported by 18 to 24 year olds (lifetime experiences) indicate that during childhood, 32% of females and 18% of males experience sexual violence.⁵² Most cases of violence and abuse go unreported or are ignored especially child labour, sexual exploitation, physical abuse and neglect.

Many street children engage in ‘sex for survival’ in order to pay for food, drugs or protection. Children on the streets are caught in substance abuse which necessitates money, which in turn leads to offering their bodies for sexual services, which then again increases the desire for drugs in an attempt to overcome the traumatic physical and psychological consequences of the sexual exploitation. This situation is often mediated by ‘protectors’ who further exploit the children, by pimping them to other street members, the public and sex tourists.⁵³

Sexual exploitation of children

Children are engaged in commercial sexual exploitation and are reported to engage in prostitution within bars, discos, brothels, massage parlours and on the streets. While the majority of children exploited in prostitution are between 13 and 17 years, children as young as 9 are reported to be involved. In the agricultural sector, girls are sometimes forced to provide sexual services in order to obtain plantation work. Children from Burundi, Ethiopia, Somalia, South Sudan, Tanzania and Uganda are also subjected to forced labour and prostitution in Kenya.⁵⁴

Studies of UNICEF/GOK (2007)⁵⁵ estimates that ten to fifteen thousand girls living in coastal areas are involved in casual sex work and a further 2000 to 3000 are engaged on full time basis year around. Research of ECIK (2010)⁵⁶ suggests in a baseline survey that about 50,000 children are involved in child sex tourism. The majority of children are aged between 15-17 years. About 50% work full time while the others are engaged part time, have parents and are still attending school. They are engaged in prostitution for ‘pocket money’. Many girls feel that commercial sex is an acceptable way of making money. The coastal area is the main center for child sex tourism, but children come from all over the country. About half of the children (45-55%) had migrated to the coast, mainly from the eastern, central and western provinces. Children are forced by agents and family members to engage in prostitution. It is a common phenomenon in the urban areas as well as at the coast. About 70% of the children interviewed (150 children) by ECIK stated that they had been involved in prostitution either by force by parents/guardians or because they needed the money. Children who are exploited in the sex industry have no access to health facilities.

Offenders and organizers

The UNICEF/GOK research (2007) shows that the main perpetrators are Kenyan nationals (38%) followed by Italians (18%), Germans (14%) and Swiss (12%). ECIK research (2010)

49 NACC and NASCOP (2012), Kenya AIDS Epidemic update 2011

50 Kenya Social Protection sector review 2012, GOK Ministry of Planning, national Development and Vision 2030

51 UNICEF and GOK (2010), Situation analysis of children, Young People and Women in Kenya over 2009

52 Republic of Kenya and UNICEF (2012), Violence against Children in Kenya: Findings from a 2010 National Survey.

53 UNICEF and GOK (2010), Situation analysis of children, Young People and Women in Kenya over 2009

54 United States Department of Labor (2008), 2007 Findings on the Worst Forms of Child Labor – Kenya

55 GOK/UNICEF (2007) The Extent and Effect of Sex Tourism and sexual exploitation of children on the Kenyan Coast

56 ECIK (2010), Baseline survey on child sex tourism in Kenya

illuminates that there are secretive networks of agents who aid the perpetrators to access children, some of these middlemen see no wrong with the actions as they argue that they are helping the child to make a living.

Social media

According to an article ‘Child-sex trade epidemic defiles Kenya’s tourism industry’ (2013)⁵⁷, child sex tourism has found new ways of operating as “International paedophiles use an intricate scheme to lure children into the sex trade with the help of local pimps and social media...” The pimps recruit the girls by disguising themselves as international aid workers and instructing them to open a Facebook page to facilitate communication with a ‘donor’. The tourist then sends a ‘friend request’ and slowly begins to communicate with the child, morphing the relationship into a courtship with the promise of financial stability.

Case – from the article ‘Kenyan coast haven for child-porn producers’

John started sex work when he was 9 years old. He did his first pornographic film when he was 11 and his second when he was 13. Now 17 years old and a junior in high school, he says a European man - a self-professed ‘filmmaker’ - had boys and girls sign a consent form to be recorded having group sex. The production, he says, took place at a rented Mombasa brothel, where it could be staged without attracting attention. After being presented with alcohol and encouraged to drink, the children, he says, had unprotected group sex with older men before a production team. “The worst thing is, we did it unprotected”, says John, explaining that young children are too naive to understand the importance of protecting themselves and that older men see them as disposable.

Source: www.voanews.com/content/increasing-reports-of-child-pornography-on-kenyan-coast/1489555.html (Accessed August 2013)

A research of PLAN and CRADLE (2010)⁵⁸ showed that ICT use is on the increase in Kenya and that children are encountered or receiving

sexually suggestive or pornographic materials. After surveying the online life of 135 children in Nairobi aged between 11 and 18 years, the researchers found out that children often accept friendship requests from strangers, who then make sexual advances.

II Responses to the issues

Government

International legislation

The Government of Kenya has been working on combating sexual exploitation of children for several years. The commitment has been demonstrated through the enactment of national laws and international commitments, such as the ratification of the United Nations Convention on the Rights of the Child (UNCRC) in 1990 and the African Charter on the Rights and Welfare of the Child (ACRWC) in 2000. The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography is one of the key international documents that still needs to be ratified.

National legislation

The Children’s Act of 2001

The Government of Kenya enacted the Children’s Act in 2001 to, amongst other things, consolidate laws on children in Kenya and to domesticate the UNCRC and the ACRWC. The Act provides for the rights and welfare of all children in Kenya and defines a child as “any human being less than 18 years”.

The Sexual Offences Act of 2006

This Act was enacted for the purpose of protecting all persons from unlawful sexual acts and connected purposes. The Act defines sexual offences and expressly prohibits sexual intercourse with persons under the age of 18 and terms the offence as defilement. The Sexual Offences Act specifically provides for legal provision for protecting children from sexual abuse and exploitation. The Section No. 14 on child sex tourism states that:

A person including a juristic person who:

a) makes or organizes any travel arrangements for or on behalf of any other person, whether that other is resident within or outside the borders of Kenya, with the intention of facilitating the commission of any sexual offence against a child, irrespective of whether that offence is committed,

⁵⁷ www.kenya-today.com/news/pornography-in-nairobi-kenya (Accessed August 2013)

⁵⁸ The Cradle and PLAN International (2011), An Exploratory Study on Child Online Safety in Kenya

b) prints or publishes in any manner, any information that is intended to promote or facilitate conduct that would constitute a sexual offence against a child, or

c) introduces, organizes or facilitates contact with another person under the auspices of promoting tourism, in any manner, in order to promote conduct that would constitute a sexual offence against a child is guilty of an offence of promoting child sex tourism and is liable upon conviction to imprisonment for a term of not less than 10 years and where the accused person is a juristic person to a fine not less than 2 million shillings.

National Action Plans

As a follow up of the Stockholm Declaration and Agenda for Action, a draft National Plan of Action (NPA) against Sexual Exploitation of Children was developed in 1997. However the draft NPA was never adopted. In 2010 the National Council for Children's Services, in collaboration with Civil Society Organisations, conducted consultative workshops on the development of a National Plan of Action against Sexual Exploitation of Children. ECPK, Children's Legal Action Network (CLAN), Child Aid Organization and the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) regional office was involved in the development of the NPA against Sexual Exploitation of Children in Kenya. In June 2013 the NPA was adopted.

The NPA is developed around the areas of prevention, protection, recovery and reintegration, coordination and cooperation, child participation as well as monitoring and evaluation. The NPA is the first tangible indication of Kenya's commitment to combat sexual exploitation of children in Kenya.

- ▶ Under the focus area 'Prevention' there is an objective "To protect children from sex tourism". The planned activities under this objective are:
- ▶ Domesticate the International Code of Conduct for the travel and tourism industry.
- ▶ Sensitise visitors coming to Kenya on the relevant laws on sexual exploitation of children, including information on extraterritorial jurisdiction.

- ▶ Include awareness about sexual exploitation of children and guidelines for prevention and action in the tourism and travel personnel training.

- ▶ Provide information to visitors/travellers on child sex tourism in Kenya.

- ▶ Promote socially responsible tourism through travel promotion packages by the Ministry in charge of tourism.

- ▶ Train actors in the tourism sector on sexual exploitation of children (including the taxi and tour operators).

Under the focus area 'Identification' there is an objective "To enhance reporting mechanisms on sexual exploitation of children in Kenya". Activities under this objective include:

- ▶ Decentralise the Child Helpline 116.
- ▶ Establish a sub-committee under the Area Advisory Councils (AACs).
- ▶ Establish or strengthen the existing child protection systems.
- ▶ Create a comprehensive directory of sexual exploitation of children service providers.

As a result of the above an indicator has been set as increased number of sexual exploitation of children cases reported.⁵⁹

National Child Protection Framework

The Government of Kenya has recently (2011) put in place a Framework for a National Child Protection System and is currently developing a National Child Protection Strategy as well as a response plan for child protection. The Framework for the National Child Protection System recognizes that child protection is a multi-sectorial and multi-disciplinary affair.⁶⁰

59 National Council for Children's Services (2013), The National Plan of Action Against Sexual Exploitation of Children in Kenya 2013-2017

60 Information provide by UNICEF, Kenya office interview 9th of August, 2013

In Kenya, there are formal as well as informal child protection mechanisms. Formal systems are mainly state driven, whilst informal systems are community based, where families, children and schools are included. In addition there are international and national NGOs and Church Based Organizations playing a major part in child protection.

Key components of the country's emerging child protection system are the Child Protection Centres at the county level. Their purpose is to respond to violence, exploitation, abuse and neglect, oversee protection of children separated from their parents and raise awareness about child rights. Currently Kenya has 3 operating Child Protection Centres. The Government operates the Centres in Malindi and Garissa. The original one in Nairobi is still run by AMREF, in collaboration with the Government. The Government has pledged to establish 4 new Child Protection Centres every fiscal year, with the aim of eventually covering all of the country's 47 counties. In 2013, centres will be opened in Kakamega, Nairobi, Nakuru and Siaya (UNICEF).

Important delivery components of the system exist at the district level and at lower levels as well. District Children's Officers and Volunteer Children's Officers organize child protection services, facilitate referrals across services, and monitor and promote child welfare. They work closely with local child protection stakeholders whose work is coordinated by the Area Advisory Councils (AACs). The AACs are specialized in issues of rights and protection of children within their area and they support and monitor children's services. The AACs members are line Ministries, NGOs, Faith Based Organizations and the community. NGOs and Civil Society Organizations also play an important role, particularly in providing residential, educational, legal aid and health services.⁶¹

Rehabilitation schools are Government institutions and are meant for children, above the age of 10 years, in conflict with the law. There are around 12 rehabilitation schools in the country, 2 of which are devoted to girls exclusively. Some of the rehabilitation schools have been reclassified as child rescue centres to provide protection to children in need of care and protection,

including abused children, abandoned children, victims of trafficking, and exploited children.⁶²

Responsible Ministries

The Ministry of Labour oversees all children's issues. The Ministry is advised by the National Council for Children's Services (NCCS), which is a semi-autonomous Government agency, is established under the Children's Act 2001 to plan, regulate and coordinate children rights and welfare activities. The Department of Children's Services is responsible for all child related matters in the country and operates its child protection mandate through District Children's Officers at national and subnational levels. Together, these bodies coordinate the work of different Government Ministries (e.g., the Ministry of Local Government, the Ministry of Health, the Ministry of Education, the Ministry of Finance, the Ministry of Planning and National Development), the police and the judiciary, and private sector actors such as national and international NGOs, and Faith Based Organizations on child protection and welfare. There are Chiefs who are Government employees and often seen as the main local leader and the connector with other Government services such as the police and the District Children's Officers.

Challenges identified by the NCCS are that policies are adopted, but not implemented, monitored or evaluated. Matters are complicated further in that many duty bearers are not aware of all the different laws and policies, regulations and guidelines, leading to misapplications that result in children falling through what should be a protective net.

NGO's

A number of NGOs at the coast, and nationally, are involved in the identification and rescue of child victims of sexual exploitation. They support the victims to access the formal protective system such as the police and the Children's Officers. In addition, NGOs offer recovery and reintegration. These actors play a vital role in referral mechanisms, with the main role to care for the abused child. However, as the NGOs are running on project basis activities are carried out subject to funding.

61 NCCS (2011), The framework for the national child protection system for Kenya

62 Republic of Kenya (2011), Knowledge, Attitudes and Practices - Baseline Assessment on Child Protection Issues in 7 Districts in Kenya

Childline Kenya

Childline Kenya is a NGO that operates the National Child Helpline 116, Kenya's only 24-hour, toll-free telephone and web-based helpline for children. The helpline is housed within Government structures and has a Memorandum of Understanding with the Kenyan Government that states that Childline is a technical partner but that the aim is that the Childline will be run by the Government in the future. Victims and anyone who knows or has reason to suspect that a child is being abused, exploited or is undergoing violence can call this Helpline. Childline works closely with a network of members and referral partners from the children's rights and child protection sector, which makes it possible for Childline to refer and offer children the support they require in areas such as health, legal aid, safe shelter, emergency response and counselling.

Charitable children institutions

Charitable children institutions are homes or institutions established by an individual person, corporate, a religious organization or a NGO and have been granted approval by the National Council for Children's Services to manage a programme for the care, protection and rehabilitation of children. These are privately owned and managed institutions that operate as charities or trust and rely heavily on donors or benefactors.

Child protection coalitions

There are several coalitions focusing on the rights and protection of children in Kenya. Specifically, End Child Prostitution in Kenya (ECPiK) is a coalition of 19 civil society organizations working together to minimize child prostitution, sexual exploitation, child pornography and trafficking of children for sexual purposes in Kenya. The African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) hosts the ECPiK network. ECPiK is part of ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children) – East Africa.

Tourism sector

The Kenyan Government developed the Tourism Act of 2011 which provides for the development, management, marketing and regulation of sustainable tourism and tourism related activities and services and for wider connected purposes. The Act has led to the development of a National Tourism Strategy, tackling the different aspects of the market: from improving the qual-

ity of services and human resources employed in the industry, to increasing the number of tourists visiting Kenya, and boosting domestic tourists.⁶³ There is a special Tourist Police who operates a 24/7 helpline and several offices at the main tourist destinations of Nairobi, Masai Mara, Mombasa and at other points along the coast.⁶⁴ The Kenyan Tourist Board (KTB) defines the national and international marketing activities. It works closely with private associations such as:

- ▶ Kenya Association for Tour Operators (KATO).
- ▶ Kenya Association for Travel Agents (KATA).
- ▶ Eco-Tourism Society of Kenya (ESOK).
- ▶ Kenya Association for Hotelkeepers and Caterers (KAHC).
- ▶ Mombasa Coastal Tourism Association (MCTA).
- ▶ Kenya Tourism Federation (KTF).
- ▶ Pubs Restaurants and Entertainment Association of Kenya (PERAK).
- ▶ Watamu Marine Association (WMA).
- ▶ Kenya Association of Local Tour Operators at the Coast.

All associations have their own policies and codes of conduct with ethical regulations obligatory to their members.⁶⁵

Tourism Child Protection Code

In 2006 KATO, KAHC and MCTA, together with approximately 20 hotels, became signatories to the Tourism Child Protection Code. A second signing procedure with an additional 20 hotels was carried out in 2007. The implementation of The Code began successfully with the implementing hotels receiving support in capacity building and training. Local training materials as well as information folders were developed and distributed. Unfortunately, the project to support the signatory hotels was ended and with that also the support or monitoring of the implementation of The Code. The Code secretariat

63 GOK, Department of tourism, Ministry of East Africa, Commerce and Tourism, National Tourism strategy 2013-2018

64 Ministry of Tourism (www.tourism.go.ke/Ministry.nsf/pages/security) (Accessed September 2013)

65 GOK (2011), Tourism Act ([www.tourism.go.ke/Ministry.nsf/doc/The%20Tourism%20Act.pdf/\\$file/The%20Tourism%20Act.pdf](http://www.tourism.go.ke/Ministry.nsf/doc/The%20Tourism%20Act.pdf/$file/The%20Tourism%20Act.pdf))

has developed new tools to support implementation, but these have not been shared with the Kenyan stakeholders as there is currently no Local Code Representative.

In 2010 the NGO Solwodi developed a Kenya National Code of Conduct on Child Protection in Travel and Tourism with support of UNICEF, and in collaboration with stakeholders, including the Ministry of Gender, Children and Social Development and the Ministry of Tourism. A total of 32 hotels and establishments were trained. Due to lack of ownership and financial support the implementation of the National Code came to a halt. However, the National Plan of Action against Sexual Exploitation of Children in Kenya 2013-2017, points to a domestication of the international Tourism Child Protection Code as an area of development for the private sector.⁶⁶

Travelife

Travelife is an international certification scheme that has been developed by the travel industry for the travel industry. Travelife has been designed as an affordable and fair system that helps hotels and accommodations to improve the way they manage their social and environmental issues, by complying with sustainability criteria. Within these criteria, there are specific measures for the protection of children against sexual exploitation in tourism that are extracted from the Tourism Child Protection Code. If an accommodation meets the criteria requirements, they receive a Travelife Bronze, Silver or Gold award, allowing them to proudly display their award plaque and showcase their sustainability achievements to their customers. Some associations and tour operators require this from their suppliers. Until now, Travelife has accredited only 1 hotel.

III Reporting mechanisms

Police

Children's help desks are desks established in various police stations to receive and respond to cases of child abuse, child exploitation and violence against children. In 2011 the Kenyan police received reports that 3,191 children were defiled (defined as a sexual act with a child involving penetration), down slightly from 3,273 reported the previous year.⁶⁷ The police help desks have very limited opening hours.

Childline Kenya

National Child Helpline 116 is Kenya's only 24-hour, toll-free telephone and web-based helpline for children. In addition to the toll free number, which requires access to a telephone, Childline has placed 60 'Speak-out Boxes' in selected schools and in informal settlements. The boxes are another means of getting in touch with the helpline as children can leave messages with issues and concerns affecting them. Trained guidance and counselling teachers respond to the messages and refer any serious or complex cases to the National Child Helpline team. The telephone operators receive 2 weeks of training consisting of, for example, trauma counselling, legal procedures, and basic medical and referral mechanisms.

In 2012 Childline received 607,429 calls of which 368 were defined as cases of sexual exploitation of children. Childline uses a definition of commercial sexual exploitation that includes child marriages and child prostitution. Of the 368 cases, 322 calls were related to child marriages (which can include trafficking) and 20 were identified as cases of child prostitution.

Community based child protection mechanisms

According to the research of Interagency Learning Initiative on Community Based Child Protection Mechanisms (2013) the most frequently used pathways to respond to harm against children were through the family and community/religious groups, as well as women

⁶⁶ SOLWODI (2010), The Kenya National Code of Conduct on Child Protection in Travel and Tourism

⁶⁷ United States Department of State (2012) Country Reports on Human Rights Practices – Kenya

and youth groups. For particular harms and cases people would turn to the chiefs, as well as elders, whom are appointed and seen as the arm of the Government as well as the police.

When it comes to cases of sexual abuse and exploitation it was frequently the mother, a teacher or a community member who discovered that a child had been raped. The child would be asked to identify the perpetrator and then the adult would inform the village elder, who notifies the police. Police would arrest the perpetrator and then take the child victim to hospital for treatment and collection of evidence as well as the completion of an official P3 form.

If a stranger carries out a case of child defilement and he was caught in the act, numerous violent responses of the community were reported by the research informants, such as burning the perpetrator to death by putting a tyre filled with petrol over his head and lighting it.

Data registration

Data on registered cases of child abuse is collected at several instances. Reporting child abuse can be recorded through police files via Children's Officers (a case report sheet), hospitals (a P3 form), and through Childline Kenya. These formats are currently not harmonised and does not belong to a standardised database, therefore generating unreliable statistics because the same case can get recorded more than once.

For a case to get registered and officially recorded at a national level, it is a Children's Officer who is responsible for registration through a 'case report sheet'. Currently the UNICEF Kenya office is supporting the Government with the establishment of a national child protection database, which will be an online case management system/database. The database is still in a pilot phase and will be scaled up and implemented at a national level.

IV Assessment of child protection mechanism- Field research



Methodology of the field research

To gain an understanding of the existing child protection framework, laws/legislation and issues around sexual exploitation of children in Kenya a desk review was undertaken. Simultaneously informal meetings with various experts on child protection and child rights and legal specialists were undertaken with the goal of identifying key stakeholders in the reporting system.

Tools to collect quantitative and qualitative data at a national level from informants such as Government Offices, i.e. the Ministry of Tourism, Children's Department and the Judiciary were sent to the respective Ministries. Despite several efforts and follow-ups these were never returned and hence unable to be used in the analysis.

Field research was carried out in Mombasa and Malindi. These areas were selected as they are popular tourist areas and have been identified as areas where child sex tourism takes place. The field research was carried out by the local partner Sowoldi (Solidarity with women in distress), with the assistance of an intern. The local partner identified the key stakeholders, including the NGOs working in the field of child protection

Case story

During the field research the local partner Solwodi identified a case of sexual exploitation of a child that illustrates how the reporting mechanism functions in practice.

In September 2011, a 14-year-old girl was found bleeding in the Malindi area. The girl (NN) was assisted by a *samaritan* and a case of defilement was reported to the police by the aunt and the *samaritan*. NN originated from the western part of Kenya but after becoming an orphan she had moved to her aunt in Malindi. The aunt was working in a bar, and the girl took care of herself. Overtime the girl started abusing alcohol and drugs and she ended up in prostitution to afford her addictions. At night time, when the aunt was working NN went out on the streets. Her schooling was affected and NN stated to drop out and run away from school.

The night the girl was defiled she got assisted by the *samaritan* and her aunt. They first took NN to the police who referred them to the hospital where a P3 form was filled. They then returned to the police with the P3 form. The police started their investigation and managed to arrest a suspect. The police informed the Child Protection Centre and the case was brought to court. However during this time, NN, still with her addiction, had run away from the aunts house, and did not show up in court. The police was asked by the court to assist in locating NN. When she was identified she was taken to police custody for some days - then the Child Protection Centre arranged for her to be transferred to a Bostal Home, a 'home' for child offenders.

Two years later, September 2013, NN is still in the Bostal Home, the suspect is in custody, and there is no date for a trial. During her time at the Bostal home NN is deprived of education. The case has been brought to the attention of Solwodi who is together with the aunt trying to assist NN to bring the case forward.

by 'snowball sampling'. The goal with the field research was to collect information directly from the key stakeholders and identify the existing reporting systems in the field of child protection and within the travel industry. Semi-structured interview tools were used to collect information and data.

A total of 11 Governmental authorities were interviewed, such as the Tourist Police, manager of a Child Protection Center, District Children Officers, Labour Officer, Police Prosecutor and an Immigration Officer. There were 11 people of civil society organizations and national & international Non-Governmental Organizations consulted by telephone and/or email. People who are active within the community were also interviewed, such as a Volunteer Children's Officer, a village elder. Furthermore, a focus group discussion was held with 6 peer educators within the NGO Solwodi. From the tourism sector the Kenya Association of Hotel Keeper and Caterers (KAHC), the Mombasa Coast Tourism Association (MCTA) and 6 hotels were interviewed.

Information gathered during the interviews were summarised in transcripts and analysed by the local partner, the intern and the expert. During a workshop with key stakeholders the findings were shared and recommendations on

improvements to the existing structures were developed.

The case of Solwodi indicates how time-consuming the protection system and the reporting mechanisms are. The cases prove that the system does not function by itself but parents/guardians/NGOs need to follow up and play a vital role when it comes to referrals and terminating a case in the best interest of the child. In terms of standards of child protection it is notable that the victim has been deprived of her right to education. She has been treated as a criminal and her basic needs and rights have not been catered for.

Reporting

All informants in this research, ranging from NGOs, Church Based Organizations, Government Officials and the tourism sector think that child sex tourism is a problem in Kenya. They say it can openly be seen in many clubs and at the beach. The community does not see it as much of a problem, but more of a means of earning money to support the families. People don't report cases immediately to the police. There is a lot of secrecy about it as people are economi-

cally benefitting. Parents may not want to report a case because they see it as it is a ‘family matter’, or the child abuse/exploitation takes place within the family and/or with the knowledge of family. Chiefs and elders settle matters of child abuse and sexual exploitation within the family or the community.

The reporting mechanisms mentioned by the informants varied. Most key stakeholders mentioned the police, the gender desk at police stations, Child Helpline 116, Child Protection Centre and health facilities. They all stated that cases should be reported to the police. However, informants also shared that cases often go unreported because a lack of faith in the system. When asked about the National Plan of Action against Sexual Exploitation of Children in Kenya a majority of respondents were not aware of its existence, hence they could not share if they had a role to play.

Follow up of cases

The follow up of cases is difficult due to lack of coordination, resources (understaffed offices) and corruption. Cases can drag out in court, which brings high costs. According to respondents from the tourism sector, reports often are not followed up because of lack of evidence, for instance when a client tries to check in with an underage child. The tourist will be “milked like a cow” by the police and the case will be dropped.

