

ECPAT International

CONFRONTING the
Commercial Sexual
Exploitation of Children
in Africa



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ECPAT International

328 Phayathai Road Ratchathewi

Bangkok 10400 THAILAND

Tel: +662 215 3388, +662 611 0972 Fax: +662 215 8272

Email: info@ecpat.net Website: www.ecpat.net

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Acronyms

AMCY - African Movement of Working Children and Youth
AU - African Union
CPA - Child Protection Alliance
CRC - Convention on the Rights of the Child
CSA - Child sexual abuse
CSEC - Commercial sexual exploitation of children
CST - Child sex tourism
FDI - Foreign direct investment
FGM - Female genital mutilation
FSCE - Forum on Street Children - Ethiopia
GDP - Gross domestic product
GNCRC - Ghana NGO Coalition on the Rights of a Child
KIWOHEDE - Kiota Women's Health, Education, Development Centre
NGO - Non-governmental organization
RNRE - Regional Network Resource Exchange
SOLWODI - Solidarity with Women in Distress
TAMWA - Tanzanian Media Women's Association
UNFPA - United Nations Population Fund
UNICEF - United Nations Children's Fund
UNWTO - United Nations World Tourism Organization

Preface

One of the key mandates of ECPAT International is to promote and monitor the implementation of the Agenda for Action – a commitment made by 161 nations following two World Congresses against Commercial Sexual Exploitation of Children. Although 40 African nations have signed the Stockholm Declaration and committed to the Agenda for Action, significant gaps exist in the implementation of protection mechanisms for children and an alarming demand for sex with children in the region remains.

The reports presented in this Journal acknowledge the achievements made in recent years on the continent in the fight against sexual violence and exploitation of children, but they also clearly illustrate the challenges. Child and youth participation in Africa to ensure children's right to actively and meaningfully participate in social change and work against sexual exploitation has already demonstrated significant impact in the region – not least in The Gambia, where the Voice of the Young helped to develop an ambitious and far reaching protective national legislation.

These papers, however, also illustrate that a successive

chain of crime begins and occurs within many contexts: under the guise of 'tradition or culture' (such as the practice of child marriage, which is common in Africa) or incredibly, even in places where a child should feel particularly safe, such as in a shelter or in a family household, (where the pretext of being a domestic worker is in reality a nightmare of abuse and sexual violence). On the other hand, good practices from Africa show that it is within the capacity of relevant stakeholders to address these types of exploitation. New partnerships are also being formed and the work of the private sector in Kenya gives hope that as the tourism boom in Africa develops, the travel industry and tourism sector can take a lead role in promoting sustainable and ethical economic development without facilitating sexual exploitation of children.

This Journal shows some positive trends in Africa's efforts to combat commercial sexual exploitation of children and we hope that they will provide you with valuable information in your own fight for the protection of children's rights.

African Tourism Development and the Commercial Sexual Exploitation of Children

By: Patchareeboon Sakulpitakphon, Programme Associate for Combating CST and Trafficking, ECPAT International

Introduction

There is a high prevalence of both child sex tourism (CST) and trafficking in children for sexual purposes in Africa. Civil and political conflicts, poverty and HIV/AIDS have left many African countries politically, economically and socially fragile. In this volatile state, families must struggle for survival and children can become more vulnerable to commercial sexual exploitation. Children often have to contribute to the family's income as well as take care of their siblings and other family members. A recent ECPAT research study suggested that orphanhood due to HIV/AIDS is likely to lead a child into commercial sex within two to three years of his/her parents' death. These children can easily become the victims of child sex tourism and trafficking for sexual purposes.

Currently, there is a major push to promote tourism development as a tool to alleviate Africa's problems, especially by key players such as the African Travel Association, African Union (AU) and the United Nations World Tourism Organization (UNWTO). During the Tourism Africa meeting held in Geneva from 10-15 September 2006, it was stated that

the aims of tourism development were: to foster investment in African tourism projects; promote African tourist destinations; and preserve African heritage. Tourism development is seen as a way to achieve economic development. Although tourism in itself is not a direct cause of commercial sexual exploitation of children (CSEC), ECPAT International is concerned that if new developments are conducted without proper protective mechanisms, the commercial sexual exploitation of children in the continent may worsen.

Commercial sexual exploitation of children

Commercial sexual exploitation of children is defined as sexual abuse by an adult with remuneration in cash or in-kind to the child or a third person or persons. A child is any person under the age of 18, as defined by the United Nations *Convention on the Rights of the Child (CRC)*. Commercial sexual exploitation of children constitutes a form of violence against children and is a criminal practice that violates children's rights. The issue of consent is irrelevant because the victim is a child and he/she cannot consent to

abuse. Offenders will often use coercion, deception and violence to control and manipulate the child for exploitation.

Child sex tourism and trafficking in children for sexual purposes are two forms of commercial sexual exploitation of children. Child sex tourism is the sexual exploitation of children by a person or persons 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. Child sex tourists can be domestic travellers or international tourists. CST often involves the use of accommodation, transportation and other tourism-related services that facilitate contact with children and enable the exploiter to be anonymous in the surrounding population and environment. Trafficking in children for sexual purposes is defined as all acts involved in the recruitment, transportation, transfer, harbouring or receipt of children within or across borders for the purpose of sexual exploitation. Trafficking is distinguished from smuggling and illegal migration by the motive to exploit.

Child sex tourism and trafficking in children for sexual purposes are inextricably linked: both are fueled by a demand for sex or sexual activities with children; some victims are specifically trafficked for the sex tourism industry; and child sex tourism and trafficking in children for sexual purposes can both involve the usage of the tourism industry. Child sex tourists are perpetrators using their “tourist” status and the tourism

services available, such as air transportation, hotels and taxis, to take advantage of children; traffickers also rely on the transportation sector, clubs/bars and popular tourist destinations as a market for their victims.

Child sex tourism and trafficking in children for sexual exploitation in Africa

Some African countries are considered emerging child sex tourism destinations; however, it is difficult to obtain statistics or actual figures on the scale of such violations due to the lack of studies or research being conducted in tourist destinations in Africa. According to ECPAT International’s African network members, the following countries are most affected by child sex tourism: Benin, Cameroon, Côte d’Ivoire, Ghana, Kenya, Madagascar, Mauritius, Morocco, Nigeria, Senegal, South Africa, The Gambia and Tanzania (Zanzibar). Of these, Kenya, South Africa, The Gambia, Morocco and Ghana are considered the more popular CST destinations. Nigeria was identified more as a source of child sex tourists in other African countries rather than a destination for CST.

In The Gambia, research conducted by Child Protection Alliance (CPA) – the ECPAT group in the country – and Terre des Hommes, with boys involved in prostitution, confirmed that the perpetrators are usually foreigners (male and female), some of whom

travel to The Gambia on package tour holidays for the specific purpose of having sexual relationships with young Gambian men. The research also indicated that 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 at certain locations around the beach and tourism development areas has shown that some of these young people are below the age of 18.

In Kenya, ten to fifteen thousand girls living in the coastal areas are estimated to be involved in CST according to UNICEF’s report, *Extent and Effect of Sex Tourism and Sexual Exploitation of Children on the Kenyan Coast*. The report also states that 75 per cent of “key informants”¹ believed that the practice of CST was tolerable or accepted; and while many CST clients were foreigners (mainly Europeans and other African nationals), 39 per cent were Kenyan men. The local demand for child sex workers is especially high during the low season. In Ghana, the ECPAT group, Ghana NGO Coalition on the Rights of the Child (GNCRC), conducted a study on children in Accra last year, which revealed that child sex tourism is on the rise, especially the number of male victims.²

Thus, as child sex tourism has increased, it is not surprising that the number of children who are trafficked in Africa has also increased. According to the United Nations Office on Drugs and Crimes’ 2006 *Trafficking in Persons: Global Patterns* report, children make up 60 per cent of trafficking victims in Africa; and 98 out of 113 cases list sexual exploitation as the motive for trafficking. Similarly, UNICEF Innocenti’s 2005 *Trafficking in Human Beings, Especially Women and Children, in Africa* report states that sexual exploitation, especially prostitution, is the motive. The Women’s Consortium of Nigeria, an ECPAT network member, reports that traffickers use traditional practices to coerce children, and that often, child victims are made to swear a secrecy oath in front of “juju” priests. The children are led to believe that breaking their oaths will result in death or madness. Traffickers deceive children further by telling them that the oaths protect them from contracting HIV/AIDS and even prevents them from being detained by immigration authorities.³

The international trafficking routes are mainly from West Africa to Europe or the Middle East. Benin, Ghana, Morocco, and Nigeria⁴ are all ranked as “high” countries of origin. Trafficking flows within

¹ Key informants of this UNICEF study were tourism industry members such as salon keepers, waiters, bar staff, beach boys, government staff, NGO staff, parents, students, community leaders, and representative of faith based organizations.

² ADM/JoyOnline. Child Sex Tourism on the Rise. 28 September 2006. Accessed on 9 July 2007 from: <http://www.myzongo.com/child-sex-tourism-on-the-rise.html>

³ Women’s Consortium of Nigeria. *Research on Trafficking in Women in Nigeria*. Commissioned by the Dutch Embassy. Lagos. 2000.

⁴ Nigeria ranks as a “very high” origin country. UNODC. “Trafficking in Persons – Global Patterns 2006.”

Africa are cyclical and regional: West and Central Africa form one group and East and Southern Africa form another.⁵ For example, within East and Southern Africa, traffickers will start in Kenya (origin), move through Tanzania or Malawi (transit) and end up in South Africa (destination).

Tourism development in Africa

According to the UNWTO's 2006 *Tourism Highlights* report, Africa, as a region, had the highest overall performance. There was an estimated 9 per cent increase in tourist arrivals from the previous year (approximately 36,715,000 tourists). Moreover, the UNWTO estimated that the international tourism receipts for Africa increased from US\$ 2 billion to US\$ 21 billion. This favourable report by the UNWTO has led to the embracing of international tourism as a way to bring economic growth and development to Africa.