These findings are supported by the research of Interagency Learning Initiative on Community Based Child Protection Mechanisms (2013)², where it was reported that perpetrators bribe the police, who then drop the case. Sometimes the perpetrator would give money to the child’s family and the case would be dropped. The courts also drop cases due to the fact that members of the victim’s family were unwilling to testify, because court personnel following the case would be transferred, or because the case got lost in bureaucracy and overburdened courts.

When it comes to referrals victims do not always get the services they need and even are exposed to additional trauma. The existing legal and judicial systems are not child-friendly. When child victims come in contact with the system, they are often regarded as criminals or have initiated the offence. Untrained and overburdened law enforcement personnel often handle the response process. There are a limited num-

ber of organizations that can cater for referrals. In Mombasa there is only 1 rescue centre. The centre lacks sufficient resources and knowledge to deal with minor victims of sexual exploitation. District Children’s Officers have an important role when it comes to assisting the child and making sure cases go to court, but they are under resourced. Often there is only 1 District Children’s Officer within a sub-county.

An additional weakness mentioned by police informants is the limited health facilities in the rural and informal settlements. This means that when a crime happens on a Friday the person might have to wait until Monday to report the case. By that time, the evidence has “been washed out”.

Case management

According to the police interviewed in this research there is no clear reporting mechanism at present. The statement is confirmed by Childline Kenya, adding that there are no clear case management guidelines. Each organisation defines how they would prefer to handle cases. Case management is described as difficult as there is no specific case management system in place. It is expensive to take a case through the system and the pro-bono services are overwhelmed with cases and requests for support. During the handling of cases children might be separated from family and put into institutions/rescue centres that can harm the child, as they may be better off with the family. Reintegration can be difficult and children might not be safe during the handling of cases. Some parents choose to run away or send the children away so that there cannot even be a case.

Tourism

Even though the majority of the interviewed hotels visited do not belong to a national/international corporate social responsibility scheme nor have a specific policy and complaint mechanism in place on child protection, they all had a policy that did not let anyone underage check in with a visitor. If a client tried, they would be requested to leave and the attempted exploitation would go unreported. There are no existing mechanisms or policy to protect the child from being exploited elsewhere.

Reporting procedures that were identified show that reporting goes from the staff member, to the front office, to the security officer, to the

manager who would contact the police. None of the hotels has handled a case of child sex tourism, making it impossible to assess the effectiveness of its reporting mechanism related to child abuse.

The 2 tourism associations that were interviewed had integrated child sex tourism into their policies. KACH stated: “Discourage sexual tourism or exploitation of human beings in any form, and especially when applied to children and the mentally or physically challenged persons” and MTCA “will combat age and gender exploitation, particularly sexual exploitation of children as this is a negative consequence of tourism and conflicts with the fundamental aim of promoting common human ethical values that enhance understanding and respect”.

The industry and the Tourist Police have monthly security meetings in every county where cases of sexual exploitation of children can be discussed. Unfortunately it is never a subject on the agenda.

The awareness on implementing the UN Guiding Principles on business and human rights and corporate social responsibility policies remains low at the hotels and associations interviewed but in practice every company has their own way of supporting the community in their area of operation. Efforts include food donations or cooperation with schools. Corporate social responsible certified tour operators demand certain reporting standards for the monitoring of their supply chain and its impact. Of the 6 visited hotels 3 had received training on corporate social responsibility by the tour operator.

Hotel informants stated also that child sex tourism is no longer a problem at hotels since The Code activities in 2006 and 2007. There have been no cases of child sex tourism at hotels since they are checking IDs and not letting anyone underage check in with a client. According to them, child sex tourism takes place in other establishments like private villas and the hotels you can hire by the hour.

V Conclusions country assessment Kenya

Child sex tourism is a problem at popular tourist areas in Kenya, such as Mombasa and Malindi. The Kenyan Government has put efforts in developing laws and policies to protect children against sexual exploitation and support victims. With the National Action Plan (NPA) against Sexual Exploitation of Children (2013-2017) the Kenyan Government wants to improve the child protection mechanisms. Unfortunately, the NPA is not yet well known amongst different important stakeholders and therefore they are unaware of their tasks. To implement the activities suggested in the NPA human and financial resources are needed.

Cases can be reported at the children’s help-desk of the police (limited open hours) and the Child Helpline 116 (24-hours, toll-free telephone and web-based). Frequently used pathways to respond to harm against children is through the family and community/religious groups, as well as women and youth groups. For particular harms and cases people would turn to the chiefs, as well as elders, whom are appointed and seen as the arm of the Government as well as the police.

When it comes to specific challenges with the existing reporting mechanisms related to cases of sexual exploitation of children in Kenya there are the following issues:

- ▶ Poor implementation of policies.
- ▶ Lack of coordination and cooperation of stakeholders.
- ▶ Understaffed offices with insufficient trained personnel.
- ▶ Corruption.
- ▶ High legal costs.
- ▶ Low awareness in the community and the law enforcement agents.
- ▶ No standardized form of reporting.
- ▶ Cultural acceptance of sexual exploitation of children.
- ▶ Social and cultural practices where cases are settled within the community.

VI Recommendations for Kenya

Child protection structures

Improve existing child protection structures

Currently the reporting system in Kenya has both formal and non-formal elements. For the existing structures to function more efficiently, the formal and the non-formal systems need to be connected and recognised by all stakeholders. In addition, the roles and responsibilities of each duty bearer need to be made clear and communicated to all stakeholders.

The police, District Children's Officers and health/hospitals are key stakeholders when it comes to collecting evidence and bringing a case to the court. This formal structure should be used but need to function more efficiently. The structures need to be strengthened, as there is a lack of capacity in terms of both human resources and competence. The police need to have a properly staffed children's helpdesk and the District Children's Officers need be sufficient in numbers. The reporting chain from police-hospital-Children's Officer is more likely to function satisfactory if they were using the same definitions and classifications of the cases/abuses.

The 116 Childline is well functioning as a connector to children's services and further support. However, it is not operating as an emergency line and needs to develop additional working methods to ensure rapid response and connect with the police 112/999 numbers. Also, Childline need to establish ways to operate in a decentralised way.

The Child Protection Centres (CPC), the so-called 'one stop shops' for children in need of protection, caters for the child's need. The CPCs should be established in every county at strategic locations.

The Chiefs (who belong to the formal system) and elders (who belong to the informal system) are the persons close to community members that receive reports of child abuse. Furthermore, they are the connectors to the formal system such as the police and the District Children's Officer. If strengthened, this part of the system should be used more systematically. Chiefs and elders should not settle matters of child abuse

and sexual exploitation within the family or the community, as these settlements do not necessarily cater for the needs and best interest of the child. Instead they need to be able to support family members to bring the cases to the formal system to ensure that the law is followed and that the need of the child is properly taken care of. The non-formal (traditional courts) may have positive elements that should be studied/identified and, if in the best interest of the child, enrich the current legal system.

Integrate the protection of children in existing structures within the tourism sector

Within the tourism sector, child protection, including prevention of sexual exploitation of children, should be integrated into already existing corporate social responsibility policies, codes of conducts and corporate social responsibility mechanisms throughout the supply chain of enterprises operating in the sector. Tour operators in tourist sending countries should request from their suppliers that they have child protection policies in place. The international tourism supply chain should be utilized better. The monthly security meetings with the Tourist Police could be used for discussing issues of child sex tourism.

Reporting

Improve existing reporting systems

The reporting system need to be mandatory and the mechanism that should be followed when a case of child abuse is reported should always make use of the same path and sequences. The formal and non-formal system needs to be brought together. The system need to have a monitoring, evaluation and reporting structure that could be implemented and followed up on a regular basis by the Government, preferably within the National Council for Children's Services.

The reporting mechanisms need to be easy to access, transparent, free-of-charge and staffed by knowledgeable and skilled personnel. The process should involve as little transferring as possible with all services available through 1 access point. For example, the process of obtaining a P3 medical reporting form from police doctors is too complicated and time-consuming, which puts an additional and unnecessary burden on victims and their families.

The Government could consider making reporting of child abuse compulsory. Currently, failing to report child abuse to the official authorities once it has been disclosed to a professional, such as doctors or social workers, is not a criminal offence.

Establish child friendly ways to report

There need to be a variety of ways for children to report cases of abuse. Everyone does not have access to a phone or the strength to go to the Children's Officer or to the police. For example, 'Speak out boxes' used in schools where children can anonymously report/take up concerns, is a way to widen the reporting options. Also, child friendly ways to report emergency cases has to be developed urgently. Childline should have offices in certain areas where children are at risk of being abused and obviously there should be a Childline office in Mombasa.

Establish a central database, including referral mechanism

One central database should be established including child sexual abuse and exploitation. The various reporting forms should be harmonised such as the P3, the police records and the forms used at the Children's Department Services. The database should include a multi-sectorial referral system enabling linkages between the various key stakeholders. It should be possible to follow up on cases at any time in the database and to identify where in the process the case is located. A referral mechanism need to be developed and a database should be established that could be used by the police as well as the District Children's Officer and NGOs for quick referrals and child protection management. The database needs to be secure and data should only be made available to an agreed list of key stakeholders.

Build capacity at stakeholder level

Any system is only as good as the human resources working within the system. For improvement to take place, institutional capacity building has to take place at all levels within the system. The existing legal and policy framework need to be followed and implemented. Awareness and knowledge has to be enhanced at community level about the Kenyan legislation and child abuse, specifically sexual exploitation of children. The acceptance of child sex tourism

within the community, especially at the coast, need to be addressed.

Other stakeholders within the system, such as the Volunteer Children's Officers, the Chiefs, the elders and the Area Advisory Councils (support and monitor children's services within an area) need to enhance their knowledge about sexual exploitation of children and that these matters should be settled in court. In addition, the policy of establishing a child helpdesk staffed by a trained officer at each police station should be implemented. The judicial system needs to be equipped with the resources to deal with child abuse cases efficiently and in a timely manner.

Improve implementation, monitoring and coordination

As suggested in the National Plan of Action against Sexual Exploitation of Children, it is vital to establish a mechanism to support coordination, integration and implementation of the NPA at all levels. Putting in place an institutional mechanism at the national, county and local levels is key to the implementation of the NPA. The mechanism is needed as a channel for access and partnerships in regards to planning, management, implementation and coordination, monitoring and evaluation of the implementation of the NPA. Therefore, the NPA needs to be adequately equipped with human and financial resources.

Further, the National Counsel of Children's Services (NCCS), which regulates and coordinates children rights and welfare activities need to be strengthened both in human and financial resources. As proposed in the NPA the existing committee on planning, research, monitoring and evaluation whose task is to plan and coordinate the implementation of policies and programmes should have an additional role as an oversight committee to coordinate the implementation of the NPA. Subcommittees should be lodged at the NCCS through the Area Advisory Councils.

Tourism

Establish an authority to regulate policies

According to the New Tourism Act, a Regulatory Authority should be established. This Authority could be enhanced at county level. The Authority could have the mandate to regulate and follow up on implementation of policies and guidelines that should be followed by tourism partners. These policies should include the prevention and protection of children against sexual exploitation. The Authority would licence and supervise privately owned villas and apartments that are used for tourism purposes.

Establish a local network against sexual exploitation of children

To ensure sustainability, effective coordination and support, a local network against sexual exploitation of children should be established. The network could include the tourism associations, Ministry of Tourism and Wildlife representatives and the NGO sector. The network main duties should include capacity building such as training of staff and managers, development and distribution of information/awareness materials, support in developing and implementing policies/corporate social responsible activities related to the protection of children from sexual exploitation and monitoring and evaluation of activities related to these activities. Additionally, the network would support and follow up of the implementation of the NPA. The network should be financed by the tourism sector and preferably have a Memorandum of Understanding with the Government of Kenya.

Report and register 'attempted check in'

A mechanism ought to be established to enable reporting of suspicious behaviour when a possible perpetrator tries to check in at a hotel with someone under aged. The tourism industry could expand its reporting procedures and provide for monthly reports on 'attempted check in'. Since tourists often want to sponsor children, they want to bring these children to hotels to invite them for lunch and play in the pool. Hotels should report/evaluate how many 'sponsored children' they have per month and make sure where these children live. When children come from a Children Home, it needs to be checked if it is registered.

Raise awareness on reporting towards tourism industry

At the hotels both employees and guests should be informed about multiple ways of reporting cases, and also be encouraged to make use of the reporting system. In addition to existing structures, the 116 Childline, the 999 and 112 police line, as well as contacts to the Tourism Police, should be shared with employees and tourists.

C. Madagascar

Main conclusions on the situation of child sex tourism and mechanisms to protect children:

- ▶ The exploitation of minors is a main issue in Madagascar since not only does it concern a great number, it seems that very few adults are concerned with their fate. The phenomenon seems to be either accepted or perceived with fatalism and often leaves people indifferent, especially regarding reporting actions.
- ▶ Mostly girls from 12 and 17 are affected by sexual exploitation, even though boys are also involved. The offer far exceeds the demand, which forces children to accept very low rates and extremely inhumane conditions.
- ▶ There is a trade in false identification papers for minors as young as 13 years old with the support and complicity of parents and administrative offices.
- ▶ There are 450 society and community-based Child Protection Networks, covering 55 districts in 11 regions. Unfortunately, these networks are not always operational. Reports are not systematically submitted and cases of abuse are settled out of court.
- ▶ The National Police's Morals and Minors Brigade suffers from extremely limited resources, which prevent cases of exploitation from being taken into court. Sometimes there is no fuel, or even a vehicle to respond to reports. Data collection is often not computerized and patrols cannot be carried out in all high-risk areas.
- ▶ There are significant differences between numbers of cases of child sexual exploitation observed, reported and convicted. Cases reported tend to stop at the foreign tourists cases, especially Europeans.
- ▶ There are weaknesses within the justice system, concerning the understanding and dissemination of the laws as well as malpractices and corruption. Going from police intimidation and bribes from foreigners or officials in exchange of filing folder, false evidence, etc.

I Analysis of the issues

Madagascar is a country that continues to sink into poverty: in 2009 it ranked 145th poorest country according to the Human Development Index (HDI), then in 2013 it fell to 151st out of 187 countries. The situation for poor children has worsened since a military-backed coup ousted the democratically elected president Marc Ravalomanana in 2009. Reports indicate that on-going political and economic instability since the 2009 coup and subsequent droughts and cyclones have caused an increase in unemployment, inflation, and poverty. These problems appear to have contributed to a decrease in school enrolment (53% population is illiterate) and an increase in the worst forms of child labour, particularly in commercial sexual exploitation of girls.⁶⁸

Tourism

The tourism high season is between June and October. In 2012, Madagascar welcomed 255,942 visitors. Following the political crisis, those figures dropped in 2009 and 2010, but since 2011 tourists are back in the country. Airport statistics of the ministry of Tourism show that the majority of European tourists arrive from France (137,578 entries), followed by French from Reunion Island (18,760), UK, Italy and Asia. North Americans are the least represented. In 2012, tourism generated around 34,000 jobs.

Situation of children

Child poverty in Madagascar is reaching record highs with 82% of children under 18 living in households that earn less than €2 per day, according to the United Nations. Most children have poor access to vocational and life media

⁶⁸ US Bureau of International Labor Affairs (www.dol.gov/ilab/reports/child-labor/madagascar.htm) (Accessed February 2014)

and other sources of information. This leaves them vulnerable to exploitation as they are often unaware of their rights, and have limited means through which they can speak out about violence or abuse and exploitation.

Some categories of children are at greater risk, namely children living on or roaming the streets, children without birth certificates (25% of children are not registered at birth),⁶⁹ migrant children, child workers, abandoned children and orphans, children from institutions and child victims of sexual abuse within the family.⁷⁰

Education

Out of 100 children entering the first grade, about 66 complete their primary school education. The average Malagasy adult completes only 4.4 years of school. The low completion rate is a direct result of a lack of capacity: Madagascar does not have enough trained teachers and it does not have enough classrooms. More than 16% of communities/villages in Madagascar have no school. In some remote districts that number can be as high as 50-60%. For many children this means that they never set foot in school. Others walk as far as 10km to the nearest school, sometimes traversing rivers and other dangerous stretches on the way. Classrooms are overcrowded with few learning materials, and over half of primary school teachers are recruited by parents' associations and have limited or no training.⁷¹

The impact of the 2009 political crisis is an additional challenge for children's education. Most households have experienced a loss in income, while the price of basic foodstuff has risen. Poverty increases the likelihood of children not attending school, especially if they need to work to supplement the household income. Public budgets have also been cut depleting much-needed public funds for education.⁷²

Child marriage

Marriage is sometimes seen as a strategy for the survival of the family. Notwithstanding the legal provision that makes child marriages illegal (other than in exceptional circumstances and

subject to a court decision) since 2007; in 2009 almost half of the girls aged 20 to 24 were married or in union before the age of 18.⁷³ According to UNFPA, this is one of the highest levels in the world.⁷⁴ More than 25% of the women in Madagascar give birth for the first time between the ages of 15 and 19.⁷⁵

In some ethnic groups, girls are made available to future husbands from an age of 13 years old. In Madagascar, especially in touristic places, girls are encouraged to marry a *vazaha* (Caucasian foreigner).⁷⁶ Having a – supposedly rich – foreign sexual partner is a symbol of a girl's success: such a relationship brings material benefits for her family and carries a certain amount of prestige.⁷⁷

Child labour

Children in Madagascar are engaged in the worst forms of child labour, including hazardous activities in agriculture and mining. In Madagascar, children produce a variety of agricultural products. Malagasy children engaged in domestic service commonly work in Antananarivo or Antsirabe and are between the ages of 9 and 12. These children work an average of 12 hours per day, with some working as much as 18 hours per day. Many children receive little to no payment or even in-kind compensation (such as food and housing) for their work. These children are sometimes exposed to hazardous activities, such as carrying heavy loads, as well as to sexual and psychological abuse from their employers.⁷⁸

In the urban informal sector, children work in bars, sell goods on the street guard vehicles or fetch water for restaurants or wealthy families. Limited reports suggest that children are compelled to beg by relatives in order to earn an income for the family.⁷⁹

69 UNICEF Madagascar (2011), Country Programme

70 Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Najat Maalla M'jid (2013), Mission to Madagascar

71 <http://www.humanium.org/en/madagascar/> (Accessed February 2014)

72 UNICEF Madagascar (2011), Country Programme

73 Ministère de l'économie et de l'industrie (2010), Voir

l'Enquête démographique et de santé, Madagascar 2008-2009

74 FNUAP (2012), Marrying Too Young: End Child Marriage (www.unfpa.org/public/home/publications/pid/12166) (Accessed October 2013)

75 UNICEF Schools for Madagascar Close to home (www.unicef.org/madagascar/UNICEF_M_Dorlys_4_March.pdf)

76 UNICEF Madagascar (2011), Country Programme

77 Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Najat Maalla M'jid (2013), Mission to Madagascar

78 US Bureau of International Labor Affairs (www.dol.gov/ilab/reports/child-labor/madagascar.htm) (Accessed February 2014)

79 Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Najat Maalla M'jid (2013), Mission to Madagascar

Sexual exploitation of children

A growing number of children in Madagascar's coastal cities, including Tamatave, Nosy Be, and Diego Suarez and in the capital Antananarivo are engaged in commercial sexual exploitation to survive and to pay for school fees. Children, mostly girls, are exploited in sex tourism. Malagasy children are mostly trafficked domestically from rural to urban areas for forced labour in sectors such as commercial sexual exploitation, domestic service, mines, fishing, and agriculture. Some children are recruited for work in the capital using fraudulent offers of employment as waitresses and maids before being forced into the commercial sex trade on the coast.⁸⁰

The investigation conducted by ILO on child victims of sexual exploitation in the cities of Antsiranana, Toliara and Antananarivo highlighted the extent of the problem and indicated that the average age of entry into prostitution was 13 for girls and 12 for boys.⁸¹ During the visit of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography to Madagascar in 2013, the Antananarivo Morals and Minors Protection Brigade confirmed that child victims of sexual exploitation were increasingly younger and that their number was constantly growing.⁸²

Offenders and organizers

Most child sex tourists are Malagasy men travelling for pleasure or work, followed by foreigners such as French nationals and there are some reports of German and Italian nationals. Most child exploitation occurs with the involvement of family members, but friends, transport operators, tour guides, and hotel workers also directly or indirectly facilitate the exploitation of children.

Child exploitation is mostly an individual phenomenon for survival, which allows entire families to live. Often, the children's families are aware of the child's activity and sometimes they facilitate it, which in both circumstances make them accomplices. In some regions, the implica-

tion of the parents is more explicit; it is the case of the parents in the southern regions who send girls to local markets without money for groceries, forcing them to prostitute themselves in what is known as Tsenan'Ampelaor 'girls market' to earn enough to buy food for the family.⁸³

II Responses to the issues

Government

Madagascar has adopted a complete and solid legal framework. The country collaborates with international bodies and has ratified various conventions. In the report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography on her mission to Madagascar in 2013 an overview of Governmental initiatives is given, stating that despite the relatively comprehensive legal framework, its implementation lacks effectiveness because of impunity and children's difficulty in accessing remedies guaranteeing their protection and safety. Out-of-court settlements are often made at the community level, at the children's expense, their testimonies receiving very little attention.⁸⁴

The Malagasy Government has put forth good efforts to align its national laws with international texts for the protection of the child. However, the laws are applied inconsistently. It is very difficult to properly address problems in the judicial system if the rights of children are violated. This under-application of laws is compounded by the importance of customary law, which often runs contrary to the rights of the child.

International legislation

Madagascar has ratified the United Nations Convention on the Rights of the Child (1991), the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2004) and became party to the African Charter on the Rights and Welfare of the Child in 2005.

80 US Bureau of International Labor Affairs (www.dol.gov/ilab/reports/child-labor/madagascar.htm) (Accessed February 2014)

81 BIT, Programme international pour l'abolition du travail des enfants (IPEC) (2002), Enquête sur les pires formes de travail des enfants n°25--Madagascar, Les enfants victimes de l'exploitation sexuelle à d'Antsiranana, de Toliara et d'Antananarivo: une évaluation rapide

82 Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Najat Maalla M'jid (2013), Mission to Madagascar

83 US TIP 2012: <http://www.state.gov/documents/organization/192596.pdf>

84 Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Najat Maalla M'jid (2013), Mission to Madagascar

National legislation

Act No. 2007-022

Young people are not allowed to get married before the age of 18 unless special authorizations are given by the court. Although, many people still get married in a traditional way.

Act No. 2007-023

This Act provides that no child shall be subject to any form of neglect, discrimination, exploitation, violence, cruelty or oppression and the State must protect children against all forms of ill-treatment and take legislative, administrative, social or other measures to eradicate it.⁸⁵

Act No. 2007-038

This Act covers sexual exploitation of children. The sale of children is defined as “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration”.⁸⁶ It does not matter if the child gave consent to it or not. The Act states that “anyone who violates morals by inciting, promoting or encouraging immoral behaviour, corruption or the prostitution of children of either sex, in order to satisfy the passions of others, shall be sentenced to a term of hard labour”. A child is defined “as every human being under the age of 18 years”. If the crime has been committed against a child of either sex below the age of 15, the perpetrator shall be sentenced to a term of hard labour. The criminal penalty imposed for the sale of children is not specified, which can make it difficult to apply in practice. Anyone who has sexual intercourse with a child in return for payment or any other consideration shall be punished by 2 to 5 years’ imprisonment and/or a fine of 1 million to 10 million Ariary. Within this Act there is also a section on extraterritorial jurisdiction.

National Action Plans

In recent years, Madagascar has developed child protection policies and action plans, including the National Action Plan to Combat Child Sex Tourism, the National Action Plan to Combat Child Labour, the National Plan of Action on Violence Against Children⁸⁷ and the Plan of Action to implement the recommendations of the Committee on the Rights of the Child (in progress).

According to Special Rapporteur many policies, action plans and programmes can’t be properly implemented owing to the many obstacles at the executive level and also a serious lack of resources.

Law enforcement

The special police unit ‘Morals and Minors Protection Brigade’ and the gendarmerie should play a key role in protecting children from sexual exploitation by providing assistance to child victims. Unfortunately, they suffer from extremely limited resources. Sometimes there is no fuel, or even a vehicle to respond to reports. Data collection is often not computerized and patrols are restricted and cannot be carried out in all high-risk areas. There are no special interview rooms adapted to the needs of child victims and interviews are not filmed although this is required under Act No. 2007-023.

Child Protection Networks

The Ministry of Population and Social Affairs, in collaboration with UNICEF, support approximately 450 multi-sector networks throughout the country to protect children from abuse and exploitation. The Child Protection Networks are civil society and community-based organisations responsible for monitoring the situation of children in their district, systematically collecting data and information on the situation of children, coordinating interventions, establishing links between the community and available protection services, providing the community with a chain of services for child protection and care in cases of ill-treatment, addressing child protection issues in humanitarian emergencies and crisis situations, mobilizing resources and organizing advocacy for child protection.