In May 2007, leading tourism industry experts from more than 20 African countries, North America, Europe, and Asia convened in Addis Ababa, Ethiopia to strategise the "branding of Africa as a Continental Tourism Destination." Tourism has been viewed

by many countries as a way to support economic development and earn foreign revenue. There are reports that illustrate that there is an increase in tourism growth and an increase in earnings. For example, South African tourism grew three times more than global tourism in 2006 and the tourism contribution to gross domestic product (GDP) increased to 8.3 per cent from 4.6 per cent in 1993.⁶ Africa is also trying to obtain foreign direct investment (FDI), especially from Asia. China's FDI to Africa increased from less than US\$ 100 million/year in the 1980s to US\$ 12 billion, by signing 28 bilateral investment treaties in 2005.⁷ Uganda's national Hotel and Tourism Training Institute for example, will now officially add Chinese language classes to the school's curriculum in order to meet the influx of Chinese tourists, since China signed a Memorandum of Understanding for tourism cooperation with Uganda.⁸

Concerns in African tourism

Tourism development, like any industry, must be appropriately managed to ensure sustainability, profit and positive benefits for society. A lack of protective mechanisms for children in tourism development

⁵ UNICEF Innocenti Research Centre. *Trafficking in Human Beings, Especially Women and Children, in Africa 2005*.

⁶ Gadebe, Themba. South Africa Tourism Grows Faster than Global Tourism. *Global Travel Industry News (eTN)*. 13 May 2007. Accessed on 9 July 2007 from: <http://www.travelindustryreview.com/news/5397>

⁷ UNCTAD. *Asian Foreign Direct Investment in Africa 2007: Towards a New Era of Cooperation among Developing Countries*. 27 March 2007.

⁸ Thome, Wolfgang H. Wolfgang's East Africa Report. *Global Travel Industry News (eTN)*. Accessed on 10 July 2007 from: <http://www.travelindustryreview.com/news/5734>

could result in the increased exposure of children to child sex tourists and traffickers; negative impacts on the destination's reputation; and vulnerable parts of society not benefiting from profits earned through tourism.

Increasing exposure

By heavily promoting tourism, the potential increase of risks for children to child sex tourism and child trafficking must be considered. It must be acknowledged that child sex tourists and those with a sexual interest in children are among the tourist arrivals. They, like most tourists, are also looking for an "ideal destination", but where children are vulnerable and weak child protection mechanisms are prevalent. In 2006, the Ghana NGO Coalition on the Rights of the Child conducted a study indicating that Ghana is earning a reputation on paedophile websites as a 'safe' destination for child sex. The study also shows that child sex tourists are aware of the lack of child protection mechanisms and the availability of vulnerable children, especially boys.⁹

In addition, the creation of new infrastructure or transportation services, such as highways connecting tourist destinations, may provide new routes for

traffickers and new destinations for child sex tourists. A case in point was the extension of operation hours (from 10 pm until midnight), at the Ressano Garcia border between Mozambique and South Africa, in order to promote easier movement of people.¹⁰ While this initiative may ease movement for the tourism industry, it demonstrates a potential towards trafficking in children. Another trend is the proliferation of new flights to Africa; for example, the following airlines have recently announced new flights to and connections within Africa: South African Airways, Delta, Continental, British Airways, Thai Airways and China Eastern Airlines. The new international flights have the potential to make it easier for child sex tourists to enter Africa or for traffickers to move victims in and out of the continent. In relation to flights from Asia, ECPAT member groups sharing information on CSEC patterns in their countries observed the presence of Asian child sex tourists in the following countries in 2006: Benin, Ghana, Kenya and Sierra Leone.

Negative impact on destination reputation

Another consequence of inaction against child sex tourism and child trafficking for sexual purposes is the damage to the destination's reputation. Child sex

⁹ Ghana NGO Coalition on the Rights of the Child. *Commercial Sexual Exploitation of Children in Tourism and Its Implications for the HIV/AIDS Pandemic in Ghana - the boy-child in focus*. June 2006.

¹⁰ What's up, Mozambique Tourism? *Global Travel Industry News (eTN)*. Accessed on 10 July 2007 from: <http://www.travelindustryreview.com/news/5744>

tourism and child trafficking for sexual purposes in tourism create a negative dependency that becomes unsustainable. If Africa plans to genuinely develop as a “continental tourism destination”, it must focus on developing destinations that are sustainable and positively attractive. Now, more than ever, tourists are aware of social issues and are utilising their “customer power”. For example, a study of Europeans and their attitudes towards child sex tourism revealed that 94 per cent of all Europeans believe that child sex tourism is not morally acceptable. The study also reported that half the European Union population would not go on holiday to places where there is known child sex tourism (54 per cent).¹¹ Europeans make the largest group of travelers to Africa, and according to UNWTO, tourists from six European countries were among the largest spenders in 2005, with Germany (1st), United Kingdom (3rd), France (5th), Italy (6th) and the Netherlands (10th).¹² International tourism companies, especially those from Europe, such as Accor and Kuoni International, are realising this fact and have created corporate social responsibility programmes within their companies and joined the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*, an industry initiative currently supported by ECPAT, UNICEF and UNWTO.

Profits from tourism do not reach the vulnerable

Despite the tourism boom in South Africa, Martinus van Schalkwyk, Tourism Minister, declared at the first Tourism Black Economic Empowerment Charter Council conference that it has had “very little effect on the majority of the country’s people, especially black South Africans.”¹³ Echoing this sentiment, a study has shown that in Kenya, approximately two-thirds of tourist revenue goes to foreign tour companies and airlines.¹⁴ Therefore, tourism as a sole means of economic development does not always alleviate or reduce poverty for local communities. There can be an over reliance on tourism as the means to fix all social problems by depending on the tourism revenue, but tourism alone cannot bring economic development and prosperity to a country. Thus, many families are struggling financially and often, children must also face this financial burden. Poverty, and the lack of viable opportunities for children to earn incomes to assist their families, continue to make children vulnerable to commercial sexual exploitation.

Currently, a number of African countries do not have the relevant mechanisms to protect children from commercial sexual exploitation in tourism. While there are some good initiatives and progress is being made

¹¹ INRA Europe. *Europeans and Their Views on Child Sex Tourism*. 1998.

¹² UNWTO. *Tourism Highlights*. 2006.

¹³ Tourism ‘Boom’ has Little Effect on Black South Africans. *Global Travel Industry News (eTN)*. April 18, 2007. Accessed on 9 July 2007 from: <http://www.travelindustryreview.com/news/5220>

¹⁴ Akama, John. “The Efficacy of Tourism as a Tool for Economic Development in Kenya.”

in some countries, for many others there are major gaps in:

- Awareness and understanding of commercial sexual exploitation of children;
- Laws to protect children and to prosecute child sex tourists and traffickers;
- Enforcement of laws by the police and the community; and
- Effective child protection mechanisms and participation by the tourism industry.

This leads to the continuation and acceptance of commercial sexual exploitation of children. If the tourism industry is left unchecked or unsupported, child sex tourists, traffickers and abusers will continue to exploit children.

Conclusion and Recommendations

It is the responsibility of the industry, governments and the community to ensure that tourism development is conducted properly in order to minimise negative consequences. Tourism arrivals and GDP contributions do not accurately reflect the extent of development or direct benefits to the local community. To successfully measure the real impact of tourism, governments and the industry must look at how tourism is integrated into the community and what real benefits it brings to the public. Likewise, in order to successfully combat commercial sexual exploitation of children in tourism,

the issue must be looked at in a similar manner and the goal of child protection and other social and environmental concerns should remain a key focus in promoting sustainable tourism. ECPAT believes that in order to effectively combat the commercial sexual exploitation of children in tourism, the private sector, government and civil society must actively participate in the process.

Specific recommendations are as follows:

- More information is needed about child sex tourism and trafficking in children for sexual purposes in Africa. Research should be a priority to assess the situation; this may lead to learning of new trends within child sex tourism and trafficking and identifying the challenges, gaps, initiatives and possible solutions. For instance, Forum on Street Children - Ethiopia (FSCE), an ECPAT network member, founded a Child Resource Development and Database Centre that provides information on commercial sexual exploitation and other child protection issues. The Database Centre organises data forwarded by Ethiopia's Child Protection Units in order to compile quantitative information on children in conflict with the law, abused and trafficked children, as well as on perpetrators. These are accessible to researchers, policymakers, child rights advocates, programme managers and others.

- ECPAT advocates that governments create a national plan of action against commercial sexual exploitation of children. This includes strengthening the legal framework, instruments, procedures to prosecute offenders, protection services for child victims, designation of tasks for each branch of the government and collaboration with civil society, NGOs and the private sector. There are certain measures, such as extraterritorial legislation, which are effective tools for ensuring prosecution of nationals travelling outside their country and engaging in criminal activities abroad. Several countries around the world (Belgium, France, Germany, Netherlands and Australia, etc.), have created extraterritorial legislation specifically designed to protect children or to combat child sex tourism. In Africa, Algeria, Ethiopia, Morocco, South Africa and Togo have extraterritorial legislation, according to current ECPAT research.
- The community must adopt a clear stance of disapproval against commercial sexual exploitation of children and establish community interventions. More support must be given to vulnerable and at-risk children. For example, civil society could initiate a project on awareness raising involving vulnerable youths. Relevant stakeholders must lobby governments and the tourism industry and call for accountability. The Child Protection Alliance organised training and sensitisation workshops on CSEC issues and on how to identify abused and exploited children, targeting nurses, public health officers, community development workers, social workers, religious and community leaders, teachers, school principals and parents.
- Members of the tourism industry should participate in corporate social responsibility programmes and establish child protection procedures. One such tool is the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*. The significance and importance of the Code is that it directly targets and collaborates with the private sector – i.e. international tourism-related companies and businesses that operate in or send clients to destinations known for CST. It creates a sense of ownership among travel and tourism companies with regard to child protection work and encourages the private sector to work in partnership with NGOs and governments. Companies that adopt the Code or become signatories are required to implement the following six criteria:
 1. Establishment of an ethical policy regarding commercial sexual exploitation of children;
 2. Training of employees in the country of origin and the travel destination;

3. Introduction of a clause in contracts with service providers/suppliers stating a common repudiation of commercial sexual exploitation of children;
4. Provision of information to travelers by means of catalogues, brochures, in-flight films, ticket-slips, homepages, etc.;
5. Information provision on the Code of Conduct and the company's policy in this regard to "local key persons" at the destinations; and
6. Annual reporting on the level of implementation of the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*.

Today, nearly 600 companies around the world have signed the Code of Conduct and have become members of the Code Organization. The number of international tourists reached by the Code of Conduct each year is estimated to be 30 million, given the

number of tourists using the services of signatory companies. In Africa, the Code is being implemented on two levels: at national level, e.g. in Kenya and The Gambia, by signatory companies that operate in the key tourism destinations; and at international level, through industry member signatories, such as Accor. Accor will promote the Code and raise awareness on the issue of commercial sexual exploitation of children in their hotels throughout Africa.

As Africa continues to develop its tourism industry, there must be protective mechanisms in place to protect children from commercial sexual exploitation. Countries that are still developing as tourist destinations must act swiftly. When a child is a victim of commercial sexual exploitation, their physical, social and psychological development is damaged. Children have the right to enjoy their childhood and be free from exploitation. Tourism should be encouraged to develop in a sustainable and ethical way that does not facilitate the exploitation of children.

Sexual Abuse and Exploitation of Child Domestic Workers in Africa

By: Mélanie Gnandi, ECPAT International Sub-Regional Coordinator, WAO-Afrique, Togo

Introduction

When it comes to the risks of child sexual abuse (CSA) and exploitation, no child is necessarily safe, regardless of their background. Child sexual abuse and exploitation can take place anywhere: nightclubs, hostels, bars, hotels, on the street, in public areas, schools and offices as well as in a place where children should feel especially safe and protected – in the home.

A 2006 UNICEF report indicated that the number of children involved in domestic work around the world is unquantifiable due to the hidden nature of the work, but it runs into the millions. Many of these children are girls. In certain countries, domestic service is seen as the only avenue of employment for a young girl (although in countries such as Nepal and South Africa, boys are more likely to be domestic workers than girls).¹ These children tend to work alone in individual households, hidden from public scrutiny,

their lives controlled by their employers. All too often, domestic service becomes a 24-hour job, with the child on perpetual call and subjected to the whims of the family members. As some form of transaction has most likely taken place in order to employ the child (either financial or in-kind) the child is often treated as the 'property' of the employer and seen more as a 'commercial object'. Child domestic workers are thus at high risk of sexual abuse; they are particularly vulnerable to sexual harassment and sexual violence from men and boys living in or associated with the household: relatives, neighbours and even the spouse of their employer.

A rapid assessment conducted in El Salvador (UNICEF, 2006) found that 66 per cent of girls in domestic service reported having been physically and psychologically abused, many of them sexually, and the threat of sexual advances from employers was ever present.²

¹ UNICEF. The State of World's Children 2006 Report.

² UNICEF. The State of World's Children 2006 Report.

³ Human Rights Watch. *Violence against Child Domestic Workers*. Accessed from: <http://hrw.org/english/docs/2007/02/20/global15343.htm>

⁴ allAfrica.com. *Guinea: Thousands of Girls Face Abuse as Domestic Workers*. Accessed from: <http://allafrica.com/stories/200706150817.html>

⁵ ECPAT International. *Questions & Answers about the Commercial Sexual Exploitation of Children*. (3rd ed.) Bangkok. 2006. rd Edition, 2006

⁶ Human Rights Watch. *Violence against Child Domestic Workers*. Accessed from: <http://hrw.org/english/docs/2007/02/20/global15343.htm>

Child domestic workers are often confined to their employer's household, with no access to external sources of help.³ Exploitation and abuse of young female domestic workers in Guinea for example, involves girls as young as 8 years old who work up to 18 hours a day, frequently without pay; they are often verbally, physically and sexually abused by their employers. Domestic work is the largest employment category among children in Guinea and girls come from as far away as Mali. Many are victims of trafficking and forced labour.⁴

CSA – Child Sexual Abuse

Sexual abuse of a child can be defined as contacts or interactions between a child and an older or more knowledgeable child or adult, such as a stranger, sibling or parent, where the child is being used as an object of gratification for the abuser's sexual needs. These actions are carried out using force, threats, bribes, trickery or pressure.

CSEC – Commercial Sexual Exploitation of Children

Commercial sexual exploitation of children is the use of a child for sexual purposes in exchange for cash, goods or in-kind favours between the exploiter, intermediary or agent and others who profit from the sexual exploitation of the child.⁵

In many African countries, child domestic workers who are victims of sexual violence rarely report their abuse and are given little attention. The magnitude of the problem, however, needs significant prevention efforts, starting with a basic understanding of a child domestic worker's situation.

Who is a child domestic worker?

A child domestic worker is any child under 18 years old who provides domestic services to a family for a given time in order to save money for family support, personal needs and/or for future professional training.

How do children become domestic workers?

Child domestic work and child trafficking often go hand in hand, for a child can never be classified a domestic worker in their parents' house. The traffickers

The case of a 15-year-old girl, sent by her father at the age of eight to work for a woman in the capital of Guinea (Conakry), was documented by Human Rights Watch.⁶ "The woman suggested to my father that she could look after me and send me to school. I have not been in contact with my father since. The other children in the family go to school but not me. The promise of education was never mentioned again. I do the domestic work and sell 'piment' [hot pepper]. When she is gone, her husband wakes me up and rapes me. He has threatened me with a knife and said I must not tell anyone. He does it each time his wife travels. I am scared."

make promises to a child's parents or guardians in order to allow placement of the child in another family, usually far from the child's home town.

Large numbers of children are being trafficked throughout West and Central Africa, mainly for domestic work. Nearly 90 per cent of these trafficked children are girls. Children from Burkina Faso, Ghana, Mali and Togo are trafficked to Cameroon, Côte d'Ivoire, Gabon and Nigeria. Children are trafficked both into and outside Benin and Nigeria. Some children are sent as far away as the Middle East and Europe.⁷ In West Africa, girls who are discarded or abused by employing families often have little choice but to turn to prostitution as a means of survival in a foreign country where they have no means of returning home.

The need to sustain themselves and their families due to poverty is commonly stated as the reason why children become domestic workers. However, some children state that it is hard to continue working as a domestic worker above the age of 14 as employers feel that older children are more problematic and likely to bargain for higher salaries and other rights. In Tanzania, children recounted that they were forced into domestic work after their parents had died, due to HIV/AIDS, and they had no reliable relatives to take

care of them.⁸

A number of children found in domestic servitude are working to repay loans; older children may migrate and seek work in the city in order to pursue their education. Family problems are often the catalyst for children to begin work. Family break-ups and physical and sexual abuse within families are common causes for children to leave home and seek alternative livelihoods. Several children cited alcoholic fathers as the reason they ran away from home to work in domestic service. Children were also pulled into domestic service by siblings and friends already working as domestics, and because of the demand for younger workers.

Factors contributing to sexual abuse and exploitation of child domestic workers

Young, and often illiterate, child domestic workers frequently lack the skills or the opportunities to seek help in leaving abusive workplaces. Hidden away in private homes, most do not attend school, rarely go out, except for brief errands, and have infrequent contact with their families. Some girls are brave enough or desperate enough to risk running away, but many more put up with abuse because they lack

⁷ UNICEF. *Child protection from violence, exploitation and abuse: Child Trafficking*. Accessed on 9 July 2007 from: http://www.unicef.org/protection/index_exploitation.html

⁸ Anti-Slavery. *The relationship between child domestic servitude and sexual exploitation of children*. Accessed from <http://www.antislavery.org/archive/submission/submission2002-childlabour.htm>

money and knowledge on how to return home; fear employers' threats of violence or denunciation to the police; or fear getting lost or attacked if they try to make it home on their own. Many feel they must remain silent about the violence they endure due to financial pressures and debts that result in their fear of losing their jobs.

Some domestic workers suffer sexual abuse silently in order to continue supporting their families. The perpetrators, usually men, find the young girls powerless and threaten them if they dare report the abuse. The impunity available to many of these perpetrators allows them to continue sexually violating the children in their households.

Research recently carried out by the Tanzanian Media Women's Association (TAMWA) suggests that 60 per cent of female domestic workers, known as "house girls", are sexually abused in their workplaces. The house girls are often very young and feel they can do little to prevent the abuse.⁹

Factors that facilitate the sexual exploitation of children include: the amount of time the child spends in the house, often when the female employer is absent; the perception that the child is the property of the employer and that he/she has some implicit 'right' to use her for sexual purposes; blackmail or

threats when a mistake is made by the child (e.g. for keeping silent when things get broken, when laundry is improperly washed, when food is not well cooked, etc.); compensation for financial and material support given to the child domestic worker's family; or a promise to increase the child's income.

TAMWA published a report that surveyed over 730 house girls, including 15-year-old Josephina. In November 2006, she started working in the house of a senior government official and was paid 10,000 shillings (\$10) a month. It was not long before he started propositioning her. "He came to my room one night and said he wanted sex with me. I refused ... but in the following days and weeks he kept on asking me to have sex. He promised to give me money and gifts as well as increase my salary but I didn't believe him. He was very angry when I refused. I felt terrible because he was very old, old enough to be my grandfather. It wasn't right what he did. I am too young; I haven't even had my first period."¹⁰

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In order to promote and protect the basic rights of children in domestic servitude and to safeguard them from abuse, exploitation and neglect, various NGOs in Africa have developed programmes and projects that work to defend their rights. They also work to assist children to develop skills through training and information sharing that will give them better life options.

⁹ Dickinson, Daniel. Tanzania "housegirls" face sexual abuse. *BBC News*. 10 May 2007. Accessed on 9 July 2007 from: <http://news.bbc.co.uk/2/hi/af-rica/3015223.stm>

¹⁰ *Ibid.*

Examples of interventions

Female domestic workers in Tanzania are being trained on how to deal with sexual harassment by their bosses. According to TAMWA, most of the victims come from the poorest areas of the country. TAMWA provides house girls with information on their legal rights if they are sexually abused or raped.

The NGO AFTEN in Niger supports cases of child abuse of domestic workers in child courts and sensitises female employers of domestic workers on child rights. Victims of sexual violence are informed of their rights to protection against sexual abuse, and the media is mobilised to discuss the issue of protecting child domestic workers from sexual exploitation by employers.