The Child Protection Network comprises those involved in informal child protection (children, parents, relatives, neighbours, community leaders, associations, religious and traditional leaders) and those working in formal or institutional child protection (health, education, police, youth services, the courts, tourism, etc.). Unfortunately, these networks are not always operational. Some members do not attend meetings, reports are not systematically submitted and many cases of abuse suffered by children are still settled out of court within the community.

⁸⁵ Journal officiel n°3163 du 28 janvier 2008, (<http://legislation-madagascar.cwebh.org>) (Accessed November 2013)

⁸⁶ Voirsupra la note 15

⁸⁷ Caduque depuis (2011), pas de nouveau plan adopté depuis

Fiantso

The Fiantso are 800 trained community volunteers, outreach workers in the 192 *Fokontany* of the capital (administrative units). In support of the Network for the Protection of the Capital, their role is to detect, help and refer victims to appropriate structures in the case of violations of child rights. They are facilitators and mediators between victims and institutions, especially for people who do not know their rights. Their advantage and strength is that they are coming from the community and actually work on the field, in their residential area within their *Fokontany*, and therefore are very aware of what is happening in their area. In contrast, as volunteers, their performance is very heterogeneous.

SPDTS: Union of Professional Social Worker

Mainly in the capital, the SPDTS includes some 1,700 social workers, which are deployed to the PMPM (Morals and Minors Protection Brigade), hospitals, court and deploys upon demand in the provinces, to solve specific problems or provide training to network members, police etc. The SPDTS became a key player in protection, providing comprehensive care for victims who come directly to them or are assigned to them.

Responsible Ministries

The Ministry of Justice is responsible for the legal protection of children through juvenile judges and prosecutors. The Ministry of Justice also suffers from limited resources. For instance, there are only 13 juvenile judges in the whole of Madagascar and some courts in remote areas do not have access to the internet. A pool of lawyers specializing in the protection of women and child victims of abuse was established in September 2011. At the moment, this pool operates in Antananarivo and there are plans to extend it throughout the national territory.

The Ministry of Population and Social Affairs is responsible for implementing the Government's protection and social development policy. This Ministry has also very limited resources; in 2013 its operating budget accounted for 0.68% of the State budget. Through the Family and Child Protection Directorate, the Ministry oversees all child protection activities.

The Ministry of Youth and Recreation plays an active role in child protection, particularly through prevention projects (dealing with addiction, prostitution, sexually transmissible diseases and crime) and social reintegration projects, and through its support for youth centres and forums.

The Ministry of Tourism, through its policy on healthy and sustainable tourism (resisting the worst aspect of tourism), is committed to combating child sexual exploitation in tourism. The Ministry supports the dissemination of material to prevent it (booklets, leaflets, posters), and works with many partners. Despite its limited resources, the Ministry carries out checks in hotels wherever possible, but is powerless to halt the growth of the informal sector.

The National Child Protection Committee, established in 2012,⁸⁸ guide the national child protection policy and programmes for child protection activities. The Committee is chaired by the Minister of Population and Social Affairs and is made up of a Steering Committee and a Technical Commission. The Steering Committee includes a representative from the Office of the Prime Minister, a director-general from each ministerial department and civil society representatives. Unfortunately, the Steering Committee had not met once since it was formed.

NGOs & UN representatives

Although there are many NGOs in Madagascar, few are dedicated to the comprehensive care of child victims of sexual violence. They are generally saturated, lack resources and face many administrative bottlenecks in the care of victims after referral.

UNICEF Madagascar

UNICEF Madagascar supports the Child Protection Networks and works to strengthen the capacity of local communities, civil society and national institutes to protect children against violence, exploitation and abuse. Training sessions are regularly conducted for police officers, lawyers and officials working in Child Protection Networks. UNICEF currently supports the Ministry of Population and Social Affairs in mapping existing care services.

⁸⁸ Disponible sur le site du Ministère sous l'onglet «décret» (www.population.gov.mg) (Accessed November 2013)

ILO Madagascar

ILO Madagascar works on the worst forms of child labour and among them on commercial sexual exploitation of children.

Tourism sector

The private sector in Madagascar has started to take action against child sexual exploitation, particularly in the tourism sector. In 2013 a total of 24 hotels in Toliara (950 km southwest of Madagascar's capital Antananarivo) and in 2012 and 2013 another 60 hotels in Nosy Be were trained and signed a code of conduct to fight against sexual exploitation of children for commercial purposes. Another code of conduct already existed in Nosy Be with a great number of committed hotels, but this code is not specifically on sexual exploitation of children.⁸⁹⁺⁹⁰ Fair Trade Tourism South Africa is expanding to become an international certification programme and started cooperation with Go To Madagascar. The objective is that a Fair Trade Holiday to Madagascar will be available by early 2014.⁹¹

In an effort to prevent sex tourism, the Ministry of Tourism, in cooperation with Groupe Développement-ECPAT France and other partners, distributed 33,000 posters and 50,000 brochures in 2007 and 2009 throughout the national territory, through the regional tourism directorates, tourism professionals and their partners. An awareness-raising campaign was launched in 2011 in 3 pilot regions. As part of the campaign, 3,700 copies of a new booklet (Best practices for tourism professionals in combating child sex tourism) were produced in 2012 with the support of ECPAT France.

III Reporting mechanisms

The law (2007-023—Art. 69) is quite specific concerning reporting procedures. It provides information on who can report, how and to whom:

- ▶ It states that anyone, including parents, family members, local authorities, teachers, religious leaders, medical staff, judicial policy with knowledge of an attempted or consumed abuse must report it to the competent administrative or judicial authorities. The child itself can report it as well.
- ▶ It mentions the obligation of reporting and opening files.
- ▶ Reporting can be done verbally or in writing to the *Fokontany* (administrative unit), the Social Assistance Office of the Municipality and the police. It can be done anonymously if preferred.
- ▶ It defines the terms 'pimp', 'accomplice' and 'reporting'.
- ▶ It specifies the procedures to follow in case of child maltreatment.

Helpline 147

The Helpline (147) is used as a tool to report cases of ill-treatment and violence against children and child abuse and exploitation. The 147 Helpline counselling centres operating from the Morals and Minors Protection Brigade in 11 towns received and referred 1,090 calls in 2012. The majority of cases involve sexual abuse and physical assault of minors. According to the Antananarivo Morals and Minors Protection Brigade, 546 of the 1,048 minors questioned in 2011 were victims of prostitution (471 girls and 55 boys). Out of 1,061 minors questioned in 2012, there were 566 victims of prostitution (500 girls and 66 boys).⁹² This Helpline could be a great tool but is not efficient as it does not cover the whole country and due to a lack of resources it is often the same person in charge of answering the phone while writing reports, auditioning abused children, etc.

89 Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Najat Maalla M'jid (2013), Mission to Madagascar

90 www.namibian.com.na/index.php?archive_id=117212&page_type=archive_story_detail&page=157 (Accessed February 2014)

91 www.sustainabletourismalliance.co.za/fair-trade-tourism-and-go-to-madagascar-announce-pilot-project/ (Accessed February 2014)

92 La PMPM a souligné que l'objectif des interpellations était de protéger les mineurs contre les maltraitements dont ils pourraient être victimes

Helpline 511

Another free and anonymous reporting possibility is the Helpline 511, which was launched in 2009 and is dedicated to youth. It aims at informing, listening, and exchanging on the topic of sexually transmitted infections and sexual and reproductive health, including sexual abuse and violence. Since 2009 the Helpline received more than 40,000 calls of which 8 out of 10 calls were by people under 24 years old. It seems that it is also used by youth to report cases of violence, although it is not its mandate.

Child Protection Networks

For the month of January until August 2012, more than 1000 cases of abuse were reported by the Networks of Child Protection at 27 districts in Madagascar. More than ¾ of these cases involved abuse against girls (77%). Children aged 15 to 17 are the worst affected (51%), followed by children aged 6 to 14 (35%).⁹³ Statistics from the Ministry of Population and Social Affairs show that sexual violence within the family remains the most common form.

Police PMPM (Morals and Minors Protection Brigade)

The Police of Minors also directly receives reports of child sexual exploitation cases. They centralise and handle the majority of reporting of criminal cases involving children addressed directly to the police station, on the phone, via the helpline or referred by other actors. In the words of the representative in Antananarivo: "Reports work quite well in the capital unlike Provinces where reports are weak, irregular and courts are not performing." Of all reports received 80% are from the capital against only 20% for the rest of the country. However, child sex tourism or commercial child sexual exploitation are not qualified as such in the police database. Cases are recorded within the categories corruption of minors, paedophilia, children, pimping, child trafficking and mistreatment.

Fokontany

A majority of the reports take place at the *Fokontany*'s level (administrative unit). The head of *Fokontany* is kept informed of everything happening within the population of his *Fokon-*

tany: births, deaths, removals, visitors, tourists, events, etc. Then, the case is either managed by the head of the *Fokontany* directly or reported to the police when arrangements are not possible.

Data registration

The Ministry of Population and Social Affairs has a national child protection database, which is updated from the report forms completed at the *Fokontany* level (administration unit).

There is a lack of centralized information and data collection systems that could provide reliable disaggregated data despite the existence of the Ministry of Population and Social Affairs database. Major obstacles to the collection of information on child sexual exploitation are the very low number of reported cases and frequent out-of-court settlements.⁹⁴ Another important obstacle to collect data is the absence of a specific category 'child sex tourism' or 'commercial child sexual exploitation' in any available database.

93 Rapport MPAS (2013)

94 UNICEF Schools for Madagascar Close to home (www.unicef.org/madagascar/UNICEF_M_Dorlys_4_March.pdf)

IV Assessment of sexual exploitation of children and child protection mechanisms – Field research

Methodology of the field research

Interviews were taken with 170 stakeholders (42 Governmental authorities, 72 employees of NGOs and civil society organizations,

46 community members and 10 tourism professionals). Observations were taken in the field, at hot spots at different times of the week, days and nights. In this type of study involving a complex and clandestine subject matter, informality plays a central role. That is why, during field visits investigators took the time to immerse themselves in 'high risk' places of prostitution and child sex tourism, especially in the evening and at night, using a so-called 'immersion' approach. Data was analysed and debriefing sessions were held.

Four teams consisting of 2 professionals conducted the research in Diego-Nosy Be, Tamatave, Tuléar and Tananarive in the period of 3 October to 8 November 2013. The researchers were selected based on their knowledge of institutions, protection measures and children in difficult circumstances. Their abilities to listen, their human values and their professional positions were also a fundamental criterion. Teams were formed based on skills and complementarities, but also on knowledge of the areas surveyed. The teams worked with 9 consultants, who worked in the field in the areas of investigation. The consultants were mostly social workers and legal practitioners, specialized in the protection of minors and field observation techniques.



Description of the areas

Tamatave and its region

The capital of the eastern region, Toamasina or Tamatave is the largest port in Madagascar. In 2007 there was the installation of a major mining project, which hosted many expatriates including Canadians, Filipinos and South Africans. With its geographic location and economic and tourism activities, the region brings together national and international tourists, drivers, seasonal workers, people on assignment, traders, foreign

Region	Number of people interviewed	Number of testimonies of victims	Places of inquiry
Tamatave	35	44	Soanieranalvongo, East Fénérive, Mahambo, Toamasina, Foulpointe
Tuléar	36	30	Urban Commune of Tuléar, Ifaty, <i>Fokontany</i> Mangily
Diégo Suarez	25	29	Rue Colbert, Antanambao IV, District Macoma, Diego City, Ramena (Beach), PK3
Nosy-Be	19	30	Hell City, Andilana, Ambatoloaka, Ambatoloaka, Madirokely, Andavakotoko, Djamanjar
Antananarivo	35	42	Analakely, Tsaralalana, 67ha North, Isotry, Amepefiloha, Ambohipo, Ambohimandra, Antanimena, Andravoahang, Ampassapito, bus station and neighbourhoods

and national residents and missionaries.

Despite the economic activity, people are often lacking stable jobs with salaries. The informal sector and day jobs remain the main sources of income, like on all the Malagasy territory. The increasing poverty affects nearly 70% of the local population. One feature of the region is the situation of many young girls, most of them educated, who turned to prostitution upon the arrival of mining projects.

No customs authorize the early marriage of minors, however, certain cultural practices show that sexual abuse and exploitation exist:

- ▶ *Hitondratrano*: to give an autonomous home to a girl, even a minor, when the parents are in trouble: sexual exploitation of the children for the profit of the parents.
- ▶ *Mandoza*: if there is a case of rape, sexual exploitation or even incest, *tangalamena* proceeds to a *joro* (traditional ceremony including the sacrifice of a cow), to wash the victim of any danger. There is no reporting,

leaf huts and 2 cement nightclubs on the main road serve as place of prostitution. Besides tourists that come from the capital, the inhabitants of Tuléar come to spend the weekend. Ifaty is also a very busy tourist zone of Southwest side of Madagascar, 26km from Tuléar where the phenomenon of child sex tourism is present but less obviously than in Mangily since the families and communities are still against prostituting their young children. The minors in situation of prostitution are from Mangily or Tuléar and come to Ifaty together with tourists, with whom they remain during their stay.

The population of the South West region of Madagascar consists of several ethnic groups (the Vezo, Mahafaly, Bara, the Masikoro, Antandroy) who defend their custom especially with regards to marriage. Parents of the ethnic group Vezo give independency to their adolescent girls quite early and encourage their daughter to receive men in their 'hut' to remunerate the family. For this ethnic group, owing many girls is a source of pride and wealth. The Mahafaly and Antandroy ethnic groups exclusively practice polygamy, but

Case story

Nina lives with her mother in Foulpointe, a very busy tourist spot frequented by tourists and inhabitants of Tamatave and Tananarive. She was never schooled. She hasn't seen her father and siblings since she was 3. Through the political crisis her mother loses her job as a chambermaid in a hotel. Nina's mother becomes a prostitute and receives her customers at home (tourists, NGO staff or seasonal workers). Seeing very young girls prostituting themselves with the help of certain tour operators, Nina's mother decides that her daughter must also become a prostitute. Nina ends up in a small compartment, adjacent to a hotel, raped by a tourist. She is 8 years old. The tourists and local men pay her mother €0.40 to €20 to have sex with her.

nor complaints filed. This practice is meant to fix the situation.

Tuléar and its region

Tuléar is the capital of Southern Madagascar. The region is popular with international tourists for St. Augustin bay and beaches of Ifaty and Anakao. The region of Tuléar has a dry climate that does not allow enormous agricultural resources. Regular work is sorely lacking and despite the development of shrimp fisheries, no economic activity develops in the city and its region. The people therefore rely on tourism and traditional fishing to live and survive.

Mangily, a small tourist village 30km from Tuléar, is famous for its beaches and lagoons but also by the outbreak of child prostitution. A few

also the *valifofo* (wedding reservation). From her childhood, a girl can be reserved by an adult who will remunerate the parents of the girl until the day of the marriage. In the southwest region the girls are intended for a marriage and when there are requests the parents accept without hesitation.

Diego Suarez and its region

Diego Suarez has the largest bays in the world and one of the most visited bays after Rio. The city has long hosted the French military with one of the most important naval bases in the Indian Ocean. The French Navy still stops there, as well as sailors. International residents, in particular French retired people, are the real financial contribution for the city. As in other cities, sex tourism is experiencing a steady increase since the 2009 crisis and seems to be commonplace.

Case story

Hanta lives with her family in a village near Betioky, 100km from Tuléar. She is the eldest in a family of 5 children. Her parents are farmers with very low incomes. When she was 11, educated in the only school in the area, her aunt and uncle, in agreement with her parents, came to take her to the Tuléar. Hanta would help her aunt with housework and send money back to help the family. Upon arrival Hanta suffers a rape by a very important man from the capital. He would return often, with other tourists from Tananarive and China. Hanta becomes an exploited victim on a daily basis. At 14 Hanta becomes pregnant and the father is unknown. With her pregnancy and the arrival of the baby, she no longer brings in enough money to satisfy her aunt and she kicks her out. Hanta does not dare return to the village, she is afraid of disappointing her parents. She prostitutes her self in order to satisfy her child's needs and to pay for a hut she rented in another neighbourhood. Each time she goes out at night, she pays a neighbour to watch her child. One day, she comes across her uncle who tells her that her parents always knew and it had all been planned. Since then, she no longer sends money to her parents.

Consumers act openly. Approximately 70% of women in Diego, half of whom are minors, are involved in prostitution.

Another characteristic of Diego is the trade in false identification papers. With the support and complicity of parents and administrative offices, minors as young as 13 years old, can get false identity cards to enter nightclubs and bars frequented by tourists. Although this practice exists in other areas of investigation, it appears to

be widespread in Diego.

Finally, prostitution and child sex tourism are changing: many girls, minors and young adults are using specialized dating websites to find a French retiree and get him to come to Diego. They attend cyber cafes in the city and minors are often accompanied by a family member who helps to select the best date.

Nosy Be

Located in the North West of Madagascar, Nosy Be is the best known and most popular international tourist destination. This destination is accessible only by boat or aircraft. The Nosy Be International Airport receives aircrafts arriving directly from Europe, East Africa and Indian Ocean. A great majority of the tourists who come to Madagascar go to Nosy Be. The main source of income of Nosy Be is tourism. Activity affects every family, such as employment as receptionists, taxis, hotel staff and restaurant, souvenir vendors, guides, small weavers, sailors or maids.

Child prostitution is growing and seems to be commonplace in Nosy Be. In fact, the island is one of the most popular destinations for African sex tourism. Prostitution mainly occurs during the day in the areas of Andilana and Ambatoloaka, where child prostitutes masquerade as masseurs. In the evenings, 7 days per week in Ambatoloaka, there are particularly 2 bars very frequented by tourists and girls. Hellville is also a place where prostitution occurs.

One of the recent and growing characteristics of Nosy Be concerns the practices of certain Mahoraise tourists from Mayotte. They find virgins, and with the blessing of her parents, proceed with the customary marriage formalities: the engagement party which lasts about 2

Case story

Fanja was abused by her uncle since the age of 14. When she decides to tell her parents, they do not believe her. She approaches her childhood friend to share her experience and falls in love with him. Fanja must contribute to the expense of her family and her mother orders her to attend the nightclubs and karaoke bars. At 15 years and under family pressure, Fanja quit school and began prostituting herself. Her mother was able to get her a National Identity Card through a corrupt Government employee. After a few months of prostitution Fanja has a *vazaha* (Caucasian foreigner) boyfriend. Her family is ecstatic. He buys her clothes, shoes and gives her 200,000 Ariary (which the mother keeps). The French man promises that upon his return in September 2013, he will marry her. But he wasn't heard from again. It seemed he found another girl, not too far from Fanja. Fanja's family says it's her fault: "you were not capable of keeping him, you did not make love to him properly, you'd better find another one and keep him." Fanja goes to clubs again. Fanja's boyfriend managed to get her out when she is 16. She is protected and found good people who helped her. But her family, after threatening her violently several times, refuses to see her.

Case story

Tiana dropped out of school at 13. Her parents are divorced. Her father lives in Nosy Be, but he hasn't helped his wife or children after their divorce. Her mother's income was not enough to feed the family. Since Tiana is the eldest in a family of 4 children, she leaves school. First she helps her mother at the market and then starts to sell seashells and bracelets to tourists and braids people's hair on the beach with her friends. From hanging out on the beach, Tiana and her friends observed the way of life of the older girls who earned more money and 'go and talk' to the tourists. Pushed by a friend, Tiana goes out one evening to a bar in Ambatoloaka. She is 14 years old. An Italian, who speaks some Malagasy, approaches her, offers her a drink and suggests bringing her to the hotel. When he realizes she is a virgin, he seems very interested. Her friend tells her she's going to earn a lot of money. It's her first sexual encounter; in a hotel, with a client of her father's age. After her first client, Tiana continued to prostitute herself, often with Italians or French, but never with Malagasy because "They do not pay as well as *vazahas* (Caucasian foreigners) and are much less nice". All her friends are doing it, and some are occasionally abused, but not her, "at least, not too much, so it's fine". Tiana can earn almost 60,000 Ariary (€21) per trick with the Italians and the French. At a rate of 6 tricks per week and sometimes more, she earns more than a doctor. Her siblings can go to school. Tiana already has had an illegal abortion that "really hurt". At 17, Tiana hopes one day she will be something else, "but what is there to do in Nosy Be and with whose help?"

weeks and then the dowry (*Mahary*) which varies between 800,000 and 3 million Ariary. From that moment, the groom may consummate the marriage. After having spent all the *Mahary* with the in-laws, but especially after abusing the girl throughout his stay, the groom returns to Mayotte and no longer gives news. Several families have been victims. This act is punishable by law and the community in general does not approve, however, some families, especially those who

are disadvantaged, agree to offer their children to Mahorais people. This is a form of disguised child sex tourism.

Case story

Soa lost her parents and was raised by her grandmother. At her death, Soa was 12. She then leaves to live with her uncle but after a violent argument with her aunt, and abuse she suffered, she leaves. She does not know where to go and decides that in Analakely - Soarano, she will find many young people like her; alone. Indeed, she rapidly bonds with a band of street children and is accepted by the leader, a girl called Hasina. She lives like her comrades in misfortune begging with a baby rented from a street mother. Pushed by Hasina, she begins to see a *vazaha* L. (Caucasian foreigner), who many children in Analakely also see. He often comes to Analakely. "You risk nothing because he does no harm to children, he is very kind and generous, you just stroke his cock for a few minutes to earn 10,000 Ariary (€3.50)." Together with other children, Soa sees L. twice a week. Hasina then suggests she has sex with him because "he likes virgins and pays well". L. has sex with Soa on the seats of his car in the street and paid 40,000 Ariary. Hasina earned 10,000 Ariary to monitor outside the car. L. only has sex with virgins and he no longer wants Soa who is not even accepted as 'stroker'. She then enters the street prostitution spiral: with clients passing through the capital that she meets at the Glacier or Pizza place or with more regular customers in sheltered spots or in cars. She earns 500 Ariary (€0.17) to 10,000 Ariary per trick. Soa becomes pregnant at 15 and gives birth to a boy. She shares a makeshift hut on the side of the Avenue Hotel. During the day she 'lends' her baby to young beggars and at night these young children keep her baby while she goes out looking for clients. She proudly tells the interviewers: "We (young and beggars) are even, I lend them my child during the day and they keep my child at night, we help each other to survive."

Antananarivo and its region

Antananarivo or Tananarive includes everything a capital of a country called poor includes: extreme wealth to abject poverty. Children attending the best sports clubs, beside abandoned street children. Future prospects for some, but for the majority the outlook is to find a portion of rice for a daily meal. Like any city, it includes a multitude of people coming from the provinces, the bush, the coast, but also from Europe, Asia or Africa.

Child prostitution in Antananarivo is, in the majority of cases, focused around 67ha and Isotry for so-called local or neighbourhood prostitution, and in nightclubs, bars and hotels for prostitution oriented towards wealthier clients, foreigners and tourists.

Profile of the victims

Mostly girls are affected by sexual exploitation, even though boys are also involved. Moreover, in all the regions surveyed the offer far exceeds the demand. That forces children to accept very low rates and extremely inhumane conditions. Most victims are between the ages of 12 and 18. Although adults and authorities generally accept child prostitution, when it involves children younger than 12, and especially those under 10, it is not tolerated in the same way. Adults don't push these small children into sexual exploitation practices, since their bodies are not fully formed. In the collective mind it is shocking and is equivalent to paedophilia. Fortunately, in all regions children younger than 12 years old were underrepresented in child sex tourism. However, from certain testimonies it became clear that it is possible that sex tourism with children under 12 is clandestine and extremely discrete.

The age at which most children get involved in prostitution and child sex tourism is around 13, often as their first sexual experience. There are many victims between the ages of 16 and 18. Access to the meeting places (night clubs, bars, karaoke bars, etc.) is easier for them and with a fake identification card they don't raise much suspicion. Even though between the ages of 16 and 18 these girls are still considered children by the law, and therefore victims, to many adults "they are adults and have the bodies of women". Some of them already have one or more children.

In the 5 areas studied, the victims were predominantly children in vulnerable situations. They do not attend school and therefore work, originate from fragile and non-nurturing environments (street children in Analakely), come from single parent families, (mostly women headed households, where sometimes the mother or aunts are prostitutes), or live with members from the extended family. Within this research it became apparent that child prostitution has grown in all segments of society. Also children from lower or upper middle class environments and in school are involved in child sex tourism, as explained by a participant of a focus group: "Certain young girls attending high schools organize themselves to find clients, mostly passing through, using a catalogue for clients in which they appear with their picture and mobile phone number and with the complicity of certain taxi drivers."