WAO Afrique, the ECPAT group in Togo, offers training and counselling to child domestic workers who are over the minimum age of employment – international standards stipulate this to be 15 years old – for all sectors of work, to assist them to prevent and better protect themselves from sexual abuse and exploitation. The trainees become aware of their rights and contracts are signed by the employer and a ‘placing agency’, establishing that the child will be respected and enjoy his/her rights. The involvement of a placing agency provides a mechanism for the child to be able to report any abuse or exploitation. Regular meetings between the children and the trainers provide opportunities for the children to express

themselves and report any cases of maltreatment, abuse or exploitation.

Conclusion and Recommendations

Many children employed as domestic workers throughout Africa regularly face sexual exploitation. Child traffickers routinely deceive children and their families by promising them attractive jobs as domestic workers. Ending abuse and exploitation against child domestic workers should be a priority on government agendas for youth in Africa. Local NGOs currently provide the only source of protection and assistance for child domestic workers (such as drop-in centres, which provide free medical or legal advice, counselling or educational activities, and other services), but they lack resources and cannot cover the countries systematically.

Further research is needed to ascertain the extent of domestic work by children in Africa. As the conditions under which child domestic labour takes place generally interfere with education and are harmful to the physical and emotional health and development of the children involved, child domestic labour should be ranked among the prohibited forms of child work. As child domestic labour also isolates children, taking place in the realm of private work situations which heighten the risk for children to physical and psychological harm, including violence, sexual abuse and exploitation, priority should be given to protecting

children from situations where domestic work legitimises entrapment and access to children for sex.

Child domestic workers and other working children should be identified and relevant care and protection services be provided for these vulnerable and hard-to-reach children.

More efforts should be made to investigate and punish those responsible for child trafficking and for committing physical and sexual violence against children in all settings.

African governments should ratify and implement relevant international human rights instruments such as *ILO Convention No. 182 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)* and should develop national plans of action against commercial sexual exploitation of children (which should include the development of policies and strategies designed to offer better protection for child domestic workers). National and local authorities should harmonise labour protection legislation and assist child domestic workers in seeking redress for exploitation through labour tribunals or legal courts.

Governments and civil society organisations should work together to set up child protection mechanisms that allow for systematic monitoring of children without parental care, particularly child domestic workers. Toll-free hotlines to receive reports of exploitation of child domestic workers can greatly assist in the rescue of children from abusive environments, and reunite them with their families or place them with foster families, if this is in the best interest of the child. Specific measures should be taken to improve access to education for child domestic workers, such as the creation of more schools that offer primary education for children older than the official enrollment age or more informal education outreach projects that offer learning opportunities at times more suited for working children.

Ultimately, lasting improvements in the lives of child domestic workers in Africa will only come about from attitudinal changes in societies and households and an understanding and commitment to uphold children's rights. However, in many African settings, awareness raising has barely begun and there is much needed to be done before it is effectively translated into a protective and supportive environment where children are no longer victimised.

Child Marriage as a Form of Commercial Sexual Exploitation of Children in Africa

By: Hindowa Lebbie, Regional Officer for Africa, ECPAT International

Child marriage

The United Nations *Convention on the Rights of the Child (CRC)* states that a child is anyone under the age of 18 years old. This clear definition means that any marriage with a person under 18 years old can therefore be classified as child marriage. The *African Charter on the Rights and Welfare of the Child* further condemns child marriage as not only inhibiting a child's physical growth and restricting his/her freedom, but also violating his/her rights to education necessary for "the promotion and development of the child's personality, talents and mental and physical abilities to their fullest potential".¹ Contrary to popularly held views, child marriage is practised globally in different forms and is not limited to developing countries or immigrants from such countries. However, the magnitude and general tolerance of the practice vary

across many regions. Child marriage is particularly high in Sub-Saharan Africa, Asia and the Middle East.²

The UN Study on Violence against Children (2006) estimates that the percentage of children married in Nicaragua is 34 per cent, 60 per cent in Nepal and 65 per cent in Bangladesh.³ From 2001 to 2005, the UK Joint Home and Foreign Office dealt with 1,000 cases of forced marriages, most involving young girls, some as young as 13.⁴

The situation is particularly acute in Africa. In 2005, the United Nations Population Fund (UNFPA) indicated that, on average, 23 to 65 per cent of young women, (aged 15-24) in West and North Africa were married before the age of 18.⁵

¹ *African Charter on the Rights and Welfare of the Child*, Article 11(2)(a)

² Sergio Pinheiro, Paulo. *World Report on violence against Children - The UN Secretary-General's Study on Violence against Children*. Geneva. 2006.

³ Ibid.

⁴ Forced Marriage 'could be banned'. *BBC News*. Accessed 28 May 2007 from: http://news.bbc.co.uk/2/hi/uk_news/politics/4214308.stm

⁵ UNFPA. *Child Marriage*. Accessed on 9 July 2007 from: http://www.unfpa.org/swp/2005/presskit/factsheets/facts_child_marriage.htm

Child marriage and commercial sexual exploitation

Child marriage, or early marriage, according to ECPAT International (2006) involves the marriage of children and adolescents under the age of 18. It can be considered a form of commercial sexual exploitation (CSE) when a child is used for sexual purposes in exchange for goods or payment in cash or in-kind. Typically, in such cases, parents or a family marry off a child in order to gain benefit or to support the family. While child marriages involve both boys and girls, it is more common for girls to be married to men who are significantly older than they are.⁶

There are varying levels of understanding and different interpretations of child marriage, its various forms and reasons why it is practised. These often create conflicting views and therefore leave gaps in awareness and responses to the phenomenon. For example, in countries where the age of consent is under 18, child marriage can be seen as acceptable, and is often referred to as early marriage to distinguish it from child marriage. However, even in countries where the age of consent is 18, child marriage often widely occurs in concealed ways.⁷

Many countries in Africa, such as Ghana, Ethiopia, Kenya, Sierra Leone and The Gambia, have laws that criminalise child marriage, some of which are in accordance with ratified international agreements. The legal minimum age for marriage in Ethiopia, Ghana and South Africa, for example, including customary unions, is 18 for both men and women,⁸ in accordance with a number of ratified international agreements and the laws of those countries. However, while the legal age for marriage is 18 in Mozambique, boys aged 16 and girls aged 14 can marry with the consent of a parent or guardian.⁹

Main factors promoting child marriage in Africa

Poverty

In countries such as Niger, Chad, Mali, Guinea and Mozambique, which have high rates of child marriage, there are also high levels of poverty, birth and death rates; greater incidence of conflict and civil strife; and low levels of overall development, including schooling, employment and health care. A significant difference in educational levels, availability

⁶ ECPAT International. *Questions & Answers about the Commercial Sexual Exploitation of Children*. (3rd ed.) Bangkok. 2006.

⁷ ECPAT International. *Child / Early Marriage: Shades of Grey 2006*

⁸ Center for Reproductive Rights. *Common Reproductive Health Concerns in Anglophone Africa*. Accessed on 4 July 2007 from: http://www.reproductiv-erights.org/pub_fac_wowaa.html

⁹ ECPAT International. *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - Mozambique*. Bangkok. 2007.

or lack of necessary resources in the home, and the environments in which people live affect the percentage of children (boys and girls) who are victims of child marriage. For example, in the Miji Kenda coastal community in Kenya, a 13-year-old girl is considered of marriageable age and the community might have great difficulties in understanding the negative implications of child marriage.¹⁰ On the other hand, children in towns or cities, those who complete eight or more years of schooling, or who are from families with a significant level of education or who are not from resource-deprived families, are much less vulnerable to child marriage.¹¹

Cultural, traditional and religious practices

The observance of traditional, cultural or religious practices in Africa mirror a community's values; what they accept as true or real; what they believe; and their religious practices. Some of these practices, which are sometimes passed from generation to generation, can underpin an African community's sense of unity. However, harmful traditional practices such as female genital mutilation (FGM), which is common in most West African countries, the sacrificing of girls to shrines in Ghana, and child marriage, among others, violate the rights of the child. The following traditional and religious practices

prevalent in Africa, are especially harmful and constitute child marriage as a form of commercial sexual exploitation of children:

- **Payment of bride price**

Bride price is the amount of money, property or wealth paid to the parents of a girl for the right to marry their daughter. In some instances, it can be in the form of goats or cows negotiated between the parents of the bride and of the groom. This practice reduces the worth of the child to monetary or commercial value and in this way, access to the child for sex is negotiated, hidden under the practice of marriage. The payment of a bride price depicts the gender inequality and power imbalance between males and females (the payment of a bride price is often arranged for marriage between a girl child and a much older man, for example). Social scientists at Makerere University in Kampala, Uganda, maintained that bride price payment impacts on sexual and reproductive health and rights and it was one of the key factors associated with domestic violence in Wakiso District in Uganda.¹² It should also be noted that these arranged marriages often occur outside of the law (ie. customary practice) and as such, the child can have no legal protection against further abuse.

¹⁰ ECPAT International. *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - Kenya*. Bangkok. 2007.

¹¹ Growing Up Global. *Youth and Marriage: Trends and Challenges*. Accessed on 29 May 2007 from: http://www.prb.org/pdf06/GrowingUpGlobal_Youth&Marriage.pdf

¹² Kaye, Dan K., et al. Implications of Bride Price on Domestic Violence and Reproductive Health in Wakiso District, Uganda. *African Health Sciences*, December 2005; 5(4): 300-305. Accessed on 5 June 2007 from: <http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=1831942>

- **Female genital mutilation**

Female genital mutilation (FGM - or female genital cutting) comprises all surgical procedures involving partial or total removal of the external genitalia or other injuries to the female genital organs for cultural or non-therapeutic reasons.¹³ UNICEF estimates that the total number of women who have been subjected to FGM in Africa range between 100 and 140 million and that about 3 million girls are at risk of some form of female genital mutilation every year.¹⁴ In many parts of West Africa, FGM takes place in an organised secret 'society'. During the ceremony, children and adolescents are prepared for marriage, household and child care. Often, children who graduate from the 'society' are forced into marriage. In several African societies, child marriage is also intimately linked to FGM because the practice forms part of the requirements of a girl for her distant or imminent marriage.¹⁵

- **Trokosi**

Offering a virgin between the ages of 8 and 15 (to honour or appease a god) to a particular religious shrine is known in West Africa as 'Trokosi'. The girls are forced, under threat of death, to live as domestic and sexual slaves to the priests in the shrine. These girls are often offered to a shrine when a family member has committed a petty offence, often generations before the girl's birth. Trokosi is practised in Benin, Ghana, Nigeria and Togo.¹⁶ Atonement, or making amends for a sin or a mistake committed by the parents or grandparents is exchanged for sexual exploitation of the girl.¹⁷ These girls are denied access to education and health care and are required to spend the rest of their lives as 'wives' of the gods, through the fetish priest. If a girl dies or the priest tires of her, she has to be replaced. Most parents are fearful of the consequences of not complying with the terms of these shrines.¹⁸

¹³ UNICEF. *Child protection from violence, exploitation and abuse: Female Genital Mutilation/Cutting*. Accessed on 7 June 2007 from: http://www.unicef.org/protection/index_genitalmutilation.html

¹⁴ Ibid.