Organization of child sex tourism

Middlemen

In Madagascar any employee that is in contact with a potential tourist client is a potential intermediary and facilitator of child sex tourism. In Tamatave, the team found a hotel manager who was looking for very young girls for the clients at his hotel. In certain hotels young girls are hired as employees but the real purpose of their recruitment is to provide clients with sexual favours. According to the girls interviewed, beach attendants also serve as intermediaries and receive part of the girl's income. National staff working with expatriates can also act as intermediary, which is illustrated by the story of an expatriate near Foulpointe who asks his housekeeper to search for girls that are virgins. He pays the girls between 60,000 to 100,000 Ariary/month and he switches girls every month.

Owners and employees of bars, karaoke bars, nightclubs and other places of entertainment can also be more or less active. Some turn a blind eye, others facilitate and obtain a more or less direct profit, and others organize. In Diego, recruitment is done in nightclubs and karaoke bars. Prostitutes have revealed that the minors recruited go through a paid training on stripping and ways of seducing clients. During the training period, they receive the clients and the house manager keeps the money. The salary is 20,000 Ariary per day and the girls are fed and housed

by the establishment. This business is now under investigation by the Diego Morals and Minors Protection Brigade.

In Nosy Be, according to statements given by taxi drivers, child sex tourists operate in great secrecy. There are *vazahas* (Caucasian foreigners) that come to Nosy Be every year. During their stay, they change girls (especially minors) every day, and switch hotels every once and a while to avoid being noticed. They avoid car rentals and prefer taking taxis that also help them find girls.

Parents

From all the interviews carried out throughout the study, it is clear that parents are the first to favour the sexual exploitation of their children in touristic and 'neighbourhood' prostitution. Some do it passively, turning a blind eye to the phenomenon and don't ask questions when a child arrives home at night with money. In most regions and mainly in Nosy Be and Diego, parents encourage their children to have a relationship

Case story

A grandmother went to the police after her 9-year-old grand daughter had been raped. During the investigation the district chief started to negotiate with the police. The abuser wanted to deal with the mother of the victim and offered her 300,000 Ariary and to the police officer 600,000 Ariary. He paid also for a falsified medical certificate. The mother refused and the case was referred to the nearest court in Tamatave. Once the case referred to Tamatave, intimidations by the prosecutor against the mother and the police officer begun, and the case was closed. The sexual abuse of a young child was seen as an opportunity to get money.

with a *vazaha* (Caucasian foreigner) in order to have a chance to improve their social status and wealth. Many victims in this research claimed they were pressured into prostitution and sometimes forced marriage by their parents due to poverty. Parents even provide false ID cards and clients for the children. The clients pay and provide an entire family with a significant income. An adult who keeps quiet is given few packs of cigarettes and a large bill. To the competent authorities that dismiss the case, fat envelopes are common.

Reporting

The majority of cases observed at community levels are not subject to reporting and even less of a complaint. There is a high impunity and tolerance toward prostitution including with adolescents or children. For minors fully-formed, prostitution is rarely considered as exploitation by community and often encouraged by the parents.

Although families encourage victims to enter into prostitution for gain, they refuse to be stigmatized by the community. If necessary, they will seek a third part responsible (expatriate among others) rather than acknowledge their failures, because those are unacceptable for their community. Even if everyone knows, there is the 'code of silence', and everybody acts as if nothing happened. In Madagascar, a conflict whatsoever is always subject to a consensus between the parties. Therefore, in case of offense, even sexual, looking for an arrangement is the predominant attitude (especially if the family is complicit in the prostitution of his or her children). As a result, a majority of legal representatives prefer to ignore the law and will seek a friendly settlement so that neither party loses face and everyone gets the most benefit from this arrangement. Families will do anything to avoid appearing before representatives of the law.

Follow up of cases

There is a huge loss in the number of cases followed-up throughout all the procedure; from those who report (victims, legal representatives, witnesses, etc.) to recipients (*Fokontany* [administrative unit], network protection, etc.) to Judicial Officers to Medical Corps to Court and to Conviction. Between each step, blocking factors intervene and it is estimated that between the occurrence of the act and the end of the procedure, the loss is about 90%.

Throughout this study, the justice was the most highlighted for malpractices and corruption. Going from intimidation of complainants and their families, to police intimidation, and bribes from foreigners or officials in exchange of filing folder, false evidence, etc. In Nosy Be, the prosecutor said that since 2008, no case of child sex tourism has reached the court, which is all the more surprising considering that Nosy Be is the locality where the fight against child sex tourism has been the most implemented. Confi-

dence in the justice is seriously flawed, and even more since the 2009 crisis, Justice is considered as not independent at all.

The long process and procedures, the money they have to spend and the corruption of the justice discourage parents of victims who dare complain. Often the complaint is not followed by action and in the case an abuser is arrested; he is released after a few days, then return to the family to threaten them. Therefore other families prefer to opt for a negotiation.

In Madagascar, the College of Physicians still not accepts that physicians provide free medical certificates for criminal procedures. Therefore, the victims have to travel to a public service available in towns, or they have to pay for the certificate in rural areas (Medical Consultation: 10,000, Medical Certificate: 30,000, Forensic Certificate: 60,000 Ariary). In the capital, Befelatanana General Hospital delivers certificates for free, but with poor accommodation, the time schedules are not met, the staff arrives late and the waiting time discourages victims and families. The practice of delivering false medical certificates from doctors exists in the country, which was also found during the research. A false Certificate of Rape was provided to have someone to pay and a false Certificate of Non-Sexual Assault was given to hide a sexual offence.

Tourism

Profile of the child sex tourist

Discussions with minors involved in prostitution reveal that the majority of clients are people passing through (not 'regulars') or neighbourhood people. The origin, activity and reason for travel are not really known. Questionnaires reveal that there is no distinctive profile, but rather that occasional sexual tourists are there for various reasons. There are 5 types of tourists distinguished:

- ▶ International tourists, passing through on holiday, which arrive on international flights. They travel within the country on internal flights, in bush taxis, by car or by boat.
- ▶ So-called 'regional' tourists, foreigners that come from the Indian Ocean: Reunion (the majority), Mayotte, Mauritius, Comoros, who arrive on international

flights but also, though a minority, by boat. They travel in the country on internal flights, by bush taxi, by car.

- ▶ Local tourists who include expatriates and foreign residents who travel on holiday or assignment within Madagascar, on internal flights, by bush taxi, car or boat.
- ▶ National tourists that include Malagasy who travel on holiday or assignment within Madagascar, on internal flights, by bush taxi, car or boat.
- ▶ French or Reunion retirees who live a good part of the year in Madagascar, exclusively on the coast.

Among international tourists, those most susceptible to exhibiting preferential behaviour would be tourists from Metropolitan France, Reunion, Mayotte and Italy, corresponding to most represented nationalities entries into the country. But Asians and Africans are also implied in seeking underage prostitutes.

Tourists pay more

The price of a trick varies depending on the origin of the client, whether a tourist or not, from 1,000 Ariary for locals to 100,000 Ariary for international tourists. For international tourists, prices vary. A Filipino will pay 3,000 to 5,000 Ariary, when most Europeans will pay between 30,000 and 100,000 Ariary. However, most prices vary between 5,000 and 30,000 Ariary. Prostitutes target the *vazahas* since they pay more, but fearing going home empty-handed, they accept nationals. Mahorans are considered national clients because they pay the same rate as nationals. Africans are considered the least generous. With Asians, it all depends on their origin and social class.

Other forms of remuneration include: mobile phones or clothing. This is known as 'sexual transactions' that describes sexual relations in exchange for comfort, goods or money, not on a professional basis but rather on the basis of punctual needs.

V Conclusions country assessment Madagascar

With regards to child sex tourism, there are family or community networks that organize and profit from the sexual exploitation of children. Although there are no criminal organized networks known in Madagascar, there are local informal networks that are somehow structured. They are in contact with all of the intermediaries, are very aware of arrivals and preferences of tourists, of the places to find girls and put the clients in contact with the children. The tourism actors (hotel receptionists, tour guides, taxi drivers) are an integral part of these networks and provide information on programs, itineraries and preferences (age, sex) of their clients. Also parents or close relations of the children and groups of women involved in prostitution contribute by identifying and providing the minors. Some of these networks are very organized and are in direct communication with the country of origin of the tourists, in particular France and Italy, through social media.

All of the Malagasy children and youngsters are exposed to sexual exploitation, due to the national context of pauperization, fragility of family ties and fragility of parental roles. Generalized poverty and fragile or no protection provided by the adults, makes a child, once about 8 years old, a rented object, sold, scrupulously exploited, as long as he or she is a source of income for the family, community, or can survive without anyone's help. The responsible adults are often recruiters, organizers, accomplices of abusers, absent or silent witnesses of the sexual exploitation of children. From one region to the next, from a tourist spot to a slum, from a fashionable nightclub to a dusty dance in the village, child prostitution has become generalized and happens in full view of all.

The fight against child sex tourism in Madagascar will be a long process, which will require huge involvements, efforts and activities of many partners and stakeholders at different levels. The legal framework and tools exist, but those tools are poorly, or not used at all.

VI Recommendations for Madagascar

Poverty reduction

Invert poverty and parental unemployment. Promote job creation and granting of start-up funds for income generating activities in partnership with Micro Finance Institutes, private sector, NGOs.

Cooperation

Strengthen collaboration, exchanges and data harmonization between the different actors on the ground and at central level in order to facilitate exhaustive consolidation at national level. Collaborate with international organizations and authorities for the prosecution of sex tourists.

Law enforcement and justice

Fight against weak institutions, impunity and corruption, and restore confidence towards representatives of the law to encourage better case notification.

- ▶ Provide reliable and effective means to police and justice staff so that they can perform proper and timely investigations.
- ▶ Strengthen the capacity of police forces, civil authorities, NGOs, community workers associations, regarding detection and management of child sex tourism cases.
- ▶ Apply Zero Tolerance towards the instigators (families, employers), intermediaries and all forms of pimping concerning children.
- ▶ Strengthen police patrols and checks at hotels, hot spots or nightclubs and systematically sanction facilities that authorize the presence of minors at the same time as adults.
- ▶ Inform complainants that they can fill a 'complaint of reserve' in case of threats, retaliation from the abuser.
- ▶ Prosecute providers of false documents (especially false medical certificates).
- ▶ Promote a rotation of judges and judicial staff in the regions to curb corruption.
- ▶ Apply Zero Tolerance towards amicable arrangements, especially against retribution.

- ▶ Disseminate 2007-023 and 2007-038 laws.
- ▶ Prohibit identified and/or filed sex tourists/known abusers to re-enter the country.
- ▶ Develop access to free legal defence e.g. pool of lawyers, legal clinics.
- ▶ Ensure that the word of the child is taken into account in any procedure concerning its case and penalize all forms of stigmatization of the victims and their legal representatives.
- ▶ Adapt and standardize existing data collections tools for criminal cases and/or social cases among all actors involved (Morals and Protection of Children Brigade, police forces, Protection Networks) by including clear categories of sexual exploitation of children.
- ▶ Take repressive measures against the spread and diffusion of pornographic films, particularly against the video stores, etc. which broadcast those movies in total impunity to minors.
- ▶ Provide free medical certificates for victims in cases of sexual abuse or exploitation.
- ▶ Support to education: establishment of material/financial support for schooling in order to reduce financial pressures experienced by youths especially young girls, and reduce school dropout (free primary education, school canteen system, school kit etc.).
- ▶ Support for professional project: implementation of financial and or material support for girls and boys out of school, and who want to start up their own business to survive (vocational training, micro-finance, etc.).
- ▶ Disseminate the law and the way victims can potentially use it.
- ▶ Develop education/sensitisation sessions during school education, sports and recreational activities.
- ▶ Identify appropriate actors for youth to talk to and be supported to make a report when required.

Awareness

Children and young people

- ▶ Children and young people should be integrated as actors and partners in all initiatives developed against child sex tourism.
- ▶ Develop training in life skills, self-competence and any initiative to develop protective behaviours and restore youth in their capacity of choice.
- ▶ Visit places frequented by young people, create links to talk, informal briefings and self-protection teachings and offer of different activities: sports, arts, educational travels, and handicrafts. As such, the Youth Reporters Clubs and Youth Community Networks initiated by UNICEF and the Government of Madagascar should be supported and expanded.
- ▶ Include in basic education and colleges notions of protection, rights of children, child abuse and child sex tourism.

Adults and families

- ▶ Emphasize awareness on parental duties and seriousness of child exploitation.
- ▶ Deploy wide information campaigns targeting communities on the existing legal provisions concerning the protection of children against all forms of exploitation, including prostitution.
- ▶ Multiplication and dissemination of existing medias and posters.
- ▶ Better integrate different media in the fight against child prostitution (TV, websites, radio).
- ▶ Inform, educate and sensitize officials of state services (especially legal) as well as members of neighbourhood committees, so that they can enforce the law or help enforce legal provisions aimed at protecting children against sexual exploitation and promote systematic notification.

Rehabilitation of victims

- ▶ Strengthen the capacity of protection actors to scale up services in order to provide full and integrated support to the victims, by offering concrete answers and solid alternatives related to the needs of victims.

- ▶ Strengthen the capacity of Morals and Protection of Children Brigade and Regional Directions of Ministry of Population and Social Affairs in case management and referral of victims.
- ▶ Identify and mobilize partners for the referral of victims to avoid relapses into prostitution: provide work opportunities, training, support to income generating activities.
- ▶ Develop emergency shelters capacity, for the immediate safekeeping, care, and listening of victims.
- ▶ Develop integrated case management and follow up until resolution of the case.
- ▶ Deploy SPDTS social workers in the provincial protection structures for capacity building and to share and harmonize their know-how to the entire country.
- ▶ Provide data on the origin of the notification (green line, network, Fokontany, anonymous reporting, etc.) to better define which sources are the most operational.
- ▶ Consider making anthropological studies to understand the current role of families and cultural practices linked to child sex tourism in order to better adapt all means deployed against exploitation of children including child sex tourism.
- ▶ Investigate information on foreigners who want to stay in Madagascar (object, duration of stays).

National stakeholders

Ministry of the Interior and Public Security, Ministry of Justice and its branches, Ministry of Tourism and tourist offices, Ministry of Health and Medical Department, Ministry of Education and teachers, Ministry of Population and Social Affairs and protection networks, Ministry of Youths and Sports, pool of lawyers, tour operators, Chiefs of Fokontany (administrative unit), associations, NGOs, media, funding agencies, families and of course children and young people.

Research and data collection

Organize collection of specific baseline data in order to define the scope of sexual exploitation of children and to adapt and adjust interventions.

- ▶ Quantify the loss rate between cases observed and cases reported to identify bottlenecks, and improve efficiency of case settlement.
- ▶ Develop a survey among *Fokontany* (administrative unit) considered at risk (if possible retrospective), to collect and document all situations involving commercial sexual exploitation of children and child sex tourism. Identify and document bottlenecks, shortcomings and missed opportunities.

D. Senegal

Main conclusions on the situation of child sex tourism and mechanisms to protect children:

- ▶ Child sex tourism is a problem in the areas targeted by the study (Dakar, Cap Skiring, La Petite Côte and Saint Louis).
- ▶ It often takes place on the beach, in dancing clubs and in hotels and to a lesser extent in private residences. However, the use of private residences for sexual exploitation appears to be on the increase.
- ▶ The main hotels have strict rules forbidding access to minors not accompanied by their parents or guardians, but there are ways of circumventing these rules.
- ▶ There is a Police Children's Unit, but its territorial jurisdiction is limited to Dakar only.
- ▶ There is a 24/7 free helpline managed by the state-run Child Help Centre 'Ginddi' in Dakar, but there is a need for this initiative to be extended to other parts of Senegal and for the helpline to be promoted so that vulnerable children are aware of its existence.
- ▶ There is also a need to reposition the helpline within the cultural context and to take into account the resources which exist at the community level to provide support and protection to children (family, school, community).
- ▶ At the community level, cases can also be reported to the 'Observatory for the Protection of Children against Abuse' as well as to the local committees of *Claire Enfance*. However, public awareness regarding the existence of these initiatives is limited and needs to be increased.
- ▶ There is a need to investigate further the situation with respect to the socio-economic, power and gender relations that increase children's vulnerability to sexual exploitation in the context of tourism and travel in order to develop long term strategies and sustainable solutions.

I Analysis of the issues

Senegal, officially the Republic of Senegal (*République du Sénégal*), is a country in West Africa. It owes its name to the Sénégal River that borders it to the east and the north. Dakar is the capital city of Senegal. About 500km off the coast are the Cape Verde Islands.⁹⁵

The population of Senegal, estimated at 13.6 million, is made up of more than 20 ethnic groups. Almost half of the Senegalese are Wolof, which is the largest ethnic group in Senegal. As Senegal used to be a colony of France, French is the only official language in the country. However, a rising Senegalese nationalist movement supports the integration of Wolof into the national constitution. Islam is practiced by approximately 94% of the country's population but Arabic is not widely spoken outside of the recital of the Koran.⁹⁶

Senegal is among the world's 40 poorest countries, ranking 154 out of 187 countries on the 2013 United Nations Human Development Index. Poverty in Senegal *decreased* only slightly from 2005 to 2011, declining from 48% to 47%. This contrasts with a decrease from 55% to 48% between 2001 and 2005. Natural disasters such as droughts and flooding have slowed growth and increased the vulnerability of the whole economy. There is a poverty gap between Dakar and rural areas. Poverty remains highest in rural areas, where 57% of the population was poor in 2011 compared with 26% in urban Dakar. About 40% of the population lives in rural areas.⁹⁷

⁹⁵ en.wikipedia.org/wiki/Senegal (Accessed February 2014)

⁹⁶ www.worldbank.org/en/country/senegal/overview (Accessed February 2014)

⁹⁷ www.ruralpovertyportal.org/en/country/statistics/tags/senegal (Accessed February 2014)

Tourism

Senegal belongs to those African countries for which tourism constitutes one of the most important sources of revenue and provides many jobs, both directly and indirectly. The tourism year is divided into two seasons: the peak season (November to April) and the low season (May to October).

Dakar is by far the principal entry point for tourists in Senegal. In 2011, the number of arrivals in Dakar was 1,001,000. French is the nationality which is most represented accounting for 44% of all arrivals in 2011, followed by the Americans, the Belgians, the Spaniards and the Italians. Africans represented 33% of arrivals. Among them, the Senegalese Diaspora represented 34%. Airport statistics indicate that leisure is the reason given by 52% of international tourists landing in Dakar's Leopold Sedar Senghor Airport, followed by family (20%), business (13%) and conferences (5%).⁹⁸

Situation of children

Education

UNICEF statistics show that 84% of male and 89% of female children are enrolled in primary school, of which 60% and 63% respectively completed all primary school classes in the period from 2007 to 2011.⁹⁹ Almost 23% of children are orphans and 40% of children aged below the age of five have not been registered at birth. In Senegal parents have a tendency to remove their children from school and send them out in search of employment at an early age. These children – young people growing up outside traditional systems of social interaction who are given the heavy burden of providing for their needs or those of their family – are exposed to the risk of exclusion and, as a consequence, liable to fall victim to trafficking and exploitation.¹⁰⁰

Child marriage

In West Africa, where polygamy is common, early marriage has not been fully explored in ethnographic work. However in Senegal, where a quarter of urban marriages and a third of ru-

ral marriages are polygamous, evidence suggests that second, third and fourth wives are increasingly younger. Tostan community and religious leaders in Senegal publicly declared their abandonment of harmful traditional practices before thousands of members of the communities, which rallied behind them and affirmed the declarations. In 2010, a quarter of girls between 15 and 19 years were married.¹⁰¹ Contradictions regarding the legal age of marriage exist within Senegalese national legislation. The Code for the Family states the minimum age at which a girl may marry is 16 years old. However, the Penal Code states that marriage according to local customs is permitted for girls aged 13 years old and above. The legal age of marriage for men is 18 years old.¹⁰²

Child labour

In 2012, almost 15% of children aged between 5 and 14 years old were working.¹⁰³ Children in Senegal are also engaged in the worst forms of child labour, including dangerous activities in agriculture and forced begging. Girls as young as 10 years of age are brought from abroad and from rural areas in Senegal to work as domestics in the country's urban centres. Children are also trafficked domestically and internationally for work in prostitution and sex tourism. In Senegal, it is traditional practice to send boys to Koranic schools (*daaras*) to receive education, which may include vocational training and apprenticeship. Some Koranic teachers (*marabouts*) force their students, known as *talibés*, to beg on the streets for money and food and to surrender their earnings. Senegalese children are also trafficked to the Gambia and to Mauritania where religious teachers force them to beg.¹⁰⁴ NGOs estimate that more than 50,000 children, most of whom are *talibés*, are forced to beg. In Dakar alone there are approximately 8,000 *talibés* begging in the streets.¹⁰⁵ Half of the child beggars in Dakar are younger than 10 years old.¹⁰⁶

98 www.ruralpovertyportal.org/en/country/statistics/tags/senegal (Accessed February 2014)

99 www.unicef.org/infobycountry/senegal_statistics.html (Accessed February 2014)

100 UN Human Rights Council (2010), Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Addendum: Mission to Senegal (www.refworld.org/country,,,SEN,,4d833b082,0.html)

101 www.girlsnotbrides.org/wp-content/uploads/2013/10/Ford-Foundation-CM-West-Africa-2013_09.pdf (Accessed February 2014)

102 UN Human Rights Council (2010), Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Addendum: Mission to Senegal (www.refworld.org/country,,,SEN,,4d833b082,0.html)

103 Ford Foundation (2013), Mapping early marriage in West Africa, A scan of trends, interventions, what works, best practices and the way forward (www.girlsnotbrides.org/wp-content/uploads/2013/10/Ford-Foundation-CM-West-Africa-2013_09.pdf)

104 www.dol.gov/ilab/programs/ocft/2012TDA/senegal.pdf (Accessed February 2014)

105 www.state.gov/documents/organization/210741.pdf (Accessed February 2014)

106 UN Human Rights Council (2010), Report of the Special

Cases

Nine *marabouts* (Koranic teachers) were convicted in September 2010 for forcing children in their care to beg. This was the first application of the 2005 anti-trafficking law in practice. The majority received deferred sentences and were released immediately.

Source: www.hrw.org/news/2010/09/08/senegal-abusive-teachers-sentenced (Accessed February 2014)

Jorge was around 10 years old when a *marabout* who knew his father came to his home in Guinea-Bissau to take him away. Jorge does not know his age or exactly how long he has spent away from home, but he estimates at least 2 or 3 years. The *marabout* promised his father he would teach Jorge the Koran. He was taken to Senegal and passed over to another *marabout*. By begging in Dakar, Jorge needed to bring 350 CFA francs (US\$0.79) per day, otherwise he was beaten.

Source: en.wikipedia.org/wiki/LGBT_rights_in_Senegal#cite_note-23 (Accessed February 2014)

Sexual violence against children

A recent study commissioned by ChildFund¹⁰⁷ has shown that a high percentage of schoolgirls have encountered at least one form of sexual violence or exploitation ranging from sexual harassment to sexual assault, including blackmail, attempted rape and pornography. Around ¾ of schoolgirls (n=99) claimed to be victims of sexual harassment during the week they were questioned. More than ¼ of the girls (n=30) had been victims of attempted rape or sexual assault and 8% had been victims of rape in the past. The same study reports instances of sexual abuse and the sexual exploitation of young boys. Three men claimed to be victims of sexual molestation between 6 and 13 years old.

Sexual exploitation of children

There are no official statistics for the number of children who are sold or victims of sexual exploitation. During the visit of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography to Senegal in 2009, the authorities were unable to provide any official statistics concerning the number of legal proceedings initiated in Senegal relating to the sale and sexual exploitation of children and child pornography. The stakeholders interviewed did inform the Special Rapporteur that all forms of commercial sexual exploitation of children appeared to be on the increase.¹⁰⁸ NGO observ-

ers believe most women and girls exploited in prostitution remain in Senegal. Reports indicate that women were increasingly being forced into prostitution in the southeast gold-mining region of Kedougou.¹⁰⁹

II Responses to the issues

Government

International legislation

Senegal has ratified the United Nations Convention on the Rights of the Child (1990), the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2003) and became party to the African Charter on the Rights of the Child in 2001. However, Senegal has not submitted its initial report on the implementation of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, which was due in 2005.