¹⁵ IPPF, UNFPA. *Ending Child Marriage: A Guide for Global Policy Action*. London. 2006.

¹⁶ The NGO Working Group on Violence against Women. *Glossary of Violence against Women: To Share Understanding of the Terminology*. Accessed 4 June 2007 from: <http://www.iac-ciaf.com/Publications/Glossary%20on%20violence%202007.pdf>

¹⁷ Owusu-Ansah, Anthony. 'Trokosi' in Ghana: *Cultural Relativism or Slavery?* 20 November 2003. Accessed 4 June 2007 from North Carolina State University: <http://www.ncsu.edu/aern/trokony.html>

¹⁸ IPPF, UNFPA. *Ending Child Marriage: A Guide for Global Policy Action*. London. 2006.

Civil conflicts

In conflict-torn communities, there is a general breakdown in government administration, civil order and collapse in the educational, health and other social services, thus poverty becomes widespread. The breakdown in government administration and civil order gives rise to child-related social stress, including high levels of child neglect and abandonment, rising numbers of children on the streets, trafficking in children and/or exploitation of children in prostitution.¹⁹ In such circumstances, child marriage can become a strategy for economic survival. Families in refugee camps in Burundi, for example, protect their honour by giving their daughters away for marriage as early as possible.²⁰ In conflict-torn Northern Uganda and Somalia, there are reports that some families give their daughters to militia members in order to defend family honour or secure 'protection' for themselves and the girl.²¹ In Uganda, girls who are abducted by the Lord's Resistance Army are "married off" to rebel leaders. If the man dies, the girl receives a ritual cleansing and is forced to marry another rebel.²²

Family ties and debt bondage

In some parts of Africa, children can be given away for marriage to settle debts that the bride's family is unable to pay; gain access to land or chieftaincy; and even to settle disputes. Marriage may also be a way of maintaining ethnic or community relations. Children's rights as individuals in such situations are often disregarded and they may instead be seen merely as commodities at the family's disposal.²³ In some cases, the children run away to other cities or communities and end up becoming victims of commercial sexual exploitation in order to earn a living.²⁴

HIV/AIDS pandemic

Sub-Saharan Africa has been hardest hit by the HIV/AIDS pandemic, with married women and adolescent girls at greatest risk of contracting the disease. The feminisation of HIV/AIDS continues to make more children, especially girls who are married, vulnerable to be infected and affected by the disease.

HIV/AIDS is both a cause and a result of child marriage; there is an intrinsic linkage between the

¹⁹ UNICEF Innocenti Research Centre. *Early Marriage: Child Spouses. Innocenti Digest. No.7.* March 2001.

²⁰ World Vision International. *The Effects of Armed Conflict on Girls.* A discussion paper prepared for *The Impact of Armed Conflict on Children* by Graça Machel, Expert of the Secretary-General of the United Nations

²¹ UNICEF Innocenti Research Centre. *Early Marriage: Child Spouses. Innocenti Digest. No.7.* March 2001.

²² UNICEF. *Promotion and Protection of the Rights of Children: Impact of Armed Conflict on Children.* Accessed 7 June 2007 from: http://www.unicef.org/graca/a51-306_en.pdf

²³ IPPF, UNFPA. *Ending Child Marriage: A Guide for Global Policy Action.* London. 2006.

²⁴ ECPAT International. *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - Mozambique.* Bangkok. 2007.

two. In the face of the HIV/AIDS pandemic, caregivers who find it difficult to take care of girls orphaned by HIV/AIDS often offer the girls for marriage to relieve the family of the burden of taking care of the child. In some parts of Sub-Saharan Africa, the HIV/AIDS pandemic has led to an increase in child marriages. Underage girls offered for marriage, usually in return for a dowry, often end up divorced or abandoned by husbands, partners and parents, the ensuing lack of financial support causing 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.²⁵

Gender inequality

The third of the Millennium Development Goals promotes gender equality and empowering women and seeks to eliminate gender disparity in primary and secondary education at all levels by 2015. Despite this objective set by governments, gender inequality continues to exist worldwide. In many African societies, the political, economic and even domestic leadership remain largely patriarchal. Under such conditions, the marriage of girls is perceived as a necessary way of reinforcing existing norms and it ensures that girls and women accept their domestic roles and have a limited role within the wider society.²⁶

International and national legal frameworks to combat child marriage

Most countries in Africa have ratified the *African Charter on the Rights and Welfare of the Child*, the *UN Convention on the Rights of the Child (CRC)* and its *Optional Protocol on the sale of children, child prostitution and child pornography*. All these international instruments treat child marriage as a violation of children's rights and raise serious protection issues. However, many of these signatory countries have yet to harmonise their domestic laws with the CRC and other child rights international legal instruments. A majority of them lack strong legislation against child marriage, and as such, it is difficult to charge and convict perpetrators. For example, The Gambia, Ghana, Sierra Leone, Togo and Kenya parliaments adopted and enacted various children's codes and have child protection units in their national police forces, but the enforcement of these legal instruments in these countries remains a challenge. Furthermore, some African countries have customary laws that are only applicable in certain parts of the country. Such laws are not consistent with statutory laws and are in opposition to the provisions of many international child rights conventions and declarations. Under customary laws, for example, ages of marriage for boys and girls, as well as

²⁵ ECPAT International. *Linkages between HIV/AIDS and the Commercial Sexual Exploitation of Children in Africa*. Bangkok. 2006

²⁶ IPPF, UNFPA. *Ending Child Marriage: A Guide for Global Policy Action*. London. 2006.

definitions of a child, are inconsistent with statutory laws and the CRC.²⁷ In The Gambia, the application of local customs and Sharia law may potentially expose children to sexual exploitation, for example by allowing child marriages.²⁸

In Ethiopia, Somalia and Morocco, the legal age of marriage is 18 for females and males. However, in some other countries, there is disparity in the legal age of marriage for males and females, with that for males usually being higher than for females (the legal age for marriage in Madagascar is 17 for males and 14 for females; in Tanzania it is 18 for males and 15 for females and in Algeria 21 for males and 18 for females).²⁹ The disparity in the legal age of marriage in these countries depicts gender inequality that is prevalent in the region.

Even where the legal age of marriage is set at 18 in certain African countries, e.g. Ethiopia, children in rural areas are still married at a very young age. It is not uncommon to see girls as young as 6 years old being married.³⁰ According to Ghana's *Children's Act*, the minimum age for marriage is 18; and although

the Act prescribes punishment for contravention, there are reports that in northern regions of the country, the average age of marriage for girls is between 15 and 17 years old. In addition, girls between 12 and 16 years old in rural communities are sometimes forced to marry much older men.³¹

Conclusion and Recommendations

In cases where the child becomes a mere exchangeable good, child marriage is a blatant violation of the rights of the child. Poverty, cultural practices, gender inequality and social norms are the main factors in promoting child marriage in Africa, with the girl seen as either a burden to the family or as a source of income. Typically, early marriage deprives children of numerous rights, raising protection concerns. In many cases victims are exposed to violence and maltreatment by their adult spouses or their spouse's families. Child marriages threaten a child's human rights, including their right to education, good health and freedom of expression. Once married, an underage person can lose their

²⁷ ECPAT International. *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - Mozambique*. Bangkok. 2007.

²⁸ ECPAT International. *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - The Gambia*. Bangkok. 2007.

²⁹ Wikipedia. *Marriageable age*. Accessed 9 July 2007 from: http://en.wikipedia.org/wiki/marriageable_age

³⁰ Ibid.

³¹ ECPAT International. *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - Ghana*. Bangkok. 2007.

status as a 'child' and whatever protection that affords nationally.³² On a continent where human development is at a low ebb, depriving children of education can have adverse consequences on the continent's socio-economic development.

Despite the fact that many African countries have adopted national laws, such as the CRC and other international instruments that have clauses against child marriage, the practice persists. It is ECPAT International's recommendation that African governments recognise that child marriage is a form of commercial sexual exploitation and adopt clear national policies for its abolishment. Local and international NGOs that are concerned with the eradication of the practice should provide appropriate training for law enforcement officers; as well as commit more resources for law enforcement and for the prosecution of perpetrators of child marriage.

General education of the public, including health education, with special emphasis on the dangers and the undesirability of child marriage, must be intensified at all levels of society, especially in schools. ECPAT recommends involving children and youth in programmes and activities aimed at fighting child marriage. Appropriate community communication strategies such as using community

theatre for development, the "bantaba" in The Gambia (gatherings where issues of common concern are discussed within a community) and the coffee ceremony in Ethiopia (the main forum within communities where social issues are discussed), can be used to convey messages aimed at eradicating child marriage.

All harmful traditional, cultural practices and myths that help perpetrate child marriage must be questioned and challenged. In some African countries, FGM ceremonies also prepare children for early marriage, therefore the myths that encourage FGM must be eradicated in order to help in the fight against child marriage.

More and more children are being targeted as marriage partners by men who believe that sex with a young girl can cure HIV/AIDS, thereby infecting the girls with the AIDS virus. HIV/AIDS care and support services should also target children, especially girls who are already involved in, or are vulnerable to early marriage. Peer educators must be recruited and trained to work on interventions to reach child victims of early marriage and those who are vulnerable to it.