The Department for the Protection of Children's Rights is responsible, inter alia, for ensuring consistency between domestic legislation and the Convention on the Rights of the Child, as well as the African Charter on the Rights and Welfare of the Child. The Department produces bimonthly, biannual and annual progress reports on the status of children.¹¹⁰

National legislation

Constitution of Senegal

The preamble to the Senegalese Constitution affirms the State's adherence to the Convention on the Rights of the Child and alongside the

Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Addendum: Mission to Senegal (www.refworld.org/country,,,SEN,,4d833b082,0.html)

¹⁰⁷ ChildFund (2013) Recherche formative sur les violences basées sur le genre, faites aux enfants à Bambey, Diourbel, Mbour, Thiès et Tivaouane (sous presse)

¹⁰⁸ UN Human Rights Council (2010), Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Addendum: Mission to Senegal (www.refworld.org/country,,,SEN,,4d833b082,0.html)

¹⁰⁹ www.state.gov/documents/organization/210741.pdf (Accessed February 2014)

¹¹⁰ UN Human Rights Council (2010), Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Addendum: Mission to Senegal (www.refworld.org/country,,,SEN,,4d833b082,0.html)

rights provisions that apply regardless of age, there are also a small number that specifically address the rights of children.¹¹¹

Criminal Code

The Criminal Code establishes a special procedure for cases involving minors exposed to prostitution and for bringing them before the juvenile court. It also penalises marriage with minors aged less than 13 years old (considered a form of abuse) and establishes that any person who commits or attempts to commit a sexual act with such minors shall be liable to imprisonment for a term of between 2 and 5 years. In addition, the Family Code sets a minimum age of 16 for girls and 18 for boys with respect to marriage. The Criminal Code also stipulates that “any gesture, touch, caress, pornographic manipulation or use of images or sounds by any form of technical procedure for sexual purposes involving a child of either sex below 16 years of age shall constitute an act of paedophilia carrying a penalty of between 5 and 10 years’ imprisonment”.¹¹²

Act No. 1999-05

This act prohibits excision, sexual harassment, paedophilia, sexual assault and all forms of sexual mutilation, sexual violence and corruption of minors.¹¹³

Act No. 2005-02

This anti-trafficking act concerns measures to combat trafficking in human beings and related practices and establishing protection for victims. It does not give a specific definition of trafficking in children, as contained in article 3 of the Palermo Protocol. Nor has it specifically defined and prohibited the ‘sale of children’, which is a concept distinct from ‘trafficking in children’. It prohibits begging and the organisation of begging with a view to gaining a profit. No suspension of sentence is permitted when the offence is committed against a minor. However, article 245 of the Criminal Code stipulates that begging is tolerated “on the days, in the places and in the circumstances confirmed by religious traditions”.¹¹⁴

Act No. 2008-11

This act on cybercrime defines a minor as any person under the age of 18. Child pornography is defined as “any visual representation of any nature or form of a minor engaging in sexually explicit activity or any realistic image depicting a minor engaging in sexually explicit activity”. The Act establishes that any person who produces, records, offers, makes available, distributes or transmits by means of a computer system, images or visual representations of a child of a pornographic nature, shall be liable to imprisonment for a term of between 5 and 10 years and/or a fine of between 5 million and 15 million CFA Francs.¹¹⁵

National Action Plan

With the support of the Italian cooperation and within the framework of the ‘Programme to Combat Trafficking and the Worst Forms of Child Labour’ a departmental Action Plan against Sexual Abuse and Exploitation of Children was developed and validated by a Departmental Development Committee convened by the Prefect and chaired by the Minister of Social Development and National Solidarity.

Taskforce against Trafficking

The National Taskforce against Trafficking Especially of Women and Children is the Government’s designated coordinating body for anti-trafficking efforts. The Government of Senegal demonstrated increased efforts to prevent human trafficking by allocating the equivalent of approximately \$20,000 to the National Taskforce in 2012. Although the Taskforce remains significantly underfunded, this funding demonstrated an increase from the previous year, during which time the Taskforce received no funding and was generally inactive. The National Taskforce held two conferences in 2012 in partnership with the UNODC and ILO that were attended by members of the Taskforce, representatives of Government Ministries, NGOs and civil society groups. During these conferences, the National Taskforce developed and finalised a 3-year National Action Plan against Sexual Abuse and Exploitation of Children.¹¹⁶

111 www.irinnews.org/report/75485/guinea-bissau-senegal-on-the-child-trafficking-route (Accessed February 2014)

112 UN Human Rights Council (2010), Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Addendum: Mission to Senegal (www.refworld.org/country,,,SEN,,4d833b082,0.html)

113 CRIN (2012), General overview of Senegal’s national legal provisions on children’s rights, including guidance on how to conduct further research (web61388.aiso.net/resources/infoDetail.asp?ID=28658) (Accessed February 2014)

114 UN Human Rights Council (2010), Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Addendum: Mission to Senegal (www.refworld.org/

[country,,,SEN,,4d833b082,0.html](http://www.refworld.org/country,,,SEN,,4d833b082,0.html))

115 UN Human Rights Council (2010), Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Addendum: Mission to Senegal (www.refworld.org/country,,,SEN,,4d833b082,0.html)

116 www.state.gov/documents/organization/210741.pdf (Accessed February 2014)

Programme to Combat Trafficking and the Worst Forms of Child Labour

The Programme to Combat Trafficking and the Worst Forms of Child Labour was launched in 2000 and is coordinated by the Ministry of the Family. The Programme's objective is to enhance Government capacity for designing and implementing local initiatives for combating trafficking and the worst forms of child labour (including begging, the forced labour of young girls, child abuse and sexual exploitation) and to ensure follow-up of these initiatives. Technical Monitoring Committees composed of local stakeholders drawn from the public and private sectors have been established to oversee the programme's implementation at the local level. Departmental action plans to address child abuse and sexual exploitation have also been developed and implemented in Mbour and Saint-Louis. The objective of these action plans is to ascertain the nature, characteristics and scale of the problems, determine their causes and effects, formulate policies and intervention strategies, define the roles of the actors involved, and establish a framework for prevention, protection and reintegration. The Committees work to strengthen local capacity for raising public awareness of children's rights and act as children's advocates in dealings with the *marabouts*.¹¹⁷

Law enforcement

The Police Children's Unit specialises in child protection. However, its territorial jurisdiction is limited to the city of Dakar. Every police station in Senegal is required to inform the Unit of any incidents involving children, but this is rarely done. There is also a Vice Squad that is supposed to prevent the sexual exploitation of children in tourism.¹¹⁸

Child Protection Support Unit

The Child Protection Support Unit was created in March 2007. It is attached to the Office of the President. The mandate of the Unit includes contributing to the formulation and implementation of national child protection policy, ensuring coherent service provision, establishing a monitoring and evaluation system and mobilising fi-

nancial resources. With support from UNICEF, the Unit has also carried out research into child begging.¹¹⁹

Rehabilitation of victims

The Ginddi Centre, established in 2005, is the only Government-run shelter in Senegal directly attached to the Ministry of the Family. The Government refers trafficking victims to other NGO-run shelters but does not have a formal referral mechanism in place to facilitate and standardise the process and does not provide funding or other support to such shelters. In 2012 the Centre provided protection services to 110 victims, the majority being boy victims of forced begging.¹²⁰ The Centre's mission is to take children off the streets and reintegrate them into the community, to provide psychological support and social assistance for children who are victims of trafficking, sexual abuse and harmful socio-cultural practices. It also implements strategies to raise public awareness of children's rights as well as the various mechanisms and instruments protecting their rights.¹²¹

On average, children remain at the Ginddi Centre for no more than 3 months. Every child has a mentor who monitors their progress and communicates with members of the child's family. The Centre also oversees the return and reintegration of children who were trafficked from Guinea-Bissau, working in partnership with the International Organisation for Migration (IOM).¹²²

Unfortunately, the Ginddi Centre has no database holding information on all children cared for by the centre, which is vital to be able to guarantee that all children can be traced, that the effectiveness of the care it provides can be evaluated and that the child's subsequent progress can be monitored.¹²³

117 UN Human Rights Council (2010), Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Addendum: Mission to Senegal (www.refworld.org/country,,,SEN,,4d833b082,0.html)

118 UN Human Rights Council (2010), Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Addendum: Mission to Senegal (www.refworld.org/country,,,SEN,,4d833b082,0.html)

119 UN Human Rights Council (2010), Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Addendum: Mission to Senegal (www.refworld.org/country,,,SEN,,4d833b082,0.html)

120 www.state.gov/documents/organization/210741.pdf (Accessed February 2014)

121 UN Human Rights Council (2010), Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Addendum: Mission to Senegal (www.refworld.org/country,,,SEN,,4d833b082,0.html)

122 UN Human Rights Council (2010), Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Addendum: Mission to Senegal (www.refworld.org/country,,,SEN,,4d833b082,0.html)

123 UN Human Rights Council (2010), Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Addendum: Mission to Senegal (www.refworld.org/country,,,SEN,,4d833b082,0.html)

Senegalese Human Rights Committee

The Senegalese Human Rights Committee is an independent advisory body mandated to observe and evaluate the situation regarding human rights, including the status of children's rights, to promote respect for these rights and to foster dialogue and cooperation. The Committee has 29 members, including 8 NGO representatives, and is required to report on its activities annually. Lack of financial resources precludes the production of ad hoc reports on specific issues.¹²⁴

NGOs

Avenir de l'Enfant

Avenir de l'Enfant (ADE) is an NGO based in Rufisque about 30km east of Dakar. The objective of ADE is to provide assistance to street children and to protect children against sexual abuse and exploitation. ADE runs a centre that takes children in from the street and provides care and advice as well as diverse educational and leisure activities. ADE identifies and makes contact with the child's family and provides mediation with the aim of reuniting the child with his/her family.

ADE created a Committee to Combat Child Abuse with other organisations based in Mbour. This Committee eventually became the 'Observatory for the Protection of Children against Abuse' in 2002. Through its Observatory, ADE is the focal point for the National Action Plan against Sexual Abuse and Exploitation of Children and provides the secretariat for the Monitoring Committee of the Action Plan.

ADE is also active on an international level through its membership of the international network of street workers, which is coordinated by Dynamo International and a member of COSAED (group of structures providing support to children and youth in difficulty).

Claire Enfance

In Saint-Louis, an NGO called *Claire Enfance* provides support to children who are victims of rape. In this context, it has established local committees comprising women who are responsible for identifying cases of child rape. *Claire Enfance's* strategy is based on establishing and developing the activities of these local committees, which organise meetings, raise awareness

and advocate breaking the silence around sexual exploitation. It is deemed easier for victims to approach these committees and report cases because their members belong to the local community.

Medicos del Mundo

Another NGO in Saint-Louis is *Medicos del Mundo*. It collaborates with associations of young women and men. It does not deal specifically with minors but monitors the provision of medical support in cases of sexual violence and promotes condom use. The NGO has developed a strategy that is based on a deep understanding of vulnerable situations through the use of mapping. The most vulnerable categories identified through the mapping process are subsequently organised into associations that are capable of providing mutual support, building capacity and mobilising the community. *Medicos del Mundo* has prompted the creation of associations that bring together men who have sex with men, women who have sex with women and women who are frequent visitors to dancing clubs and nightclubs (sex workers). Each of the aforementioned 3 categories includes a significant proportion of young people and minors who have contact with adults in the context of tourism and travel.

Le COSEF

Le COSEF (Conseil Sénégalais des Femmes – Senegalese Union of Women) offers support to women who are victims of rape in local communities, residences and schools. It organises awareness-raising activities aimed at prevention, advocacy and the facilitation of access to institutions providing support.

Tourism sector

In March 2003 Senegal adopted a tourism charter introducing a strategy for the promotion of "responsible tourism beneficial to the people of Senegal and to the domestic economy". The Vice Squad systematically monitors beaches, hotels, bars, nightclubs, massage parlours and other places frequented by tourists. However, the Ministry of Tourism has no official statistics on the number of children who are exploited for sex tourism. The Ministry of Tourism has also launched campaigns to raise the awareness of staff in certain hotel chains with respect to the sexual exploitation of children and HIV/AIDS.¹²⁵

¹²⁴ UN Human Rights Council (2010), Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Addendum: Mission to Senegal (www.refworld.org/country,,,SEN,,,4d833b082,0.html)

¹²⁵ UN Human Rights Council (2010), Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child

III Reporting mechanisms

The state-run centre for children in need called the Ginddi Centre runs a free helpline for children in difficulty and it is intended to open one in all the regions of the country. The helpline, which was originally 800 00 88 88, has evolved significantly since its creation in 2003 in order to be in line with international norms. In 2011, it became the free phone number 116, which is easier for children to remember. The helpline is free and is open 24/7.

After setting up the helpline, there were efforts to raise awareness of its existence and to extend the initiative to other departments of the country. Between 2011 and 2012, the centre received 1,486 calls from children, 5,216 calls from women and 3,818 calls from men regarding cases of violence and abuse against children as well as cases of lost children. Of the total number of calls, 4,339 could not be dealt with because they did not fall within the centre's mission or because they were deemed to be insulting or slanderous.

Reports can also be made at the Observatory for the Protection of Children against Abuse established by ADE and the local committees of *Claire Enfance*.



IV Assessment of sexual exploitation of children and child protection mechanisms – Field research

Methodology of the field research

The research combined both qualitative and quantitative approaches. The qualitative approaches used the techniques of ethnographic research, qualitative interviews and discourse analysis. The quantitative approach was implemented by means of a questionnaire. A total of 1,004 minors and young people of both sexes (801 girls and young women and 203 boys and young men) participated in discussion groups with young boys in Kafountine, school students in Ziguinchor and a nightclub in Dakar that is often frequented by tourists. Furthermore, 9 Governmental authorities, 2 Employees of local NGO, 5 Medical staff, 2 Teaching staff, 5 Community members, 1 Former sex worker, 11 Tourism industry were interviewed. The research team consisted of 6 social science researchers with experience in ethnographic and sociological research, in particular in research relating to sexuality and taboos around sex.

The methodology used to develop the case studies included in-depth interviews, personal accounts and life stories that were principally collected from minors who had been victims of sexual exploitation at the hands of tourists or travellers. Documented cases were reconstructed on the basis of interviews conducted not only with the minors, but also with teachers, family members, close relatives, neighbours and members of NGOs, as well as members of the police and judicial authorities. In order to analyse the responses, interviews were conducted with resource persons and minors as well as representatives of NGOs and members of the police force, gendarmerie and judicial authorities, in order to analyse the objective historical outline and the content of the response.

Resource persons (5 women and 3 men) carried out site observations and other fieldwork together with the social researchers. Certain places were the subject of systematic observations during week days, especially bar/restaurants, cafes and tearooms. However, other places were only observed on weekends, in particular, discos, dance halls, bars and beaches. Site observations included informal interviews, free conversa-

tion and unstructured interviews that led to the identification of and contact with persons in the site able to play the role of facilitator. Facilitators included hotel managers, waiters, nightclub bouncers, people who wash or help park cars in the street and vendors in tourist sites. Due to their integration in the community, the facilitators were able to help establish contact with minors who were involved with or had experienced a sexual relationship with tourists or travellers. Conversations and interviews (including focus groups) were organised using these contacts.

The study covers 4 geographical areas: the Dakar region (Almadies, town centre, island of Gorée, East Corniche, West Corniche, suburbs), the northern area (Island of Saint-Louis, Langue de Barbarie, Hydrobase), the southern zone (Casamance Region – Abéné, Cape Skiring, Kafountine, Ziguinchor) and the Petite Côte (Region of Thies – Mbour, Saly, Somone, Nianing, Niakh-Niakhal, Toubab Dialaw, Ngaparou, Mbodiène).

Description of the area

Dakar region

A high proportion of tourists arriving in Dakar stays in a hotel directly and does not make enquiries regarding alternative forms of accommodation (private residences, hostels or other more informal establishments). However, a police source informed the researchers that there were 700 clandestine establishments in Dakar alone, particularly concentrated in the urban areas of Parcelles Assainies, Diamalaye, Cambérène, Yoff, Almadies, Ouest-Foire and Nord-Foire.

Dakar has many nightclubs, bars and discos that also play a role in the sexual exploitation of minors by tourists/travellers. The bars and discos also have their particularities: some open very late in the evening towards midnight and others at 6pm and it is possible to continue until 8am or even midday the following day. This logic of 'endurance' increases the vulnerability of minors to sexual exploitation, especially considered that endurance is also associated with drug and alcohol abuse. One informant explained: "Alcohol helps to keep going. What they do takes guts to do. Imagine sleeping with several different men in the same night or an orgy with several people, it's necessary to take something that helps them get over the disgust. That's why the girls drink a lot."

Saint-Louis

Saint-Louis experienced a relative decline when the capital of Senegal was transferred to Dakar following independence. The region of Saint Louis has a dense network of both old and new hotels, inns and a wide variety of accommodation options in the most varied circumstances. The main attractions are the historical heritage, particularly the colonial architecture, national parks, especially the Bird Park, safaris, beaches, festivals and leisure. Saint-Louis is also close to hunting grounds. This latter activity cropped up in several interviews as being most associated with the movement of girls (to accompany tourists staying in the hunting grounds).

La Petite Côte

La Petite Côte has experienced an unprecedented development of new residential areas over the past few years with second homes built by European citizens, especially the French as well as some new Senegalese rich. The residences are described by informants as areas outside of the law that escape interference from any form of moral, religious or legal censorship. Saly is considered to be one of the most important leisure centres in Senegal. According to the interviews, it is generally thought that tourists who exploit minors do not stay in hotels. One interviewee said: "They prefer private residences. They live in furnished apartments or in residences. The residences are only accessible to the owners and their guests. They are guarded by at least two guards."

Southern zone

Ziguinchor is the capital of the Ziguinchor Region, and the principal town in the Casamance area of Senegal. Cape Skiring is a small town, south of Ziguinchor. There are a large number of hotels, an arts/crafts village, several bars, restaurants, and private residences belonging to Westerners. Cape Skiring has an airport and is also easily accessible by road. It can be divided into 4 zones: the village (Cape Village), the hotel zone, the zone of *Campement villageois* for tourists (Cap Randoulène) and the residential zone. *Campements villageois* aim to provide tourists with a more authentic experience of the local community and culture. They consist of traditional structures constructed in the local style and with local materials, for example huts or tents. They are normally of modest comfort and very affordable.

Cape Village

Cape Village is dominated by the prostitution of minors. The parents generally work in hospitality and do not have time to supervise their children. They leave in the morning and return late at night, especially during the peak season. The village children are fascinated by tourists; they see them as novelties and sources of economic power. Even pupils at the school want to come into contact with the tourists and some tourists take advantage of this. For this reason, the village decided to move the school, transferring it from the periphery where there are more tourists, to the village centre where the community can keep an eye on the children.

Hotel zone

In the hotel zone 'classic' prostitution exists, generally subject to official control. Child prostitution does not seem evident, certainly because of the regulations regarding minors. Nevertheless, it is said that some tourists manage to gain access to minors with the complicity of workers in the hotels.

Cap Randoulène

Cap Randoulène, the zone of *campement villageois* for tourists, is frequented by girls of all ages, with a predominance of young and slim girls. It is reported that Westerners love young girls who are thin and slender, the size of a model. Even when they work in the private residences and in the tourist camps, the girls strive to attain such a physique because the tourists often pass from domestic services to sexual exploitation for which the girl can hope to receive more money.

Residential area

With respect to the residential area, it is reported that the tourists are former hotel guests who have since built beautiful private homes. They no longer stay in hotels and often have networks of friends from Europe who take turns to stay in the residence throughout the year. It is difficult to know what happens in these private homes. A person from the village is usually responsible for looking after the residence for the tourist. This person or a family member sometimes plays the role of providing girls to tourists (directly or indirectly).

Case stories

Interview with a resident in Cape-Village: "It's the older tourists over 50 years old that approach the girls. When you see them, you know they're old. They know how to turn the heads of the young girls. They flirt with the girls and make them dream. They tell them things like: I will take you to Europe. I have a lot of money. I'll buy you a house and pay for your studies, when in reality they are only looking for company to have a good holiday. I know many girls who never heard from their tourist boyfriend again once he returned to his country. For others, it's when their tourist boyfriend has a friend who comes to spend his holidays here that he puts his friend in touch with the girl and he takes over (i.e. he goes out with the girl)."

Resident in Abene: "The prostitution of minors... it is mostly old *toubabs* (Caucasian person) who are looking for girls under 15 years. In this village, they strut around with very young girls without being bothered. The parents say nothing. The only thing that interests the family is the money that the girl can bring them. This is why it is common for 15 year-old girls to have children with *toubabs*, who often refuse to acknowledge their paternity of the child."

Resident in Abene: "In Abene, in general, girls do not go to the tourists for 'tricks' (sexual relations between a client and a prostitute), but to 'try their luck', as we say here. Their goal is to find a Western husband to change their social status. But there are also girls called "universal chargers". These are minors who, with the help of their mothers, will spend the night with a tourist in exchange for 10,000 Frs."

Respondent of the questionnaire in Saly: "There are girls who left with their tourist husband after reaching the age of majority but once they arrived in the tourist's country, they were held prisoner in the house and could not go outside. They talk of a girl who committed suicide after two years of confinement. They say that her husband forced her to take part in orgies with other people. But here, when accompanied on trips, they make girls do the same thing, only it lasts for the duration of the trip and after they return home with money for their parents."

These case studies highlight the fact that the family does not represent a place of protection. The victim cannot turn to his/her family for help because a convergence of interests between the exploiter and certain members of the family in a position of power, which imposes what may be called a 'Culture of Silence'. Those in the family who wish to protect the victim may fail due to their poor position and lack of influence within the family.

Profile of the victims

The average age of local boys and young men interviewed in the places frequented by tourists or travellers was 18 years old, while the average age of girls and young women in the same places was 14.6 years. The vast majority of interviewees of both sexes had attended school (74% for girls and young women and 87% for boys and young men). There appears to be a higher percentage of girls (25%) than boys (10%) who intend to continue their school studies. The number of girls who intend to pursue a course of studies at a relatively high level (last year of high school) also appears to be higher than the number of boys (14% against 0%).

Of the 203 local boys and young men that hang around places frequented by tourists and travellers, 13% reported a sexual experience with a male tourist and 13% reported sexual relationships with female tourists. Rape or sexual assault was reported by 17% of the young men questioned.

The data shows that 41% of the 801 girls and young women in the places frequented by tourists had spent the night with a foreign tourist. Almost 10% of the girls reported a sexual relationship with a woman. Among the underage girls interviewed, 36% confirmed that they had had sexual relations during the previous tourist season with a male tourist they met through another person. About 30% of the underage girls interviewed had received money from a tourist, 33% had received a mobile phone from a tourist and 16% had lived in an apartment paid for by a tourist. Approximately 40% of the underage girls met a tourist through an internet contact, almost 50% on the beach, 31% at a hotel, 43% at a dancing club, 14% in a private residence and 9% at a restaurant.

The girls often have boyfriends in the village. When the 'season' opens, they leave the village

boyfriend for the entire period. The boyfriend is consequently introduced as the girls' elder brother or cousin. The average age of girls who had their first sexual relation with a tourist was 15 years, while the average age of the tourists was 45 years.

Only 28% of the girls and young women confirmed that they normally have condoms with them but 62% said they use contraception. Almost half of the boys and young men (43%) reported they had been tested for HIV on at least one occasion and 23% said they were informed of the results of the test. Over 60% of the young girls and young women (61%) said they had been tested for HIV and 60% of them were informed of the test results.

Around 40% of the underage girls had already given birth to a child, most often out of wedlock. Their frequentation of places where they can meet tourists or travellers appears to represent their quest for a livelihood and source of income in response to the social exclusion generally associated with pregnancy or having a child outside of wedlock. However, the frequentation of such places increases the risk of an unwanted teenage pregnancy and paradoxically, also the chances of a desired pregnancy (which is one of the strategies used to improve social status and living conditions if a foreign tourist is involved).

The research shows that marriage appears to be used to legitimise a sexual relation initially considered by the community as unacceptable by definition (e.g. that of an old man with a young girl). Donations in cash and other forms of support appear to be behind this ideological construction, which leads to socio-economic dependence. Families of minors who are involved in prostitution are often aware of what their girls do but as long as they pay the bills or contribute a daily allowance, they are prepared to accept it. The expression often used by underage girls to account for the 'corruption of parents' is *lekk ta nimuut* (eat and shut up).

The data collected through the research also shows that a high proportion of the minors interviewed in places associated with tourism and travel attended school. Many of them were in high school and the vulnerability of the girls to sexual exploitation increases with their level of education. This may be related to the girls hoping that a tourist will fund further studies or to the fact that foreign tourists in particular are at-

tracted to girls who can converse in French and who have a certain level of education. There is, therefore, an urgent need to develop awareness-raising and prevention strategies in schools so that minors can develop their capacity for self-protection and report cases.

Reporting

Very few of the local young girls that hang around places frequented by tourists and travellers interviewed were aware of the existence of organisations in their community that help children or young people who have been victims of sexual exploitation at the hands of tourists or travellers. Only 5% of them said they were aware of such organisations. In the case of young men and boys, 29% knew of at least one such organisation.

Tourism

The research suggests the following 3 categories of tourist/traveller:

- ▶ **Temporary:** these are tourists and travellers who make only brief visits to Senegal and who use their stay specifically to develop sexual relations with local partners.
- ▶ **The 'local':** these are European or Western professionals who stay for longer periods of time while maintaining contact with their country of origin.
- ▶ **The 'VIP':** they are retired in their country of origin, people considered to be very rich, who live in houses or residences that belong to them or that they occupy regularly.

According to the results of the questionnaires, the majority of tourists with whom the girls and young women had sexual relations in exchange for a sum of money were French (representing about 60%). Belgians accounted for almost a quarter. Travelling Senegalese nationals accounted for 6%, tourists of Spanish nationality accounted for 2%, African tourists other than Senegalese represented 3% and the remaining 4% comprised other nationalities, such as Italian, Norwegian, American and Asian. These percentages are generally in line with percentages relating to the nationality of tourists visiting Senegal.

The sexual exploitation of minors by tourists/travellers probably occurs less in the main hotels due to their strict rules forbidding access to minors not accompanied by their parents or guardians. However, there are ways of avoiding these rules. The interviews evoke several ways for a minor to access the bedroom of a hotel. For example, a tourist may pretend that a boy has come to sell him objects of art or craftwork and receive him in his hotel bedroom for sexual relations in exchange for money. Also, generous tips are given so that hotel staff turn a blind eye when a minor accompanies a tourist to his room after a festive evening.

V Conclusions country assessment Senegal

We can conclude from the field research that child sex tourism is a problem in Senegal. Members of the victim's family and community may turn a blind eye to the issue because they benefit from it in some way.

The average age of girls in bars frequented by tourists is lower than that of boys. The sexual exploitation by tourists mostly takes place on the beach, in dancing clubs and in hotels. It also takes place in private residences but to a lesser extent. However, very little information on the sexual exploitation of children in private residences is available. Almost three quarters of the youngsters don't carry condoms when they go out to meet tourists.

The average age of girls who had their first sexual experience with a tourist was 15 years old, while the average age of the tourists was 45 years. According to the data, French is the main nationality of the tourists who sexually exploit children, followed by Belgians. However, these percentages are generally in line with the percentages relating to the nationality of tourists visiting Senegal. Many underage girls who are exploited in the sex industry already have a child (40%).

The main hotels seem to have strict rules forbidding access to minors not accompanied by their parents or guardians. However, there are ways of circumventing these rules through giving bribes or through pretending that the minor has come to sell objects.

The Government of Senegal has implemented multiple initiatives to improve the protection of children against sexual exploitation, including international and national legal instruments, the Police Children's Unit, the National Taskforce Against Trafficking Especially of Women and Children, the Programme to Combat Trafficking and the Worst Forms of Child Labour and providing a 24/7 free helpline through the state-run Ginddi Centre. In addition, reports can be made at the community level to the 'Observatory for the Protection of Children against Abuse' established by ADE and the local committees of *Claire Enfance*.

Although child protection mechanisms exist, very few children are aware of the existence of organisations in their community that help children or young people who have been victims of sexual exploitation at the hands of tourists or travellers. In the current research, only 5% of girls and young women said they were aware of such organisations. In the case of young men and boys, 29% know of at least one such organisation. Much remains to be done in order to improve the awareness of reporting mechanisms.

No statistics regarding the sexual exploitation of children in tourism or travel exist and cases are not currently registered by the Government. No formal referral mechanisms or databases exist either within the state-run Ginddi Centre or centres run by local NGOs.

VI Recommendations for Senegal

Cooperation

Create partnerships between NGOs and community networks

Local resources exist (for example, in the form of community networks such as the *Ba-jenugox*). They are often successfully mobilised around interventions in the field of reproductive health and HIV/AIDS. They have not yet been included in the combat against the sexual exploitation of minors in tourism and travel. We recommend partnerships between NGOs and these community networks to develop projects, which strengthen capacity around child rights, prevention, reporting and the management of cases of sexual exploitation in tourism and travel. These interventions should also develop interfaces with projects promoting awareness-raising activities carried out by peers with minors who frequent areas that are at risk.

Create partnership between the Ministry of Tourism, NGOs and communities

The Ministry of Tourism currently occupies a marginal role in the fight against the sexual exploitation of minors in tourism and travel. We recommend that the Ministry of Tourism plays a leading role in partnership with NGOs, communities and other ministries concerned, in the development of programmes and projects targeting tourists and travellers. Projects to develop educational materials, including those generated by information technology, could be used to communicate the scale of the problem and integrate it into the various mechanisms and structures in the tourism, travel and leisure industry as a whole.

Legislation

Set 18 years as the minimum age for all cases of marriage

The laws on marriage and the legal age of adulthood certainly deserve to be improved for greater internal consistency. However, with respect to sexual exploitation in travel and tourism, this inconsistency is amplified by the complex issues surrounding the age gap at marriage, the promise of marriage and marital status. We therefore recommend that NGOs and civil soci-

ety promote consultation and social dialogue with a view to fixing the legal age of marriage and adulthood at 18 years in order to provide minors with legal protection against the manipulation of promises of marriage for the purpose of sexual exploitation.

Translate international commitments and national legal provisions into local languages

The harmonisation of national laws with international conventions seems to be confronted with many obstacles that ultimately highlight the weak integration of knowledge on community dynamics and dimensions into official legal structures. We can therefore recommend that NGOs translate international commitments and national legal provisions concerning these commitments into local languages and initiate programmes promoting consultation and social dialogue informed by the results of research.

Awareness

Implement school-based interventions

Children and young people in schools are particularly vulnerable to sexual exploitation within the context of tourism and travel. However, apart from a few exceptions, there are no school-based interventions aiming to prevent, detect or deal with such cases. We recommend that NGOs work in partnership with associations of students, teachers, parents, women's groups and school boards, to create spaces for discussion (including the use of ICT), networks for communication, awareness-raising and capacity strengthening for minors with a view to promoting self-protection, reporting of cases and mapping the risks, stakeholders and their involvement in dealing with cases. We also recommend peer-to-peer education projects with capacity building activities supported by guides and teaching tools.

Use new technologies

According to data published on UNICEF's website, the mobile telephone is widely used in Senegal since 73% of the population is thought to own a mobile phone. In areas where there is a strong influx of tourists and travellers, almost all girls and young women own a mobile phone. Many also use the internet. One could,

therefore, suggest that NGOs develop platforms of communication, awareness raising, exchange and advocacy for minors and local partners, using mobile telephones, texts, discussion forums and other means for virtual exchange possible through new information and communication technologies.

Involve female relatives in child protection

Opportunities for strengthening the ability of girls to protect themselves against sexual violence exist within a girl's upbringing. The grandmother and the aunt play important roles in this context and could be mobilised, particularly within the framework of interventions developed by NGOs in partnership with community organisations, women's associations and networks for social interventions (such as the *Bajenugox* networks involved in raising the awareness of young women and adolescent girls on issues relating to reproductive health).

Mobilise financial resources available for the promotion of tourism

The tourism sector, while acknowledging the existence of sexual exploitation by tourists, is not least in a position of denial regarding the extent of the problem and the need for political commitment. Tour operators as well as other sectors of the tourism industry insist that sex is not one of the products they promote to tourists arriving in Senegal. However, the offer of sex can almost always be regarded as subtle and obscured by a range of micro-processes shaped by situations where sex itself is implied. In this sense, sex is not necessarily a commodity that is bought and sold. However, all forms of tourism can have a sexual dimension. Therefore, the financial resources mobilised for the promotion of tourism (including the Support Fund for Tourism in Senegal) should have components dedicated to combating sexual exploitation.

The tourism sector could also be encouraged to contribute to community development projects that help to reduce the social and economic factors that increase the vulnerability of these communities and their children to sexual exploitation.

Develop projects and NGOs specialised in combating child sex tourism

The majority of NGOs carry out a wide range of activities around child protection in general. There is no particular focus on the issue of sexual exploitation of minors in tourism and travel, which means that the problem often becomes diluted or obscured by broader issues. We recommend the development of projects and NGOs specialised in the topic of child sexual exploitation in tourism and travel. These projects and NGOs should aim to raise awareness on the topic and to work with both communities and minors.

Data registration

Establish a centralised, harmonised information system

Data registration is vital to be able to guarantee that all children can be traced, that the effectiveness of care provided can be evaluated and that the child's subsequent progress can be monitored. We therefore recommend the establishment of a centralised, harmonised information system that, through accurate data collection and processing, will permit a better assessment of the scale of the problem as well as the identification of evolving trends and, consequently, the most appropriate responses.

We also recommend the continuation of participatory qualitative research and the construction of a list of indicators to be used in appropriate research in order to measure the impact of interventions and the evolution of the phenomenon.

Create mechanisms that allow the voice of children and communities to be heard

- ▶ Strengthen the capacity and rights of children in situations of vulnerability with respect to sexual exploitation in travel and tourism.
- ▶ Strengthen the capacity of social networks and structures that comprise local families and communities.
- ▶ Strengthen the dynamics of social change for gender equality, equity and balance in power relations within society and internationally.

E. South Africa

Main conclusions on the situation of child sex tourism and mechanisms to protect children:

- ▶ Child sex tourism is visible in Cape Town, Durban, Johannesburg, Bloemfontein, Nelspruit and Port Elizabeth.
- ▶ It often happens in hired accommodation, brothels and other non-tourism establishments, guesthouses or private residences, and lesser in the larger hotels.
- ▶ There are major trucking routes between ports and inland cities known for commercial sex. Truckers pick girls up and have sex with them in their trucks and then drop them off at the next stop where they are picked up by another trucker.
- ▶ There are several reporting mechanisms in place but only one that specifically responds to children. Childline South Africa is the best-known 24/7 free helpline, receiving over 1 million calls per year.
- ▶ Cases of child exploitation cases are underreported because children do not disclose as this is related to survival and the acquisition of resources, and low confidence in the police.
- ▶ There are progressive laws and policies in place to protect children against sexual exploitation, but the laws and policies are considered paper tigers, powerful looking on paper but with little impact due to lack of practical implementation.
- ▶ There is a critical shortage of social workers, insufficient budget for full implementation of child protection initiatives and poor coordination across Government sectors, and Government and civil society organisations.

I Analysis of the issues

South Africa is slightly more than 1.2 million km² large (twice of France) and has a population of almost 53 million people.¹²⁶ South Africa is now in its twentieth year of democratic Government, following decades of colonial and then apartheid rule. The transition to a stable and democratic political environment has resulted in positive progress towards the achievement of human rights and corresponding improvements in social and economic development. Democracy has brought many benefits to children and families in terms of access to education, health and basic survival, however development in the post-apartheid era continues to be compromised by economic pressures and deepened by the global recession of the past 5 years.

South Africa is ranked at 121 out of 187 countries on the 2013 United Nations Human Development Index. According to official figures, un-

employment in South Africa has reached 26% of employable persons.¹²⁷ The percentage of the population in receipt of social grants increased from 13% in 2002 to 30% in 2012.¹²⁸ High levels of corruption in the South African society, high rates of criminal violence, the high HIV prevalence rate and high levels of orphans and child-headed households contribute to slow economic development.

Tourism

The South African tourism sector has grown significantly in the past 15 years and is now well on the way to achieving its goal of becoming one of the top 20 destinations in the world by 2020.¹²⁹ In 2012, over 20 million people travelled

¹²⁶ Statistics South Africa (2013), Mid-Year Population Estimates 2013: Statistical Release P0302

¹²⁷ www.tradingeconomics.com/south-africa/unemployment-rate (Accessed November 2013)

¹²⁸ www.sanews.gov.za/south-africa/household-report-shows-improvements-challenges (Accessed November 2013)

¹²⁹ Department of Tourism (2011), National Tourism Sector Strategy (www.tourism.gov.za/AboutNDT/Publications/National%20Tourism%20Sector%20Strategy%20Executive%20Summary).

in South Africa (including over 9 million international visitors and 12.5 million domestic travellers). Countries from the neighbouring Southern African Development Community continue to be the major source of tourist arrivals, with Zimbabwe being the largest source market followed by Lesotho. Outside of Africa, Europe was the continent with the most international arrivals (55% of non-African arrivals) with the UK as the largest European source market followed by the USA and Germany. Gauteng holds the position as most visited province with 45% of tourist arrivals visiting the province, followed by Mpumalanga (15%) and Western Cape (15%).

Tourism's contribution to South Africa's gross domestic product (GDP) is significant. The 2010 Tourism Satellite Account, which measures the tourism sector's direct contribution to the country's economy, estimates this contribution at about R67 billion (€4.9 billion), or 3% of South Africa's GDP.¹³⁰ The Government of South Africa identified tourism as a priority economic sector and is determined to continue progress towards becoming one of the top 20 global tourism destinations by 2020.¹³¹

Voluntourism

Voluntourism is also increasingly popular amongst international travellers who seek to combine voluntary work with leisure travel, and is a fast-growing niche market in the global tourism industry. South Africa's voluntourism market includes significant numbers of visitors from Europe who purchase volunteer holidays through travel companies or directly from inbound service providers. While the South African Tourism website promotes voluntourism as an opportunity which 'enables the enlightened traveller to have an amazing holiday while changing the way they see the world'¹³², it provides opportunities for predators to make direct contact with children. This was highlighted with the recent case of an American volunteer/tourist arrested in 2011 for sexual abuse of several preschool children at an AIDS centre in Greytown.¹³³

Situation of children

In the most recent census in 2011, South Africa's total population was estimated at 51.8 million people, of whom 18.5 million were children under 18 years old. Children therefore constitute 37% of the nation's total population. Half of all children live in 3 of the 9 provinces: KwaZulu-Natal (23%), Eastern Cape (14%) and Limpopo (12%). A further 18% of children live in Gauteng, a mainly metropolitan province, and 10% in the Western Cape.¹³⁴

Education

South Africa has high levels of school enrolment and attendance. In the period 2011/2012, 12 million children were enrolled in schools in South Africa and over 98% of 7 to 15 year old children were attending educational institutions.¹³⁵ However, attendance rates tend to mask the problem of dropout among older children. Analysis of attendance among discrete age groups shows a significant drop in attendance amongst children older than 14 years old.¹³⁶ It is important to note that education, health and welfare services are not nationally organized and implemented but are devolved to provincial administrations. Each province develops its own budgets for service delivery and implementation services within the framework of national law and policy. This results in comparatively poorer service delivery to children in some provinces, and increases the mobility of children in search of resources.

Poverty

Significant numbers of children live in families in which no adult member is employed. Household structures are severely disrupted and affected by poverty. More than half of the children in South Africa live in households with a per capita income of less than R570 (€40) per month (62%).¹³⁷ The Government has introduced a number of programs to alleviate income poverty and to reduce hunger, malnutrition and food insecurity. Yet 2.5 million children (14%) lived in households where child hunger was reported

pdf)

130 South African Tourism (2013), 2012 Annual Tourism Report (Online) (www.southafrica.net/uploads/files/2012_Annual_Report_v9_03092013.pdf)

131

132 www.southafrica.net/za/en/articles/overview/voluntourism (Accessed November 2013)

133 edition.cnn.com/2011/CRIME/08/05/peace.corps.sexual.abuse/ (Accessed November 2013)

134 Meintjes, H. and Hall, K. (2013), Demographics of South Africa's Children, South African Child Gauge 2013

135 Department of Education (2013): Report on the 2012/2013 Annual Report, Department of Education

136 Hall, K. (2012), Children's access to Education, South African Child Gauge 2013

137 Statistics South Africa (2011), Social Profile of Vulnerable Groups in South Africa

in 2011.¹³⁸ There are glaring racial disparities in income poverty: while 66% of African children lived in poor households in 2011, only 2% of Caucasian children lived below this poverty line.¹³⁹ Children living in households with no or little income are considerably more vulnerable to abuse, neglect and exploitation.¹⁴⁰

Family structures

The family is considered the first and primary child protection structure. However, the South Africa Child Gauge (2013) indicates that the proportion of children living with both parents decreased from 38% in 2002 to 33% in 2011. More than 7 million children (39%) live with their mothers but not with their fathers. Only 4% of children live in households where their fathers are present and their mothers absent.¹⁴¹ South African children are growing up in families and communities that are still recovering from the legacy of apartheid.¹⁴² Today's communities are still affected by previous legislation, which contributed to the separation, marginalisation and disintegration of families. Apartheid laws severely damaged the fabric of family life. Men and women who found employment in town and cities could not take their partners and families with them, thus eroding family relationships. Migrant labour contributed to this family disintegration and men spent long periods away from their families who were unable to join them in the cities, mines and other places of work.

Orphans

In 2011, there were approximately 3.85 million orphans in South Africa.¹⁴³ In this context, orphans are defined as children who do not have a living biological mother or father or both parents. According to this definition, the total number of orphans is equivalent to 21% of all children in South Africa. The total number of orphans has increased substantially; with 853,000 more orphaned children in 2011 than in 2002.¹⁴⁴ The lack of close family relationships and lim-

ited parental care and supervision mean that children often lack suitable guidance and role models, thereby increasing the vulnerability of children to all forms of neglect and exploitation.

HIV infections

In 2009 HIV prevalence in the adult population (aged 15–49) was estimated to be 18%. An estimated 5.63 million adults and children were living with HIV in 2009. Of these, 5.3 million were aged 15 years and older, 3.3 million were females and 334,000 were children.¹⁴⁵ The HIV and AIDS pandemic make children more vulnerable to abuse, neglect and exploitation. Affected and infected children are often stigmatised, and sometimes even excluded from family and community life.

Sexual violence against children

Doctors for Life has reported concerning data on its website suggesting that 1 in 3 girls and 1 in 5 boys in South Africa have been sexually molested by the time they turn 18 years old.¹⁴⁶ The Medical Research Council expands upon this with their report that more than 25% of men have committed rape and, when asked about their age at the first time that they forced a girl or woman into sex, the majority said they were between 15–19 years old.¹⁴⁷ This culture of sexual molestation sets a troublesome platform for the proliferation of commercial sexual exploitation of children.

Sexual exploitation of children

While magnitude is unclear, estimations by S-Cape Home¹⁴⁸ and the Salvation Army¹⁴⁹ suggest that there are currently an estimated 30,000 child victims of prostitution in South Africa, and some research indicates that figures might swell up to 40,000, but due to the clandestine, complex and extremely sensitive nature of these crimes, there is an under-reporting and lack of recording of child prostitution, thereby making it difficult to obtain accurate records.¹⁵⁰ What is known is that child sex is available and easily accessible for tourists.

138 Hall, K., Nannan, N. and Sambu, W. (2012), *Child Health and Nutrition*, South African Child Gauge 2013

139 Hall, K. (2012), *Income, Poverty, Unemployment and Social Grants*, South African Child Gauge 2013

140 Hall, K., Woolard, Lake, L., and Smith, C. (eds) (2012) *South African Child Gauge 2012*

141 Meintjes, H. and Hall, K. (2013), *Demographics of South Africa's Children*, South African Child Gauge 2013

142 Van Niekerk, J. (2010), *Growing up in South Africa*, Training Manual for Prosecutors

143 Meintjes, H. and Hall, K. (2013), *Ibid*

144 Meintjes, H. and Hall, K. (2013), *Ibid*

145 Republic of South Africa (2012), *National Action Plan on HIV, STIs and TB - 2012-2016*, SANAC

146 Doctors for Life (www.doctorsforlife.co.za/index.php/category/issues/pedophilia/) (Accessed November 2013)

147 www.irinnews.org/report/84909/south-africa-one-in-four-men-rape (Accessed November 2013)

148 S-Cape Home (www.s-cape-home.org/?page_id=8) (Accessed November 2013)

149 www.salvationarmy.org.za/index.php/our-work/community-care-development/anti-human-trafficking (Accessed November 2013)

150 Spies, D. (2013), *An Analysis into the Risk Factors Contributing to Child Prostitution in South Africa*, Research Thesis, Unpublished

Most movement of children into tourist areas appears related to the personal survival needs of the child, such as food, clothing, shelter, access to education and money, making them vulnerable to deception. Once children arrive in tourist areas they are very vulnerable to exploitation by foreigners, especially where parental supervision and awareness of the child's activities is limited or absent.

Child trafficking

The United States Trafficking in Persons Report 2013 identifies that children are trafficked mainly from poor rural areas to urban centres such as Johannesburg, Cape Town, Durban and Bloemfontein to work in the sex industry.¹⁵¹ The Salvation Army has observed that the Eastern Cape, Mpumalanga and Limpopo are the main recruitment areas for trafficking children.¹⁵² Other commonly source countries of child trafficking are Zimbabwe, Mozambique, Zambia, Malawi, Cameroon and China.¹⁵³

Young girls feature prominently in all trafficking streams. The demand for underage girls for purposes of sexual exploitation is a disturbing feature of the South African trafficking landscape. Reasons for this demand include the perception that young girls pose less of a risk in terms of HIV and that they represent the 'sexual desirability of youth'.¹⁵⁴

Child sex tourism

Child prostitution intersects with tourism in 2 main ways. The first method involves the direct use of tourism facilities (hotels, resorts, transport services and travel agencies) for the engagement of children for prostitution. This abuse is not confined to low-grade accommodation but occurs across all levels of hotels up to 5-star accommodations. Children may be working from a particular hotel or delivered to a hotel nominated by the offender. Other tourism services such as taxis, hire cars and other forms of local transport may be involved.

The second method of child prostitution in tourism is indirect as it involves tourism services being used as methods to gain access to children, for instance, a business traveller may stay in a city hotel and journey outside in the evening and then engage in sex with children. Offenders may bring children back to hotels or smaller establishments, such as bed and breakfast venues, where guests are given keys to gates and entrances and there is little supervision. Children are also exploited as prostitutes in lodges and resorts, roadsides, brothels, massage parlours, *shabeens*¹⁵⁵, clubs and bars, lolly lounges¹⁵⁶, gentleman's lounges, run-down buildings and designated truck stops. In local adult entertainment businesses many premises offer children as young as 12 and 15 years old for sexual purposes.¹⁵⁷

Offenders and organizers

Criminal involvement of individuals and organized criminal syndicates from Nigeria, Russia and Bulgaria operate in the national sex trade and Chinese nationals are coordinating the sex trafficking of Asian women and children into South Africa.¹⁵⁸⁺¹⁵⁹ Cross border trafficking of children, particularly children from Zimbabwe, is facilitated by gangs (*Gumagumas*) that prey on children crossing the border by foot.¹⁶⁰ A report by the International Organisation for Migration (IOM) reveals that street children from Maseru in Lesotho are trafficked by long distance truck drivers to South Africa for sexual exploitation.¹⁶¹

151 United States Department of State (2013), Trafficking in Persons Report (www.state.gov/documents/organization/210741.pdf)

152 www.salvationarmy.org.za/index.php/our-work/community-care-development/anti-human-trafficking (Accessed November 2013)

153 ESPN (2011), op. cit.

154 National Prosecuting Authority of South Africa (2010), Understanding the Dimensions of Human Trafficking in Southern Africa

155 Shabeens: unregistered bars and places where alcohol is sold, usually existing in informal township areas, also in inner cities and suburbs

156 Lolly lounges: houses located in sub-economic zones where alcohol, drugs and sex are available. Often used as drug hubs by criminals

157 ESPN (2011), Concerns Raised About Illegal Sex Trade: Human Trafficking and the World Cup - South Africa (sports.espn.go.com/espn/otl/news/story?id=5251940) (Accessed November 2013)

158 Torres, L. and Du Toit, D. (2010), Southern Africa Counter-Trafficking Program (SACTP) Review

159 United States Department of State (2013), op.cit.

160 Human Sciences Research Council, (2010) Understanding the Dimensions of Human Trafficking in Southern Africa: Research Report

161 www.news24.com/Africa/News/Sex-slave-trade-flourishing-20030324 (Accessed November 2013)

Case

In 2012, 16 underage girls were rescued from a Durban Point Hotel as a result of a raid conducted by the Durban Organized Crime Unit, the South African Police Service Dog Unit, the Hawks, members of the Criminal Record Centre, the Child Protection and Sexual Offences Unit, and metro police. A Durban Organized Crime Unit's warrant officer said the 16 rescued girls were all aged between 12 and 18. The 12-year-old girl appeared to be several months pregnant. All of the girls had been captive and forced into prostitution, intimidated and treated very badly for periods of up to 2 years. It appears some of the girls were held in the hotel with the intent of being sent to other countries for prostitution.

Source: www.iol.co.za/dailynews/news/girls-to-be-trafficked-out-of-sa-1.1237976#.UpFwd-K_AYE (Accessed November 2013)

II Responses to the issues

Government

The African Report on Child Well-Being (2013) announced that the Government of South Africa scored very highly in a regional comparative performance rating and is now emerging into the group of most child-friendly Governments in Africa.¹⁶² In particular, the report acknowledges South Africa's ratification of relevant child rights instruments, provisions made in national laws to protect children against abuse and exploitation, the existence of a child justice system, and the existence of plans of action and coordinating bodies. In regards to these criteria, South Africa progressed from position 15 to position 11 in a scale of all African countries.¹⁶³ However, implementation of law and policy remains a challenge.

International legislation

South Africa has ratified the United Nations Convention on the Rights of the Child (1990), the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2002) and became party to the African Charter on the Rights of the Child in 1997. Advancing and reaffirming these commitments, the new Constitution of South Africa contains a Bill of Human

Rights, which includes a specific section (S28) on the rights of children and addresses the protection of children from abuse and exploitive labour practices.