Programmes that aim to retain girls in school and ensure gender equality and the empowerment of

³² ECPAT International. *Questions & Answers about the Commercial Sexual Exploitation of Children*. (3rd ed.) Bangkok. 2006.

women should be pursued. Strategies such as school feeding and cash transfer programmes that aim to attract children, especially girls, to school, should guarantee gender equality. Programmes should be designed to specifically target and raise the enrollment of girls, sustain their attendance and equalise learning outcomes for both boys and girls.

In countries such as Burundi, Somalia and Uganda, where child marriage is common due to conflicts, the resolution of such conflicts would prevent children from being given away for marriage. Conflict resolution strategies should take on board provisions in the CRC and the withdrawal, rehabilitation, family reunification and reintegration of victims of child marriage into mainstream society. Conflict prevention is a better option to combat child marriage for countries that are likely to slide into conflicts.

ECPAT believes that poverty alleviation strategies at community and national levels should take into

consideration the rights of children not to be married. Poverty alleviation strategies should also concentrate on the rights of the child to an education appropriate for the child's full development. Such poverty alleviation strategies should be integrative, taking into consideration the child, the family, the physical environment and the community. This will lead to socio-economic development that, by extension, can help eradicate child marriage and CSEC.

Programmes should be designed or existing ones reinforced to provide support to victims of child marriage. These programmes should also target poor and uneducated parents and families who are most likely to give away their children for marriage. A mix of strategies, such as awareness raising, training of parents in viable income-generating activities and cash transfer to families for retaining girls in school can be used to prevent children from early marriage as well as from CSEC.

Implementation of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism in Kenya

By: Katarina Westman, Consultant for ECPAT Austria

Background and purpose

The *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* was introduced in Kenya in 2003 with technical support from Respect, an Austrian NGO – and a member of the ECPAT network since 2003 – with a mission to promote sustainable tourism in Austria and worldwide through research, education, awareness raising and expertise. The Code of Conduct was originally developed as an ECPAT network project to combat child sex tourism, in collaboration with UNICEF and the United Nations World Tourism Organization (UNWTO). After meeting with much international success and support, ECPAT groups began working on implementation of the Code in tourist sending and tourist receiving countries. Today, it is regarded as the foremost international programme for successfully combating child sex tourism.

In the case of Kenya, the project's initial purpose was to create awareness about commercial sexual exploitation of children in the country and to establish a network for stakeholders, including the private sector, Government of Kenya (GOK) and NGOs.

The main aim of the Code of Conduct (to provide protection to children) was initiated as awareness about CSEC increased.

The initial implementation phase ran for four years, with funds from the Austrian Development Agency. Since August 2006, the Kenyan NGO, Solidarity with Women in Distress (SOLWODI) have been Respect's implementing partner, receiving support and technical advice from a local consultant. Due to factors such as raised awareness about CSEC on the Kenyan coast and an increased willingness from the private sector to combat CSEC, Respect and SOLWODI decided to continue implementing the Code during 2007. The Austrian Development Agency is the main funder of the project (50 per cent), UNICEF Kenya Office (30 per cent) and Save the Children Sweden (20 per cent).

The Code of Conduct is being implemented in Kenya by companies, hotels and associations that have signed the Code. The first signing took place in February 2006, when 20 hotels signed; a second signing procedure is planned for November 2007. The involvement of and cooperation with all relevant stakeholders, such as the Government of Kenya, the

Kenya Association of Hotelkeepers and Caterers, the Kenya Tourist Federation, the Mombasa Coast Tourist Association, the Kenya Tourist Board and the Kenya Association of Tour Operators, among others, is vital.

It is also important to note that the Code is an international tool that is fully recognised by the tourism industry and UN agencies and has its own structure and guidelines on quality assurance.

The international Code of Conduct

“thecode.org” is a registered trademark. To ensure worldwide quality of the Code, standardised procedures for its application, implementation, monitoring and evaluation have been developed.

The decision on whether a company is accepted as a Code member is made by the Code Organization’s Executive Committee. The interested company has to submit an application form and a first-year action plan. According to the new standard procedures of the Code Organization, a local Code partner (SOLWODI in Kenya) is assisting hotels on how to implement the Code, including delivering training.

Internationally, the Code of Conduct has become very well-known over the last years. “thecode.org” has over 600 members and is guiding the implementation of

the Code of Conduct in terms of support, monitoring and evaluation in 23 countries.

The Kenyan experience in implementing the Code of Conduct

In 2003, awareness about CSEC in general and child sex tourism in particular was limited in Kenya. Initially, the project did not receive much support from the government and cooperation with NGO partners faced a number of challenges, mainly due to a lack of capacity and deficits in regard to the organisational structure. Hence, a sustainable monitoring structure and coordination in the coastal region took time to develop.

A November 2006 UNICEF report entitled “The extent and effect of sex tourism and sexual exploitation of children on the Kenyan coast” helped to increase awareness about CSEC. The report created a massive reaction among all stakeholders, and measures for protecting children against sex tourism became a high priority. In March 2007, the Minister of Tourism and Wildlife urged hotels to sign the Code of Conduct. The words by the Minister indicate that the Kenyan Government is well aware of the Code as a measure of protection for children. However, it is not likely that all hotels in Kenya have the capacity to implement the Code of Conduct.

Overview of key achievements of the project entitled “Measures to Protect Children from Sexual Exploitation in Kenya as part of HIV/AIDS prevention – Implementing the Code of Conduct in Kenya” (January 2004-December 2006)

Awareness and cooperation

- Awareness and knowledge on CSEC and the impact on human/children’s rights and tourism as well as on health (HIV/AIDS) has been significantly increased among relevant stakeholders such as the tourism industry, government, NGOs, and the media.
- Increased understanding within government, especially the Ministry for Tourism and Wildlife and Department for Children’s Services (Ministry of Home Affairs) has led to a more open and proactive approach, including demands for proper laws and law enforcement. The need for solid cooperation among stakeholders to tackle the problem has been acknowledged.
- Empowerment within the tourism industry (mainly hotels in the coastal region) to recognise the existence of the problem and accept responsibility and roles is needed.
- A series of trainings and seminars were carried out in cooperation with and financed by the UNICEF Kenya Country Office. Over 150 participants from various sectors attended and the workshops were

conducted by international and Kenyan experts on the issue.

- The implementation of the Code began successfully with the implementing hotels receiving support in capacity building of trainers and providing in-house training to hotel staff. Trainings were carried out in most signatory hotels as well as in the community. Two training-of-trainer seminars took place in 2006.

Development and distribution of material suitable for the Kenyan market

Awareness raising materials were produced and disseminated to key partners in December 2005/ January 2006 and a training-of-trainers manual was developed in May 2006. This year an implementation booklet was developed and a ‘Code Kenya’ website was created.

Project: Training and Capacity Building on Implementing and Monitoring the Code of Conduct (January 2007-December 2007)

The current project builds upon the experiences of the first phase of implementing measures against sexual exploitation of children in Kenya and introducing the Code of Conduct (2003-2006). This project aims to a) increase the understanding and commitment of hotels and other relevant stakeholders to take action against sexual exploitation of children by using the

Code of Conduct as a main tool; and b) improve and monitor implementation of the Code by the existing signatories.

Two important factors have influenced the project: The Government of Kenya (mainly through the Ministry of Tourism and Wildlife) has seriously taken on the battle against CSEC and the Ministry is strongly supporting the implementation of the Code; and secondly, the implementing partner (SOLWODI) has employed a full-time field coordinator with the sole responsibility for Code activities.

Main challenges and actions taken to solve them

As the Code of Conduct implementation is an ongoing process, a number of challenges continue to arise:

The lack of coordination of stakeholders who signed in February 2006 and the follow-up of other interested parties was one of the initial challenges that SOLWODI encountered. All signatories need supervision and monitoring support. It quickly became clear that many signatories lack a clear understanding on how to implement the Code. One year after signing, only a few hotels were able to deliver an annual report. SOLWODI regularly conducts monitoring visits to hotels to provide details on what the six criteria of the Code entail for the respective hotel/association. The development of an implementation booklet has facilitated the process.

An additional challenge has been to make the private sector adhere to the new standard procedures of applying to sign the Code. A vast number of hotels have shown interest in implementing the Code as a measure of protection for Kenyan children, however as they learn about the procedures and start filling the action plan, many of the hotels find the Code standards too elaborate and unsuitable for Kenyan hotels. In the long run, the new standards will probably have a positive effect, since only “serious hotels” will administer to complete the application form and action plan. The new procedures have also created a negative response from some as many hotels find the application form, and especially the action plan, exceptionally elaborate and complicated. This has raised the issue of creating a “domesticated Kenyan code of conduct”. SOLWODI staff have been spending a great deal of time consulting with non-signatory hotels on the procedures and the fact that the Code is an international agreement, and will therefore remain with its standards.

The issue of a “domesticated Kenyan code of conduct” has been raised by some NGOs and hotels. The development of a national code of conduct with its own monitoring, evaluation and reporting structure could prove time consuming, therefore a sustainable alternative approach to utilise the existing Licensing Authority in Kenya has been recommended. The Authority could add a paragraph on the existing licence stating that all hotels, restaurants and entertainment establishments should have a policy

for the protection of children from CSE and that all personnel need to be aware of the policy and how to act if they are faced with a case of CSEC. The Ministry of Tourism and Wildlife should take a lead in guiding the licensing authority on implementation and monitoring of a policy on CSEC in the existing licensing.

Furthermore, ownership of the Code needs to be strengthened by the signatory hotels. This would ensure that the six criteria are properly implemented and monitored by the hotel itself. The issue of sustainability could further be improved and addressed if the signatory associations had their own “code experts” who could carry out trainings on the Code and awareness about CSEC in the future.

A continuing challenge is that of sensitising the public to the fact that commercially sexually exploited girls and boys are victims. In many cases they are seen as “success stories”, as they are bringing in money, or “lazy school drop outs”. To understand that anyone under 18 is a child and has the right to protection remains the main challenge for Kenya today. To change this attitude, joint efforts by all stakeholders are continuously needed.

Conclusion

Having achieved much already, the Code of Conduct in Kenya will build on its momentum and will continue to operate within the context and according to the high standards of one of the industry’s most significant international child protection programmes. As Kenya was identified as a child sex tourism destination of particular concern by multiple agencies, it is all the more important to both the development of sustainable and responsible tourism in Kenya and the preservation of children’s rights. Continued promotion and efficient implementation of the Code will ensure that Kenyan children enjoy better protection against child sex tourism.