National legislation

The Children's Act No. 38 of 2005¹⁶⁴

The Children's Act deals with the care and protection of children via civil processes. This Act makes provision for the prevention of and response to child rights violations and deals with the vulnerability of children in a holistic way. The Act contains the following key provisions:

- ▶ Criminalisation of child trafficking and provision for the care and protection of children when trafficked. This chapter will be repealed from the Act when the Trafficking in Persons Act is operational and implemented.
- ▶ Inclusion of child sexual exploitation and child trafficking under the worst forms of child labour and a prohibition of these forms of child labour. This section of the Children's Act specifically mentions the protection of children from slavery, debt bondage, servitude and serfdom, or forced or compulsory labour or provision of services. It also prohibits the use or offering or employment of a child for purposes of sexual exploitation.
- ▶ A mandatory reporting section for specific occupations and professions that is inclusive of sexual exploitation of children. This requires reporting of these and other abuses of children to the Department of Social Development, a Designated Child Protection Organisation or the South African Police Services.
- ▶ Definition of 'a child in need of care', enabling designated child protection organisations to intervene and provide care and protection. This definition enables trafficked and sexually exploited children to be found 'in need of care' and therefore protected through orders of the Children's Court.

¹⁶² African Child Policy Forum (2013). The African Report on Child Wellbeing 2013: Towards Greater Accountability to Africa's Children

¹⁶³ African Child Policy Forum (ACPF), (2013). Ibid

¹⁶⁴ Republic of South Africa (2006), The Children's Act, Act No. 38 of 2005, 19 June 2006, Cape Town, South Africa

The Criminal Law Act No. 32 of 2007¹⁶⁵

The Criminal Law (Sexual Offences and Related Matters) Amendment Act deals with sexual offences against both adults and children. The Act has strong provisions relating to the criminalisation of child prostitution and enables the prosecution of all involved in child prostitution including pimps, brothel owners, and parents who fail to report their child's prostitution. Importantly, the Act has also broadened the definition of rape so that it is inclusive of a wide range of crimes that are commonly perpetrated against children. The Act criminalises sexual grooming, sexual exploitation, and use of and exposure to pornography.¹⁶⁶ The Act also provides for the prosecution of those who live of the earnings of child prostitution, unless that person is a child. It requires the mandatory reporting of child prostitution to the police, and recognises a failure to do so as a criminal offence.

Despite the Law Reform Commission's strong recommendations, it contains few provisions relating to the prevention of sexual offences against children, particularly in relation to provisions dealing with offenders, other than broad criminalisation of all sexual abuse of children and providing for a register of convicted sexual offenders and persons alleged to have committed offences but found unfit to stand trial. However, there are also some provisions for the protection of child victim/witnesses enabling them to testify through an intermediary if they are likely to experience undue trauma from testifying in the courtroom itself. The protection of the child witness is critically important for child victims of sexual exploitation as traffickers and exploiters often apply intimidation. The Act has specific provisions on the extra-territorial prosecution for trafficking offences and also addresses child sex tourism by providing for the prosecution of any organiser of travel that facilitates a sexual offence against children or promotes such conduct.

The Child Justice Act No. 75 of 2008¹⁶⁷

The Child Justice Act provides for appropriate responses to children who are in conflict with the law. The provisions in this Act enable a restorative justice and rehabilitative approach to children who might be inciting others to sexually exploit other children, or recruiting other children into child prostitution.

The Trafficking in Persons Act No. 7 of 2013¹⁶⁸

This long-awaited Act was signed into law by the State President in July 2013, but is still awaiting implementation. The Act gives effect to South Africa's international obligations in accordance with international conventions. It clearly provides for offences of trafficking in persons and other offences associated with this crime. The Act also provides penalties for offenders, protection and assistance to victims, coordinated implementation of the Act and makes provision for the prevention of trafficking. The Act recognises the specific vulnerability of children to trafficking and sexual exploitation via its definition of abuse of vulnerability which acknowledges special circumstances including children who are illegally in South Africa, those who are pregnant, disabled, addicted to a substance and those who are vulnerable as a result of social and/or economic circumstances – all factors which could be attributed to many children who are victims of commercial sex exploitation in South Africa.

National Action Plans

In addition to legislative provisions, South Africa has several formal policy documents that directly relate to sexual exploitation of children, including:

- ▶ The National Plan of Action for Children (2012-2017),¹⁶⁹ which addresses issues relating to sexual exploitation of children. The National Plan encourages the reporting of sexual exploitation of children, including sex tourism.

165 http://www.google.de/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDUQFjAA&url=http%3A%2F%2Fwww.gov.za%2Fdocuments%2Fdownload.php%3F%3D194022&ei=qdSVUrCaCuvMygO1zoCACQ&usg=AFQjCNHfPOJ_b31LWoS2iy6-3hxa9ePcnQ (Accessed November 2013)

166 African Child Policy Forum (ACPF), (2013). op. cit.

167 www.justice.gov.za/legislation/regulations/childjustice-reg-amend.pdf (Accessed on 27 November 2013)

168 Department of Justice and Constitutional Development (www.justice.gov.za/legislation/acts/2013-007.pdf)

169 Department Women, Children and People with Disabilities (2012), National Plan of Action for Children in South Africa 2012-2017

- ▶ The National Strategy on Child Protection (2003)¹⁷⁰ addresses all forms of child abuse and neglect, including sexual exploitation of children.
- ▶ The National Policy Framework and Strategic Plan for the Prevention and Management of Child Abuse, Neglect and Exploitation (2010).¹⁷¹
- ▶ The Guidelines for the Prevention of and Response to Child Exploitation (2012), produced with role players in the Government, UN Agencies, NGOs and private sector. It is also addressed to the tourism industry by proposing greater collaboration with the hospitality industry, places of entertainment, community taverns, tourism and related sectors in order to improve the reporting of sexual exploitation of children in their business spheres.¹⁷²
- ▶ The National Child Labour Programme of Action II, which, inter alia, specifically addresses sexual exploitation of children (2008-2012).¹⁷³

Responsible Ministries

The Department of Social Development has primary responsibility for upholding children's rights to care and protection and for ensuring that all children in South Africa enjoy the care and protection as stated in the South African Constitution and the Children's Act. In 2012 the Family Violence, Child Protection and Sexual Offences Units at the South African Police Service were re-introduced. These units have dedicated investigators and other resources and are assigned to cases where women and children are affected by violence.

NGOs

South Africa has an active community of NGOs and UN Agencies working to address child protection issues, including sexual exploitation. Key groups such as Childline, Child Welfare South Africa, National Association of Child Care Workers, Molo Songologo and UNICEF have independent-

ly and collectively contributed extensively to the process of law reform, participating in debates and workshops on what the law should contain, educating decision makers on the challenges of working in this field and the legal framework necessary for good management of the problem, as well as lobbying politicians in order to ensure that the appropriate laws are passed. The NGOs and UN Agencies have also taken responsibility for monitoring the implementation of law and policy in relation to the care and protection of children.

Tourism sector

The National Tourism Sector Strategy 2012 outlines the commitment of key stakeholders to promote sustainable and responsible tourism in order to make South Africa a tourism destination of choice.¹⁷⁴ Correspondingly, the National Minimum Standard for Responsible Tourism, as outlined in the South African National Standards (SANS) 1162,¹⁷⁵ establishes specific minimum requirements for the performance of organisations in the tourism sector in relation to social, economic and environmental sustainability and enables organisations to formulate policies and objectives which take into account legal requirements and information pertaining to the impact of these requirements. The National Department of Tourism is rolling out an awareness-raising program around implementation of the principles and practices relating to SANS 1162 throughout South Africa's 9 provinces in partnership with public and private sector representatives as well as civil society organisations.

Tourism Child Protection Code

In preparation of the World Cup (2010), Fair Trade Tourism (FTT) introduced the Tourism Child Protection Code to prevent the sexual exploitation of children in South Africa. FTT is the official Local Code Representative for South Africa. During 2 public launch events in Johannesburg and Cape Town, 37 tourism businesses (ranging from small bed and breakfast operations, large hotels, tour operators and car hire companies) and an industry association (Cape Town Tourism) became party to The Code. In addition to this, 11 industry associations and 5 Government de-

¹⁷⁰ Parliamentary Monitoring Group (www.pmg.org.za/docs/2003/appendices/030314strategic.htm) (Accessed November 2013)

¹⁷¹ Department of education (2010), Policy guideline for the management of child abuse and neglect

¹⁷² Department of Social Development (2012), Ibid

¹⁷³ Department of Labour (2008), The National Child labour programme of action for South Africa 2008-2012

¹⁷⁴ Department of Tourism (2011), National Tourism Sector Strategy, Republic of South Africa, op. cit.

¹⁷⁵ Department of Tourism (www.tourism.gov.za/CurrentProjects/ResponsibleTourism/Pages/Information.aspx) (Accessed November 2013)

partments formally pledged their support of The Code. However, while there was an initial surge in membership prior to the World Cup, only 3 additional tourism businesses have signed The Code between January 2011 and June 2013 and a number of the aforementioned Code members lost their status due to non-fulfilment of associated mandatory obligations.

III Reporting mechanisms

Police

The emergency Crime Stop number 10111 is a toll-free hotline managed by the South African Police Service (SAPS). This hotline is available for all urgent situations relating to crimes against adults and children and provides no extra services. The hotline can receive reports in English and some African languages and is operated by the Department of Safety and Security. The operators are not trained to specifically deal with cases of sexual exploitation of children, but they are equipped to refer reports to specialist units for investigation. This reporting mechanism does not appear to be used frequently by children. It is unclear as to what happens to children who contact this line for assistance.

The line has been criticised in recent years due to a public perception regarding lack of action in response to reports. Subsequently, SAPS has made recent efforts to upgrade its service and response in many areas.

Childline South Africa

Childline South Africa (08000 55555) is the best-known reporting line for child protection issues. Childline operates a toll free crisis and counselling line. The line is open 24/7. Online reporting and online counselling are also possible. Childline receives over 1 million calls per year, which relate to all forms of child rights' abuses including sexual exploitation of children. One of the key reasons for the popularity of Childline South Africa is the successful promotion to enhance public awareness. While Childline is effectively managing their enormous call volume, the organisation recognises that more support is needed to meet increasing demand.

Childline counsellors are recruited, screened and trained to communicate with children and

how to assist with a broad spectrum of challenges that impact on children's lives. The line has a strong preventative function, since operators are trained to recognise potential risks. For example, a child might explain that her 'uncle' prevents her from going to school. Through further discussion, the operator might learn that the child has been trafficked into the care of an unrelated adult who is sexually exploiting the child in exchange for a home, food and clothing.

The hotline is decentralised and each province in South Africa has a call centre dedicating attention to key needs in each province (health, welfare and social services, and education). It provides suitable language services (covering all 11 official languages). Most children trafficked into South Africa from neighbour countries can therefore be supported in their own language.

Childline refers cases to other services depending on the needs of the child and the services available in their local area. There is a strong follow-up process to ensure that the counsellor is satisfied that the case has been suitably managed.

Tourism Safety Initiative

Recognising that crime and safety issues have a potentially negative impact on South Africa's reputation in international tourism markets, the Tourism Safety Initiative (TSI) was established by the Tourism Business Council of South Africa in 2006. TSI operates as an intermediary enabling the tourism sector to effectively liaise with police, security services and disaster management to address crime relating to tourism and therefore provides enhanced protection for the tourism sector. It is not focused on sexual exploitation of children. Tourism actors can report incidences at the toll free telephone number hotline or report online by filling in a reporting form.

Lifeline South Africa

LifeLine has 17 centres countrywide, all operating autonomously in response to local need. LifeLine is staffed by highly trained volunteer counsellors and peer educators. Some Lifeline Offices have expanded their service to include face-to-face sessions and group training interventions. Lifeline's community-based projects include 'Girls on the Move - and Boys

too' through which they educate young people from 13 to 15 years old to make wise choices in their lives over sex, HIV, abuse and rape. When dealing with reports and disclosures directly relating to sexual exploitation of children, the LifeLine operators refer these to Childline.

Data registration

Although the South African Police Service releases annual statistics outlining crimes committed against children below 18 years old, the reliability of these statistics is questionable as they are dependent on the accuracy of reporting from local level service providers where data is not captured systematically. Furthermore, the Department of Social Development does not yet have core child protection indicators and, as a result, there are gaps in the systematic capturing of regular and reliable data on the number of children in South Africa who require and receive services. The Department of Social Development is working on a 5-year National Child Protection Surveillance Study in order to rectify the gaps in knowledge and data. This will be conducted in collaboration with a number of international and local NGOS who will undertake on-going research into child protection issues.¹⁷⁶

IV Assessment of child protection mechanisms – Field research

Methodology of the field research



Multiple research methods were used in an attempt to reach all 9 provinces of South Africa. Research tools included structured questionnaires, focus group discussions, a national workshop, individual interviews and email discussions. A snowballing technique was used whereby the initial respondents were asked to identify other suitable experts and practitioners to contribute to the research. In total, 197 stakeholders responded.

A total of 54 Government officials participated in the research, which included social workers, police officers and officials of the Ministry of Justice, Education, Home Affairs, Labour and Ministry of Women, Children and Persons with Physical Disability. There were 97 participants from national (85) and international (12) NGOs. From the tourism sector there were 36 informants, 10 from Academic institutes and 1 from the media sector. Of these participants, 33 answered questions through questionnaires, 64 through focus discussions, 21 were interviewed, 62 responded by email and 17 attended a national workshop to discuss preliminary research findings.

¹⁷⁶ Save the Children Southern Africa Regional Office (2010), op. cit.

Case stories

During the field research several respondents mentioned cases that show how children end up being sexual exploited in tourism and the lack of protection from the police.

Questionnaire Respondent – Child Protection NGO: “There was a girl who was 13 years old when she was raped. She started to smoke cigarettes and drink alcohol. She then started to hang out with other ‘party girls’ over weekends and was introduced to the nightlife in the city centre. Soon she started to have sex for money. She started to hang out at certain clubs and bars to meet foreign men as they pay better. At age 15, still at school, she had regular foreign clients or foreign boyfriends. Sex usually took place in public places, at a room special hired for this purpose and now and then in a client’s hotel room. She was arrested at age 18 and jailed for theft and then disappeared.”

Interview Respondent – Child Protection Professional: “A 14-year-old girl from an informal settlement was persuaded by an older child to go to the city where the British Lions Rugby team was playing the Springboks (South African Rugby Team). She was told that a huge number of fans would be flocking to the beachfront in search for recreational activities. The older child convinced her that they pay in pounds and are friendly guys who like local girls.”

Report made to Childline by a hotel manager in Durban: “From time to time since December 2010 prostitutes have been housed and conducted business out of a hotel in this area. These prostitutes have varied in age but there are some teenagers. After we made phone calls and complaints to the police in December and January there were a couple of raids. However, shortly after each raid the same prostitutes have returned. At the beginning of March the number and ages of the prostitutes changed so that their number was dominated by teenagers and some looked as young as 8 or 9 years old. Mr R. organises these very young children and I understand that he uses the Mini Taxis to bring customers to the hotel. These children carry out their activities through the night until early each morning. They reappear in the early evening in a shocking condition - malnourished, dazed and unsteady on their feet with signs of assault visible. Attempts to photograph the activities have been met with threats of violence. South Africa Police Service would set up surveillance but this has not yet been done. I hope it will be possible to bring this shocking situation to an end and hopefully reunite these children with their parents or to remove them to a place of safety.”

Organization of child sex tourism

Informants to this research explained that children are often attracted to tourism areas where they are easily lured into sexual exploitation because of material need and/or the need for employment and income, as well as challenges coping with family problems and relationships at home. Some children come with their parents who have taken up work in the area. Organized gangs may force children into situations of exploitation. The majority of respondents identified that child victims often came from a background of hardship, either due to their family situation, substance abuse, physical abuse, economic disadvantage and educational issues.

According to the respondents who work directly with children, offenders pay between R5 (€0.40) to R5000 (€400), depending on the child and the age of the child. Pricing also depended on the sexual act requested by the exploiter, the length of time for which the child was requested, the location of the sexual act, or whether it was a weekend or weekday.

Locations

Child protection respondents identified a number of hotspots where tourists come into contact with vulnerable children, including the V&A Waterfront, Long Street in Cape Town, the Point area in Durban, the inner city of Johannesburg, Bloemfontein, Nelspruit and tourist markets and attractions such as Pilgrim’s Rest. This is supported by the Human Sciences Research Council report in 2010, which suggests Cape Town, Durban, Johannesburg and Port Elizabeth are primary destinations for underage sex tourism. It involves children between 10 and 14 years old and has an international component, in which people seeking sex tourism travel to developing countries looking for anonymity and vulnerable children who are available for prostitution. □

Child trafficking

The respondents corroborated findings of earlier research, saying that trafficked children primarily originate from within South Africa and that there is increasing movement across the

national borders. The most frequently identified routes include nearby Lesotho, Mozambique, Zimbabwe and Swaziland. Many respondents noted the porous nature of South Africa's borders and shared examples of the ways in which children had travelled easily across border checkpoints. Some children were brought through the border in trucks and taxis, which were not checked by border officials, sometimes border officials were simply bribed, and sometimes children cut and/or climbed under, over or through border fencing.

In order to illustrate the ease with which one could move through border areas without proper checks a respondent explained: "It is easy to move children through the border without proper checks. I took a group of children to an international children's conference. I had gone to great trouble collecting all the official documents enabling me to take children, who were not my own, out of South Africa. However when I arrived at the border, the official did not ask for the documentation but simply stamped all the passports. When offered the documentation, he did not even look at it."

During focus group discussions, respondents to this research explained that Nigerian syndicates are driving child trafficking and subsequent prostitution in some large cities and towns. It was reported that these syndicates are using intimidation tactics to threaten child protection groups and police to prevent them from interfering in their high-profit, exploitative crimes. They also identified that major trucking routes between the ports and cities are known venues for soliciting and offering commercial sex. The truckers pick girls up and have sex with them in their trucks and then drop them off at the next stop – where a driver travelling in the opposite direction will pick them up, use them sexually and drive them back to their home stop. Respondents identified that drivers often prefer younger girls and the comment was made "children are more valuable than their mothers" when related to earnings from sexual exploitation by truckers.

Legislation

While South Africa has introduced progressive laws and policies relating to the care and protection of children, implementation of these legal frameworks remains a key challenge. Many respondents considered laws and policies to be 'paper tigers' – powerful looking on paper – but

with little impact due to lack of practical implementation. There is a critical shortage of social workers, insufficient budget for full implementation of child protection initiatives and poor coordination across Government and between sectors, including with community-based organisations.

Reporting

Even though incidents of sexual exploitation are being reported in South Africa, the survey respondents suggested that cases of child sexual exploitation in the tourism sector are underreported. Cases of child exploitation cases are underreported because children do not disclose as this is related to survival and the acquisition of resources and low confidence in the police. Some of the frequently mentioned reasons why observers may not make a report is lack of awareness of sexual exploitation of children and existing hotlines. While respondents in the child protection sector were very familiar with hotlines, it was suggested that members of the public or tourism sector lack awareness.

Another reason for the underreporting mentioned concerns police lack of sensitivity to children, police fear of the trafficking syndicates, perceived problems of police protecting brothel owners and police themselves sexually exploiting children. Respondents believed that this cumulative lack of confidence in the police inhibits the use of reporting lines.

Social workers indicated that victims often feel fearful or ashamed to make a report. Ambiguous notions of consent often place the blame on the victim, or obviate a perpetrator altogether. Children sometimes believe that they are responsible for their exploitation and may be reluctant to use those reporting mechanisms that are available, or lack access to technology that would enable them to make a call. Furthermore, respondents explained that children who have entered South Africa illegally often mistakenly believe that they will be in trouble if they come in contact with the police. However, according to South African law, children from other countries who have been trafficked or victims of sexual exploitation are not criminalised. Unfortunately, a lack of knowledge about the legislation may also result in low reporting.

Tourism

Amongst the tourism representatives there was a general feeling that sexual exploitation of children not happens in their establishments, but were aware of the existence. They indicated that child victims of prostitution were mostly working in hired accommodations, such as brothels and other non-tourism establishments, hotels, guesthouses or within the community in private residences. Security and front desks in the larger hotels are alert to who accompanies guests, thereby allowing for stricter regulation and improved safety for children. But some stated that it could be difficult to confirm the status of a child when a guest insists that the child is a close family member for whom the guest has a responsibility.

The Tourism Child Protection Code was mentioned as an important instrument for awareness raising and training by some industry stakeholders. Hotel chains such as Accor and City Lodge have developed in-depth training material and intend to train all of their staff. A respondent commented: “The training we provide is often a real eye-opener for our staff, and something that they can take home.”

V Conclusions country assessment South Africa

Child sex is available and easily accessible for tourists in Cape Town, Durban, Johannesburg, Bloemfontein, Nelspruit and Port Elizabeth, involving children between 10 and 18 years old. As the global tourism industry becomes increasingly aware of the situation of sexual exploitation of children, individual countries have been escalating their attention to child protection and introducing solutions to build child safe tourism practices. While South Africa has taken some positive first steps, critical action is required to strengthen preventative and protective measures within the country's tourism industry. Lack of implementation of existing child protection mechanisms can be attributed to some of the following factors:

- ▶ Insufficient budget committed by Government to child protection initiatives.
- ▶ Lack of coordination and cooperation of stakeholders.
- ▶ Understaffed offices with insufficient trained personnel.
- ▶ The lack of availability of clear and accurate data.
- ▶ Low awareness in the community and tourism sector.
- ▶ Too many different reporting lines.
- ▶ Cultural acceptance of sexual exploitation of children.
- ▶ Strong network of child trafficking.
- ▶ Corruption.

It is positive to note that a strong child protection foundation already exists in South Africa, looking at the country's laws and policies and that police is forming productive relationships with the tourism sector through the Tourism Safety Initiative to combat tourism related crimes. NGOs are actively collaborating with the Government to strengthen the national child protection system and the tourism sector is recognising the need to focus on building a responsible tourism industry.

Through the introduction of collaborative partnerships, it will be possible to strengthen reporting mechanisms and send a strong message to the world declaring that South Africa does not look away when children are at risk of sexual exploitation in the tourism sector, but instead takes positive action to report situations where children are at risk of commercial sexual exploitation.

VI Recommendations for South Africa

Reporting

The overarching recommendation is that a partnership is forged between Childline and Tourism Safety Initiative (TSI) in order to strengthen reporting mechanisms to address sexual exploitation of children in tourism in South Africa. The proposed approach is detailed below:

Use of existing structures and reporting mechanisms

Childline and TSI should collaborate more intensively. They have already established structures and mechanisms, which, with some minor enhancements, can be utilised to support an effective, coordinated and rapid response to possible cases of sexual exploitation of children in tourism. There is already widespread awareness of the Childline hotline amongst children and adults as a result of Childline's trusted reputation and long-term and effective advertising. TSI is already known, respected and used by the tourism sector. And the TSI's existing reporting frameworks (hotline and online reporting) have already been used successfully to enable the tourism sector to connect with the police during the 2010 FIFA World Cup where they achieved positive results in addressing tourism related crimes.

Improve the reporting systems

Quality improvements to the existing reporting systems will assist in strengthening the child protection safety net.

The following recommendations are proposed:

- ▶ Childline provide training for TSI regarding the specific situations of sexual exploitation of children within the tourism sector.
- ▶ An agreement could be established between TSI and Childline to share information relating to sexual exploitation of children reports within the boundaries of confidentiality. This would be particularly beneficial to Childline and enable them to disclose potential situations where children may be at risk.

▶ Both TSI and Childline should be adequately resourced to provide a rapid response to any reports of sexual exploitation of children. As tourists and child victims are usually mobile, this timely connection will hasten necessary investigations to protect children.

▶ Fair Trade Tourism can support the forging of a working relationship between the tourism industry and child protection reporting mechanisms as a basis for formalising agreement establishing how the 2 sectors could work together to align, improve and coordinate their existing reporting mechanisms.

▶ As the Local Code Representative, Fair Trade Tourism is able to provide support in relation to training and awareness raising of sexual exploitation of children in South African tourism. Fair Trade Tourism can also liaise with current and future South African tourism businesses, which join the Tourism Child Protection Code to encourage utilisation of the TSI reporting mechanisms.

▶ TSI should be invited to share lessons on their past experiences with a view to improving their reporting system so that it is adequately prepared for calls relating to sexual exploitation of children in tourism.

Establish a formal reporting structure

A formal reporting structure should be prepared which builds on best practice examples of hotline partnerships in other countries in partnership with the South African Police Services. It should specify the ways in which calls will be received by each hotline, possibly discussed (under the guidelines of confidentiality) with the partner agency, and reported to the police. The guidelines contain responsibilities of all different stakeholders and ensure the ethical, appropriate and systemised processing of reports and timely referrals to the police.

Awareness

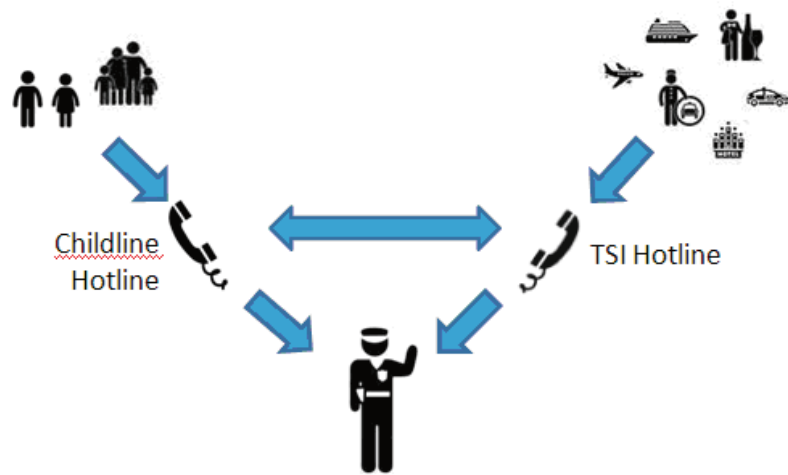
Implement effective awareness-raising initiatives

Hotline numbers are only effective if key audiences are aware that they exist. In order to encourage reporting by key audiences, effective awareness-raising initiatives must be implemented. The tourism industry requires a targeted campaign that specifically addresses the issue of sexual exploitation of children in tourism. This should be a national campaign for the tourism sector and consistently communicates a clear, streamlined message and easy-recall hotline number. The campaign should promote the TSI reporting mechanism (hotline and online reporting) thereby enabling respondents to direct their reports straight to a reliable and responsive centre. This is likely to require on-going funding, and options for this should be explored by the industry as a whole. The Tourism Business Counsel of South Africa is possibly the best platform for this activity.

Make industry role players aware of child sex tourism and how to prevent it

Ensure that all industry role players are aware of issues around sexual exploitation of children, how to prevent it and how to report it. This can be facilitated through various communication channels such as newsletters sent by South African Tourism, Tourism Business Counsel, South African Tourism Services Association and Fair Trade Tourism. Information can also be included in the South Africa Tourism training toolkits and welcome campaign. An online training course should be developed, using and adapting existing e-learning tools to suit the South African context. The 'Everywhere, Every Child'¹⁷⁷ online training tool of the Association of British Travel Agents (ABTA) and ECPAT is a valuable example. This type of tool would facilitate easy access to training for tourism staff and enable tourism managers to monitor how many people have been trained and measure learning through the use of online tests.

As many tourism businesses in South Africa already have access to training and awareness-



raising materials, Fair Trade Tourism should identify what materials are already available and conduct testing to assess the most effective tools. These tools could be utilised and adapted for the national campaign. New materials should only be developed if gaps exist in the current campaign materials. To keep costs to a minimum, electronic material can be made available for tourism businesses to personalise (by adding their logo) and print at their own cost.

Target tourism students

Tourism students at tertiary education institutes should also be targeted with awareness raising on the issues of sexual exploitation of children related to tourism, in order to build a new generation of tourism professionals who are better-equipped to manage child protection issues.

Promote the Tourism Child Protection Code

The Tourism Child Protection Code should continue to be actively promoted throughout the tourism sector and the child protection sector. As the Local Code Representative, Fair Trade Tourism can encourage new membership and promote the active engagement of existing members. When promoting the Tourism Child Protection Code, Fair Trade Tourism could also promote the Guiding Principles on Human Rights and Business and the Guiding Principles on Children's Rights and Business and encourage the alignment of The Code to these Guiding Principles. Government Departments with responsibility for trade, industry and tourism should be invited to support these commitments to the protect human and children's rights.

¹⁷⁷ ABTA E-Learning (www.abtaelearning.com) (Accessed December 2013)

Promotion of and education on the Tourism Child Protection Code should include basic information on reporting mechanisms, legal obligations to report, and appropriate services for children affected by sexual exploitation of children in tourism.

Involve travel agencies in tourist sending countries in communication towards tourists

Before arrival, travel agencies in tourist sending countries should communicate a strong message to tourists that South Africa has a zero tolerance approach to all forms of sexual exploitation of children. This should be facilitated through international communication channels such as the offices of South African Tourism and the Department of International Communications in source markets. On arrival, tourists should be informed of potential legal consequences of child sexual exploitation. This should be facilitated through the National Department of Tourism and their collaboration with the Department of Home Affairs at all national borders. Fair Trade Tourism can explore examples of best practice methods used in other countries and consider ways to adapt these to suit the South African situation. During their stay, tourists can be reminded of child protection messages through materials positioned in tourism businesses. For example, the campaign message including the hotlines can be included on free maps distributed by hotels and hire car companies.

Recognising that domestic tourism is different to international tourism, it requires a different strategy. Fair Trade Tourism should investigate the possibility of collaborating with a national initiative to facilitate a local campaign addressing the prevention of sexual exploitation of children.

Train role players in the child protection sector

Role players in the child protection sector require training on child protection initiatives in the tourism industry – in fact there appears to be little awareness, interaction or coordination between both sectors. This will facilitate the co-ordination and mutual support of programs to prevent sexual exploitation of children. Sharing of resources will also be cost effective in relation to the development of awareness-raising materials.

Raise awareness among communities

Awareness raising is required for families and communities to alert parents to the risks of sex-

ual exploitation of children and remind them of their responsibilities with regards to child protection. Parents require improved awareness of the vulnerability of children and their responsibility to provide supervision and report possible cases of sexual exploitation of children. Communities and traditional and religious leaders in communities should be alerted to the vulnerability of children. Support should be provided to support families and children to report situations of concern.

Children should be educated on the risk of sexual exploitation of children and encouraged to participate in awareness raising and in developing solutions to child vulnerability in age and developmentally appropriate ways. Awareness raising in schools is essential as schools provide the second safety net for children. Educators should be made aware of the need to refer children to appropriate resources when families are unable to provide for their children so that the vulnerability of children is reduced.

Encourage media to highlight child sex tourism in a responsible way

The media should also be encouraged to highlight the situation of sexual exploitation of children in South Africa in a responsible way in order to raise public awareness of the zero-tolerance approach and to encourage heightened reporting.

Data registration

Hotline staff and the Police Services should establish formal systems for keeping records of calls received that are linked to the issue of sexual exploitation of children related to tourism. Following international best practice models for hotline reporting, quarterly reports could be prepared which, without identifying callers, provide a quantitative and transparent account of calls received and actions taken. This data should be shared on agency websites to begin building public confidence that their reports are being responded to. This information will also assist the child protection and tourism industries in developing a clearer picture of the status of sexual exploitation of children in South Africa.

Overall conclusions

- ▶ Child sex tourism is a recognized problem in all the 5 Sub-Saharan African countries.
- ▶ Most child victims of sex tourism are girls (14-17 years), but there are also boys.
- ▶ The sexual exploitation often happens on the beach, in disco's, brothels and other non-tourism establishments, guesthouses or private residences, and lesser in larger hotels.
- ▶ Tourism professionals, such as tour guides, tourist taxi drivers and hotel workers, are reported to act as facilitators of child sex tourism. But also parents may act as facilitators.
- ▶ Internet is increasingly used to establish contact with international tourists.

Legislation

- ▶ There are progressive laws and policies in place to protect children against sexual exploitation, but the laws and policies are considered 'paper tigers'. Powerful looking on paper but with little impact due to lack of practical implementation.
- ▶ Senegal and the Gambia have not set the minimal age for marriage on 18 years.
- ▶ Only Kenya has not yet ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.
- ▶ All countries, except for the Gambia, have National Action Plans in place to implement mechanisms to protect children against sexual exploitation. However, not all of the important stakeholders are aware of the Action Plans.

Reporting

- ▶ Accept for the Gambia all countries have reporting hotlines that are open 24/7 and free of toll. In every country there is the possibility to report to the police and to a helpline that is run by social workers. Kenya and South Africa have web-based reporting possibilities.
- ▶ Cases of child exploitation are under-reporting because of the lack of faith in the follow up of reports, due to corrup-

tion and overburdened police and referral systems.

- ▶ Frequently used pathways to respond to harm against children are through the family and community/religious groups, as well as women and youth groups. Often chiefs and elders settle matters within the family or the community.

Follow up cases

- ▶ There are problems within the justice system, concerning malpractices and corruption.
- ▶ There is a critical shortage of social workers, insufficient budget for full implementation of child protection initiatives and poor coordination across Government and between sectors, including with community-based organisations.
- ▶ Accurate data is a problem in the African countries, due to a lack of a central systematically reporting system. Therefore, children cannot be traced, the effectiveness of the care cannot be evaluated and that the child's subsequent progress cannot be monitored.

Tourism

- ▶ Hotels have policies that prohibit visitors to check in with a local child or teenager, but there are no existing mechanisms to protect the child from being exploited elsewhere.
- ▶ The majority of hotels do not belong to a national/internal corporate social responsibility scheme nor have a specific policy and complaint mechanism in place on child protection.
- ▶ In the Gambia there is a national Code of Conduct that is obligatory for all hotels, but it lacks monitoring and that is crucial for proper implementation of the Code criteria.
- ▶ Only in South Africa there is a Local Code Representative to promote and support the Tourism Child Protection Code.

Overall recommendations

Poverty reduction

Invert poverty and parental unemployment

Promote job creation and granting of start-up funds for income generating activities in partnership with Micro Finance Institutes, private sector and NGOs. Also invest in education to decrease poverty. Children must be provided with opportunities and encouragement to stay in school. This includes reducing school fees, educating parents about the importance of education and strengthening social services to monitor and encourage children's attendance. Vocational and higher education must meet the demands of the labour market and provide training which is compatible with existing employment opportunities.

Multi-stakeholder cooperation

Improve existing child protection structures

Reporting systems have both formal and non-formal elements. For the existing structures to function more efficiently, the formal and the non-formal systems need to be connected and recognised by all stakeholders. In addition, the roles and responsibilities of each duty bearer need to be made clear and communicated to all stakeholders. The structures need to be strengthened, as there is a lack of capacity in terms of both human resources and competence. The police need to have a properly staffed children's helpdesk and social workers need be sufficiently trained and in numbers. The reporting chain from police-hospital-social worker needs to use the same definitions and classifications of the cases/abuses.

Establish National Action Plans and National Taskforces

A National Taskforce against (sexual) violence against children is required to build a more strategic and collaborative approach. The taskforce should have a multi-stakeholder setting and encourages sharing of knowledge and expertise and prevents duplication of programs. The Gambia should continue with the development of the National Action Plan, since there is no existing Action Plan that addresses sexual exploitation of children. The Action Plan should include a comprehensive framework for action on child sex tourism that addresses different stakeholders.

Promote regional and international cooperation on child sex tourism

The need to learn from other destinations and apply effective methods of prevention in the Gambia, should lead to more efforts to develop and sign regional Memorandum of Understandings. Counteracting child sex tourism at both national, regional and international levels calls for a more active participation in global networks and demonstration of a higher level of preparedness by countries to share data on travelling child sex exploiters. Treaty agreements should be established with 'sending countries' that allows extradition of foreign nationals who engage in child sexual exploitation and escape justice.

What is needed for multi-stakeholder cooperation?

Trust & confidence: Mutual trust is very important in multi-stakeholder cooperation. However, the stakeholders who need to be involved in combating child sex tourism are not necessarily entities who would typically work together and there may even be deep-seated feelings of mistrust. For example, the police may not be considered to be trustworthy in some countries. This not only poses a problem for the collaboration between 'traditional' partners such as NGOs but may also seriously complicate the cooperation with communities and children affected by sex tourism. However, even if there is deep mistrust towards the local police, it will be necessary to involve them at some point in the collaboration. Trust between all the partners may not necessarily exist at the start of the collaboration and in this case, it needs to be developed during the collaboration and through cooperation.

Definition of roles and responsibilities: For multi-stakeholder cooperation work to succeed, it is essential to define the roles of the different stakeholders at the beginning of the collaboration in order to attribute responsibilities to the appropriate stakeholder and to manage expectations. The definition of roles and responsibilities also helps to avoid duplication of work and to set boundaries if necessary. For example, it may be necessary to ensure that an NGO does not become involved in investigative work, which is normally the responsibility of the police. Memoranda of Understanding (MoU) represent a useful tool for defining roles and responsibilities.

Communication: Good communication between stakeholders is crucial and a lack of information sharing can be detrimental to cooperation. For example, there is sometimes a lack of information sharing between different law enforcement agencies and Interpol and this can also lead to duplication in efforts.

Flexibility: It may be necessary for stakeholders to show flexibility, particularly in certain contexts. For example, in a context where the local police force is ineffective, it may be possible to involve an NGO in more investigative work. In contrast to the need for clear roles and responsibilities, it may also sometimes be necessary to adapt and identify alternative solutions in order to achieve the required result. This may involve some grey areas adjusting to the culture and the context of the country in question.

Who are the responsible actors?

It is essential to involve the Government, as child protection is ultimately the responsibility of the State. The authorities should be involved on both the national and especially on local level. It is also important to involve law enforcement bodies, the justice system as well as non-governmental organisations (NGOs) and the tourism industry. However, 2 very important stakeholders that are often forgotten when planning interventions against child sexual exploitation are the community and the children themselves.

Legislation

Set 18 years as minimum age for marriage

The laws on marriage and the legal age of adulthood should be improved in the Gambia and Senegal. NGOs and civil society should promote consultation and social dialogue with a view to fixing the legal age of marriage and adulthood at 18 years in order to provide minors with legal protection against the manipulation of promises of marriage for the purpose of sexual exploitation.

Translate international commitments and national legal provisions into local languages

The harmonisation of national laws with international conventions seems to be confronted with many obstacles that ultimately highlight the weak integration into official legal structures of knowledge on community and societal dynamics and dimensions. NGOs could translate international commitments and national legal provisions

concerning these commitments into local languages and initiate programmes promoting consultation and social dialogue.

Law enforcement

Many improvements can be made in law enforcement like improving police reporting mechanisms and the skills in detecting child sexual exploitation, fight poverty and corruption of law enforcement officers, enlarge the human and financial resources of the law enforcement agencies and organize and implement a better and structured follow up of reported cases.

Increase awareness and knowledge

Law enforcers have a critical role in preventing and responding to child sex tourism cases. An on-going and sustainable program of capacity building is required for all the law enforcement agencies to strengthen their knowledge of laws, and their practical skills in detecting, investigating and intercepting child sex tourism cases and responding to child victims.

Strengthen law enforcement in communities

Child protection activities should be intensified in areas where monitoring and investigation are required but inadequate, such as certain communities near tourism areas and places where private houses of foreigners are situated. Sex offenders need to be warned that they are being watched anywhere they go.

Combat the intermediaries in sexual exploitation of children

It is recommended that tourism authorities take steps to prevent middlemen, such as tour guides, tourist taxi drivers and hotel workers, from facilitating the sexual exploitation of children. Strengthen police patrols and checks at hotels, hot spots or nightclubs and systematically sanction facilities that authorize the presence of minors at the same time as adults.

Monitoring of records at borders

The security forces at border posts should continuously be monitoring records of abusers, and potential offenders. The main stakeholders in child sex tourism should be ready and willing to share information. In terms of trafficking, all officers need to be vigilant and trained on trafficking issues especially in terms of verification, immediate response, etc.

Community

Child protection needs to be embedded in the community and be seen as an important part of the solution. The community can play an important role in detecting cases, as they are much closer to the issue. It is also important to involve children as stakeholders, particularly as in some contexts children do not see themselves as victims.

Raise awareness among communities

Child protection needs to be embedded the community system. See the community as part of the solution. Awareness raising is required to alert parents and guardians to the risks of sexual exploitation of children and remind them of their responsibilities with regards to child protection. Parents require improved awareness of the vulnerability of children and their responsibility to provide supervision and report possible cases of sexual exploitation of children. The sexual exploitation of children often goes undetected because it is considered to be a behavioural problem and the child is not necessarily considered to be a victim. These perceptions need to be changed.

- ▶ Communities and traditional and religious leaders in communities should be alerted to the vulnerability of children.
- ▶ Chiefs and elders should be sensitized to not settle matters of child abuse and sexual exploitation within the family or the community, but instead, support family members to bring the cases to the formal system to ensure that offenders are stopped from abusing children and that the need of the child is properly taken care of.
- ▶ Some community members are able to support and protect children, and others aren't. Detect who is able/willing to protect children and empower them. Give children a voice.
- ▶ Agencies working in the area of sexual abuse and exploitation of children need to work in collaboration with local mass media to increase awareness of the public on the issue.
- ▶ Utilize grass root communication channels such as community conversation, community radios, traditional communicators, cultural and social gatherings (religious and or cultural structures of the community).

Implement school-based interventions

Apart from a few exceptions, there are no school-based interventions aiming to prevent, detect or deal with cases of sexual exploitation of children. Awareness raising in schools is essential as schools provide the second safety net for children after parental care and protection.

- ▶ NGOs that work in partnership with associations of students, teachers, parents, women's groups, and school boards, should create networks for communication, awareness-raising and capacity strengthening activities to promote self-protection and reporting of cases.
- ▶ Implement peer-to-peer education projects with capacity building activities supported by guides and teaching tools.
- ▶ Educators should be made aware of the need to refer children to appropriate resources when families are unable to provide for their children so that the vulnerability of children is reduced.

Create partnerships between NGOs and community networks

Community protection groups exist in most of the 5 Sub-Saharan African countries. They are often successfully mobilised around interventions in the field of reproductive health and HIV/AIDS. Partnerships between NGOs and these community networks should be established to develop projects, which strengthen capacity around child rights, prevention, reporting and the management of cases of sexual exploitation in tourism and travel.

Create community-based care options

Establish community-based, non-institutionalized care options that meet the particular needs of child victims of sexual exploitation and trafficking and prevent them from returning to exploitative situations. It is critical that these services address the current marginalization of boy victims and pregnant girl victims of sexual exploitation. The sexual exploitation of children often goes undetected because it is considered to be a behavioural problem and the child is not necessarily considered to be a victim. These perceptions need to be changed.

Reporting

Improve existing reporting systems

Delayed response from the hotline and heavily loaded child protection services discourage potential reporters.

- ▶ A formal reporting structure need to be in place, which specifies responsibilities of all different stakeholders and ensure the ethical, appropriate and systemised processing of reports and timely referrals to the police.
- ▶ The system need to have a monitoring, evaluation and reporting structure that could be implemented and followed up on a regular basis by the Government.
- ▶ Of all reporting systems it should be clear: where, what and when to report, what happens after reporting, its resources and effectiveness.
- ▶ The reporting mechanisms need to be easy to access, transparent, free-of-charge and staffed by knowledgeable and skilled personnel.
- ▶ The reporting process should involve as little transferring as possible.
- ▶ Cooperation could be sought with other existing systems of reporting like for family abuse, reporting in educational settings and local and traditional reporting systems. Local communities and youth should be involved more.
- ▶ Ways should be found to guarantee that those who report will be protected and that they will not find themselves in awkward situations afterwards.

Establish an online central reporting system

Only Kenya and South Africa have web-based reporting mechanisms. For many travellers, using a computer or a smart phone might be an easier option for reporting than using a telephone. Therefore, it is advisable to develop a website and an app to report. Also most youngsters make use of the internet. An online reporting button to report online sexual abuse (grooming or webcam abuse) should be developed and placed on dating websites.

Establish child friendly ways to report

There need to be a variety of ways for children to report cases of abuse. Everyone does not have access to a phone or the strength to go to

the children's office or to the police. For example, 'Speak out boxes' used in Kenyan schools where children can anonymously report or community-based child protection groups. Communication, awareness raising, exchange and advocacy for minors, should make use of mobile telephones, texts, discussion forums and other means for virtual exchange through new information and communication technologies that are frequently used by youngsters. Children and young people should be integrated as actors and partners in initiatives developed against child sex tourism.

Tourism

Raise awareness on reporting towards tourism industry

At the hotels both employees and guests should be informed about reporting cases, and also be encouraged to make use of the reporting system. Reporting with no follow up is counter-productive. Raise awareness when support mechanisms are working.

- ▶ The tourism industry requires a targeted campaign that specifically addresses the issue of sexual exploitation of children in tourism. This should be a national campaign for the tourism sector and consistently communicates a clear, streamlined message and on-line reporting.
- ▶ To keep costs to a minimum, electronic material can be made available for tourism businesses to personalise (by adding their logo) and possibly print it themselves.
- ▶ Financial resources mobilised for the promotion of tourism should have components for child protection/providing services to victims of sexual exploitation in tourism.
- ▶ Ensure that all industry role players are aware of issues around sexual exploitation of children, how to prevent it and how to report it. This can be facilitated through various communication channels, such as electronic newsletters.

Train tourism professionals

Training courses should be developed in local languages, using and adapting existing e-learning tools to suit the national context. The 'Everywhere, Every Child'¹⁷⁸ online training tool

¹⁷⁸ ABTA E-Learning (www.abtaelearning.com/) (Accessed December 2013)

of the Association of British Travel Agents (ABTA) and ECPAT is a valuable example. This type of tool would facilitate easy access to training for tourism staff and enable tourism managers to monitor how many people have been trained and measure learning through the use of online tests. E-learning should not always substitute contact learning. For some e-learning does not work. Training must be practical.

Target tourism students

Tourism students at tertiary education institutes should also be targeted with awareness-raising on the issues of sexual exploitation of children related to tourism, in order to build a new generation of tourism professionals who are better-equipped to manage child protection issues.

Utilize the international supplier chain

Tour operators from tourist sending countries should request from their suppliers that they have child protection policies in place. The international tourism supply chain should be utilized better. Before arrival, travel agencies in tourist sending countries should communicate a strong message to tourists that there is a zero tolerance approach to all forms of sexual exploitation of children in the African destination countries. On arrival, tourists should be informed of local reporting possibilities and potential legal consequences of child sexual exploitation. During their stay, tourists can be reminded of child protection messages through materials positioned in tourism businesses. For example, the campaign message including the hotlines can be included on free maps distributed by hotels and hire car companies.

Integrate the protection of children in existing structures in the tourism sector

Within the tourism sector, child protection, including prevention of sexual exploitation of children, should be integrated into already existing corporate social responsibility policies, codes of conducts and corporate social responsibility mechanisms throughout the supply chain of enterprises operating in the sector. Structural monitoring of child protection activities is crucial.

Promote the Tourism Child Protection Code

The international Tourism Child Protection Code should be actively promoted throughout the tourism sector and the child protection sector. Promotion of and education on the Tourism Child Protection Code should include basic information on reporting mechanisms, legal obligations to report, and appropriate services for children affected by sexual exploitation of children in tourism. Local Code Representatives should be established in every country.

Create partnerships between child protection sector and tourism industry

Role players in the child protection sector require training on child protection initiatives in the tourism industry. There appears to be little awareness, interaction or coordination between both sectors. This will facilitate the coordination and mutual support of programs to prevent sexual exploitation of children. Sharing of resources will also be cost effective in relation to the development of awareness-raising materials.

Report and register 'attempted check in'

A mechanism ought to be established to enable reporting of suspicious behaviour when a possible perpetrator tries to check in at a hotel with someone under aged. The tourism industry could expand its reporting procedures and provide for reports on 'attempted check in'. Since tourists often want to sponsor children, they want to bring these children to hotels to invite them for lunch and play in the pool. Hotels should report/evaluate how many 'sponsored children' they have per month and make sure where these children live. When children come from a Children's Home, it needs to be checked if it is registered.

Rehabilitation of victims

There is a lack of shelters with necessary facilities. It should be a priority to create more sanctuaries for victims. There is a need to train psychologists and psychotherapists, and establish rehabilitation centres that are special fitted to the care of minor victims of sexual exploitation.

Data registration

Establish a central database, including referral mechanism

A centralized, harmonized information system, through accurate data collection and processing, will permit better assessment of the scale of the problems and identification of evolving trends and, consequently, the most appropriate responses. Therefore, central databases should be available, including child sexual abuse and exploitation. The database should include a multi-sectorial referral system enabling linkages between the various key stakeholders. It should be possible to follow up on cases at any time in the database and to identify where in the process the case is located. The database needs to be secure and data should only be made available to an agreed list of key stakeholders.

Have clear definitions

Reporting mechanisms must ensure that staff who respond to children have a clear and consistent definition of what constitutes sexual exploitation of children, child trafficking and child sex tourism to enable appropriate responses and referrals.

Research

Research is needed to gather data on the sexual exploitation of children. Only by gathering information, it becomes clear which children are at risk, which types of perpetrators abuse or exploit these children, where it happens and which stakeholders are doing what. This information is needed to improve the effectiveness of the combat against child sex tourism. Conduct regular and structural research on perpetrators, victims, and trends in tourism, grooming and internet dating. Continue with participatory qualitative research and the construction of a list of indicators to be used in appropriate research in order to measure the impact of interventions and the evolution of the phenomenon.

National stakeholders

Ministry of Interior, Ministry of Justice and its branches, Ministry of Tourism and tourist offices, Ministry of Health and Medical Departments, Ministry of Education and teachers, Ministry of Social Affairs and protection networks, Ministry of Youths, community based child protection groups, lawyers, tour operators, associations, NGOs, media, funding agencies, tourists, families and of course children and young people.