Creating Child-Safe Organisations within Africa

By: Sinart King, Associate for Care and Protection Programme, ECPAT International

Humanitarian agencies around the world run programmes to improve the quality of life of local communities. Many also work to fight against child abuse and exploitation in several areas by providing education and skills building, direct assistance, rehabilitation or promoting rights and advocacy. Despite their best intentions, abuse sometimes occurs within an organisation. The abuse may be committed by those meaning to do well, but are unaware of the impact of their actions towards children, or by those with malicious intent. In response to such problems, ECPAT International, in 2006, collaborated with Save the Children UK and UNICEF to support organisations in developing child protection policies and procedures. As a result, a Child-Safe Organisations Training Toolkit¹ was developed. The materials in the toolkit are designed to address challenges and constraints that organisations face in child protection policy implementation. A simple, structured training process aims to promote staff participation and a clear understanding of why such a policy is necessary. Lessons learned from this initiative can also be

applied to the African region in order to improve child protection standards within an organisation, which will subsequently contribute to the progress of child protection systems as a whole.

Risks to children within an organisation

Harm to children within an organisation can occur either intentionally or as a result of a lack of caution. The harm caused by staff members may be physical, sexual or emotional abuse or neglect. Those with malicious intentions may also exploit children within their care in various ways (e.g. as child labour or for sexual exploitation). In humanitarian emergency work, the relationships between staff and beneficiaries are always based on unequal dynamics (e.g. one controls resources that the other urgently needs) and as a result, some staff members can unscrupulously exploit their power and control, for example by withholding support unless it is exchanged for sexual favours. Children may feel that they have to accept such

¹ King, Sinart. *Child-Safe Organisations Training Toolkit*. Save the Children UK/ECPAT International/UNICEF. Bangkok. July 2006.

situations because their survival depends on much needed items and support from humanitarian workers. In such cases, abusers not only exploit the trust that people have in them, but also violate the fundamental rights of children.

The term ‘professional perpetrators’ refers to those who use their professional positions to access children and sexually abuse them within the workplace or while under their care. These people often seek out employment that allows them to be in close proximity and gain access to certain groups of children, or they create an opportunity to spend time with children with minimal or no supervision. Many organisations, especially in emergency settings, do not have sufficient strategies to assess potential exploiters or to deter them from applying for such jobs. They may lack the screening process whereby potential child sex abusers could be identified. The nature of the work – as well as the difficult environment/circumstances in which humanitarian agencies operate – could further facilitate the abuse and exploitation of children by such people once they enter the organisation. Some organisations also lack reporting procedures, which makes it even more difficult for communities to report the actual abuse or suspicions.

Such abuses were internationally highlighted in the joint 2002 UNHCR/Save the Children report, *Sexual Violence & Exploitation: The Experience of Refugee Children in Guinea, Liberia and Sierra Leone*,² which uncovered cases of sexual exploitation by humanitarian staff in West Africa. Based on feedback from 1,500 individuals, including children, the exchange of sex for money or basic necessities was widespread in local communities. Allegations of sexual exploitation involved humanitarian workers from UN peacekeeping forces, international and local NGOs as well as government staff providing direct assistance. Children felt unable to challenge these violations for fear that agencies would withdraw their support, thereby making it virtually impossible for them to survive. One adolescent in Liberia talked openly about sexual exploitation by NGO workers: “It’s difficult to escape the trap of these people; they use the food as bait to get you to have sex with them.”

Several studies and media reports further confirmed that sexual exploitation by humanitarian staff is a continuing problem in the region. In 2005, Save the Children research, *From Camp to Community: Liberia Study on Exploitation of Children*,³ investigated livelihood opportunities for children in Liberia, taking into consideration the fact that poverty often drives

² UNHCR, Save the Children UK. *Sexual Violence and Exploitation: The Experience of Refugee Children in Guinea, Liberia and Sierra Leone*. 2002.
³ Save the Children UK. *From Camp to Community: Liberia Study on Exploitation of Children*. Save the Children UK. Monrovia. 2006.

children into viewing the exchange of sexual favours as their only immediate means of survival. The *Daily Telegraph UK* also reported allegations of UN personnel abusing children in southern Sudan in early 2007.⁴

In Africa, as elsewhere in the world, perpetrators are not limited to emergency settings. Abuse and exploitation also takes place within other institutional settings, such as development agencies, shelters, orphanages, schools, etc. For example, incidents of sexual exploitation by teachers are widespread in many African countries, as highlighted in ECPAT International's *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children*.⁵ In The Gambia, children are sexually harassed by teachers or are forced into sexual relationships in exchange for good grades, pocket money, deductions in school fees or protection from punishment.⁶ The problem also exists in Uganda, where schoolboys are reportedly victimised in the same manner.⁷ Exploitation in schools is also

commonplace in Benin and South Africa.⁸ According to a Human Rights Watch report, *Scared at School: Sexual Violence against Girls in South African Schools*,⁹ some teachers misused their authority in order to seek sexual favours from female students. On some occasions, they made sexual demands by threatening corporal punishment or promising better grades, money or gifts in order for the girls to comply.

ECPAT's Global Monitoring Report on Ghana has drawn attention to abuses in religious institutions.¹⁰ In a traditional practice called 'Trokosi', girls, usually under the age of ten, are enslaved to priests in a temple for the atonement of an offence committed by their families. The girls are subject to various forms of abuse such as forced labour or sexual abuse, sometimes even bearing the priests' children. These are adults that children should be able to trust; instead they abuse that trust in order to gain an advantage for themselves.

Risks to children do not only stem from malicious

⁴ Holt, Kate and Hughes, Sarah. UN staff accused of raping children in Sudan. *Telegraph UK*. 4 January 2007. Accessed on 4 July 2007 from: <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2007/01/03/wsudan03.xml>

⁵ ECPAT International. *ECPAT International Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - The Gambia*. Bangkok. 2007.

⁶ Ibid.

⁷ ECPAT International. *ECPAT International Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - Uganda*. Bangkok. 2007.

⁸ ECPAT International. *ECPAT International Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - Benin*. Bangkok. 2007.

⁹ Human Rights Watch. *Scared at School: Sexual Violence Against Girls in South African Schools*. Accessed on 4 July 2007 from: <http://www.hrw.org/reports/2001/safrica/>

¹⁰ ECPAT International. *ECPAT International Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - Ghana*. Bangkok. 2007.

intentions, but may also be a result of staff lacking awareness on the impact of their behaviour towards children. The most common forms of abuse include physical (e.g. punishing a child 'out of love'), verbal (excessive teasing, making sexual remarks) or neglect (failing to provide sufficient care). There are varying views on what is best for children, and as a consequence of trying to achieve this, harm is unintentionally caused. An example of this is when a staff member has a personal relationship with a child, thinking of it as a way to show love and attention. However, other children might see it as preferential treatment. The staff member also unknowingly encourages emotional dependency on a child's part and he or she may feel hurt or unable to trust others once that particular staff member leaves an organisation. Ideally, organisations should have a code of conduct outlining professional boundaries and expectations of their staff members' behaviour towards children. However, this is not always the case.

Challenges for organisations to become child-safe

Organisations may not have child protection policies and procedures for several reasons: some organisations may not deem it necessary, as they believe that their staff have good intentions. An organisation may think that the volunteer 'has come a long way, therefore s/he must have a good heart,'

not realising that preferential sex offenders would go to great lengths to find their victims, such as traveling to a country with weaker protection systems for children. Alternatively, some organisations may feel that the policy is not relevant to their programming or is akin to 'donor bureaucracy'. Often, the attitude of humanitarian workers is that they are doing good work for children, where appropriate behaviour should be commonplace, and therefore do not see the need for written guidelines. This may appear reasonable, but it can not be guaranteed that all or future staff share the same attitudes, knowledge and understanding.

The most crucial challenge lies in the area of education and training. Organisations do experience the disconnect between general theories/standards and how to put them into practice. Most policies and implementation strategies are written from the perspective of management and policymakers. The authors usually do not take into account grassroots organisations' constraints of working on the ground with limited resources and capacity. This is a particular problem for the African region, as funding shortages make it difficult for most organisations to carry out programmes, let alone implement policies.

Moreover, many documents or training toolkits may discuss child protection standards, but fail to illustrate why they are important or to provide concrete examples. Those in authority may have the skills and knowledge, but the implementation

cannot be successful if the expertise is not passed on to staff throughout the organisation. Training is the most cited strategy in policy implementation; nevertheless, it is also the area in which most people have misconceptions. An effective training approach does not only focus on providing information, but must also employ participatory teaching methods to ensure the concepts are clearly understood. Staff members need to understand why a child protection policy is important, rather than just following the rules. Moreover, they need to be able to make informed decisions regarding child protection issues, particularly in emergency or unexpected situations.

Keys to successful implementation of child protection policies and procedures

Child protection policies and procedures are important mechanisms for any child welfare organisation to ensure that risks to children within programmes and daily operations are properly managed. To promote such practices and assist and support local organisations to develop appropriate policies and procedures, Save the Children UK, in collaboration with ECPAT International and UNICEF, developed the Child-Safe Organisations Training Toolkit, which consists of three modules: an awareness raising workshop on child abuse/child protection; a workshop focusing on staff interactions with children, risk management and good practices within an organisation regarding child protection; and a policy

development consultation structure. The toolkit curriculum supports organisations to develop their own policy and guidelines, thereby ensuring that staff members have a sense of ownership. In achieving this, the training process encourages participation from staff at all levels. Feedback from different sections of an organisation, e.g. human resources, communications, field staff, etc., is important to ensure that the policy is workable and relevant to all.

ECPAT has found that a main factor contributing to the success of the toolkit is its simple, participatory process. The Child-Safe Organisations Training Toolkit was designed to ensure participation through activities, group work and discussions. For example, an exercise called ‘Always, Sometimes, Never’ has proved particularly popular, especially in Africa: a facilitator reads out a statement and participants have to decide whether the action is “always, sometimes or never” considered child abuse. Participants are divided into three groups and share the reasons for their views. Participants found it useful to explore different viewpoints and some of them changed their attitudes and practices as they became more aware of the negative impacts of certain acts on children. For example, spanking was generally viewed as a necessary method for disciplining children; however some participants changed their views after the exercise because it was pointed out that spanking is a form of punishment, not discipline. The act punishes a child, not his/her behaviour, and can cause physical and/or psychological damage to the child. Similarly,

the issue of sexual abuse of boys was a much debated topic. Most participants did not see the boys as victims, but more as 'successful' for having sex with an older woman. In this case, participants agreed that boys too are victims because such sexual activities are inappropriate for their age.

'Always, Sometimes, Never' is one of many exercises in the training toolkit that can help participants reflect on cultural perceptions with sensitivity. The toolkit respects differences in opinions, but also encourages participants to discuss, analyse and consider international standards in child protection. The exercises are not designed to judge, instead they encourage participants with child rights perspectives to make arguments for their positions and consider how behaviours, often taken for granted, may be abusive or harmful, leading to a change in their views as a consequence. As the nature of this process is to assess risks in the practice, staff may feel that they are being criticised and thus become defensive. One strategy of the Child-Safe Organisations process is to show participants how policies can benefit their organisation, i.e. building solid reputations and credibility for peer organisations and donors. This approach has proven highly successful and people see the value of having a child protection policy as a prevention measure.

Different training techniques and tools were used to illustrate more complicated concepts, such as the use of role plays, exercise sheets and scenarios. In

the 'Risk Factors' exercise, participants assess the risks in their programmes or daily operations by considering elements that may contribute to the risks. Their answers would fall into a high or low risk zone, e.g. spending time alone with a child is considered a high-risk situation. Organisations would then discuss whether there is a need to change their practices in order to manage the risks. Many organisations have said that the exercise illustrates risk factors in a practical and clear format, and therefore can be included in their child protection manual or induction for new staff members and volunteers.

Another advantage of the training toolkit is its flexible application. It can be used globally and requires minimal changes in terms of structure, yet the contents are flexible enough to be adapted for different regions. For example, facilitators can replace statistics and case studies with information that is relevant to their country situation.

Policy development can be more challenging for smaller and grassroots organisations. This was reflected in the production of the toolkit. The process was set with realistic goals and expectations because smaller organisations do not usually have resources allocated specifically for policy development. The toolkit allows organisations to work through each module at their own pace.

Organisations can benefit from external support (such as resource persons or small funding) in order to

complete the policy development process. Over the past year, ECPAT International has carried out several initiatives to support organisations to undertake such work in their local context in various African countries. A regional experts workshop on care and protection was conducted in December 2006 in Zambia to create a cadre of trainers to promote and extend the training to local organisations. Currently, the group has planned to hold training in Zambia to develop a code of conduct for a network of NGOs. Participatory training methods from the toolkit will also be used in Ghana and The Gambia. Other workshops using the Child-Safe Organisations Training Toolkit that have already been conducted or are in the preparation stage include training-of-trainers in East and Southeast Asia (2006), South Asia (August 2007) and Europe (November 2007). Some of the exercises have also been incorporated in several of ECPAT's Regional Network Resource Exchange (RNRE) workshops throughout the African region. At every forum, the activities generated much discussion and consequently led to a critical assessment and change in perspectives of certain practices and attitudes that could be harmful for children.

ECPAT International's ongoing work to promote and support organisations to adopt internal child protection systems for safeguarding children from sexual abuse and exploitation will continue in the coming years in Africa. Creating a child-safe

organisation requires an open and positive culture within organisations where staff members are able to raise questions or talk openly about any child protection concerns they may have. Child abusers most likely will be deterred from or detected within such an organisation as staff members discuss child abuse issues openly and will not tolerate inappropriate actions.



Critical actions for first steps

Support from the management and leadership of an organisation has proven a crucial factor contributing to this kind of open and effective policy implementation.¹¹ Management support includes joining staff in awareness raising trainings; scheduling time out from daily operations to join the process;

¹¹ Shuey, Barbara K. *Child-Safe Organisations Training Project Impact Assessment*. Save the Children UK. Bangkok. 2007.

and advocating for policy development among other members in a network. This would motivate staff members to provide feedback on draft policies, and subsequently prioritise child protection issues in their work.

Some specific recommendations for the implementation of policy and procedures are as follows:

- Set up an officer or a task force with specific responsibilities in relation to child protection. This person or group can be in charge of reviewing existing mechanisms, developing strategies, providing training and monitoring the progress of implementation.
 - Develop a simple and practical process to educate staff members about child abuse and child protection. Build their capacity so that they understand the importance of safeguarding mechanisms, and therefore are able to comment on or help develop child protection policies and procedures.
 - Review how assistance is delivered to see if there are any risks in the organisation's programmes and practice. Work with management and staff on how to manage these risks.
- Educate communities and children about their rights. Develop information materials that can be openly displayed, easily disseminated and widely accessible by the local community. This information must include where and how to report cases of actual or suspected abuse.
 - Collaborate with relevant local agencies, especially the government, to create an effective referral network for passing on information obtained from an organisation's reporting system.

Donor agencies need to take a mindful approach to enforcing policies among partners. When organisations are willing to develop a child protection system, changes will be more sustainable. However, in circumstances where funding partners commit an act that clearly violates children's rights and puts them in danger, decisive action must be taken to ensure the children's safety. This may include reporting the organisation to law enforcement authorities and/or withdrawing support.

The work to create child-safe organisations has been promoted globally. Like other regions, Africa is taking major steps to becoming child-safe. ECPAT International is committed to supporting this process and providing the required practical resources for African organisations to do so.

Child and Youth Participation against CSEC in Africa

By: Junita Upadhyay, Programme Officer for Child and Youth Participation, ECPAT International

Participation is a right of all children and young people

Children and young people's participation is one of the four main principles of the United Nations *Convention on the Rights of the Child* (CRC) along with survival, development and protection. Article 12 of the Convention gives all children the right to express their views, have their ideas and opinions taken into consideration and be involved in all decisions affecting their lives. It also allows children to form associations and networks for collective expression of their thoughts and needs.

Children and young people's participation is emerging as an essential requirement for successful development strategies among child rights organisations. The process of meaningful participation ensures the creation of spaces and opportunities for children and young people to voice their opinions and views in the development and implementation of policies and programmes concerning their lives within their homes, schools, local communities and institutions in accordance with their age and maturity. Due consideration needs to be taken into account for

the participation process to be safe and beneficial for the children and young people involved.

Participation of children and young people in the fight against CSEC

Within ECPAT, the CRC has been a strong basis for all work with children in the fight against commercial sexual exploitation of children. Promoting the participation of young people in combating commercial sexual exploitation is an integral part of ECPAT's work at national, regional and international levels. Children and young people are involved in programmes and projects, research and evaluations, awareness raising and policy advocacy in communities and mobilising children and youth through peer support programmes, networks and clubs. ECPAT also established a Child and Youth Advisory Committee (EICYAC) where representatives are elected from each region. There is also a youth representative to the Executive Board, the highest governing body of the ECPAT network.

The practical experience of working with children

against CSEC has reinforced ECPAT's belief in the importance of children's participation and the significant impact it can bring in facilitating their active role in protecting other children from abuse and exploitation as well as accelerating their recovery and sense of empowerment as social actors. Children, especially those who have been victims of commercial sexual exploitation, face added barriers and discrimination to participation and thus require special structures and mechanisms to facilitate their participation. Therefore, special projects such as the Youth Partnership Project (YPP), which was initially conducted in South Africa, and currently being conducted in three countries in South Asia (Bangladesh, India and Nepal), was created to provide necessary support to enable active participation of experiential children and youth. ECPAT International also developed a Child and Youth Participation Policy and a Child Protection Policy for the network to provide a framework for meaningful participation of children and youth in its programmes and projects.

Overview of children and young people's participation in the African context

Children and young people's participation is

intrinsically linked to the local contexts that surround their daily lives, such as the political climate, economic conditions, socio-cultural practices and access to education and health services. One of the most influential factors is the adults' attitude towards children, which sets the parameters for interaction and performance within families and communities linked with the child-rearing practices, disciplinary actions and initiation rites.¹ Children and young people's participation is often viewed with skepticism as being in conflict with the local cultural values.² Despite the huge demographic implications of having over 50 per cent of the total African population under the age of 20, children's participation has yet to become a priority among governments in the region.

Nevertheless, the region has seen increasing participation of children and young people in the last ten years. Notable examples include the African Movement of Working Children and Youth (AMWCY) and the wide ranging initiatives linked to the HIV/AIDS epidemic, which has claimed millions of lives and eroded socio-economic structures. As a response, some development agencies have actively involved children and young people with the aim to redress the devastating impact. Within this strategy, children and young people's participation has been mainstreamed into schools, health, education, media, etc.

¹ UNICEF. *Mapping and Assessment of Children and Young People's Participation Initiatives in Eastern and Southern Africa (Draft Report)*. Nairobi. 2007.

² Ibid.

Children and young people's participation among ECPAT groups in Africa

Among ECPAT members in Africa, children and young people's participation is an integral part of their programming in the fight against CSEC and is closely linked to their work on HIV/AIDS. Despite the stigma and protection concerns associated with the issue of CSEC, ECPAT groups are actively promoting the participation of experiential children and young people through innovative programmes and approaches. This has resulted in several positive outcomes for the children and adults alike at personal, organisational and community levels – from healing personal wounds to increasing accountability of child rights organisations. Overall, the participation process has contributed immensely to their empowerment by increasing their self-esteem, enhancing their capacity to form meaningful relationships, improving their ability to design and implement projects and plan for a better future through assisted reintegration schemes. The following examples provide illustrations of the work on the ground:³

Existing practices on promoting children's participation against CSEC

Participation for economic empowerment: Tanzania

The Kiota Women's Health, Education, Development Centre (KIWOHEDE) is a rehabilitation centre in Tanzania that houses survivors of CSEC and children who are at risk of being exploited. When a child comes into the centre, she is paired with a 'kajembe' (partner) who acts as her confidant and monitor. The children are provided counselling, peer-to-peer support and vocational training. At the end of the training they are given a loan; the partners supervise each other's loan payments, spending and pay-back to KIWOHEDE.

Benefits for participating children and young people:

- The loan is an extremely useful strategy for the reintegration of CSEC survivors: they can begin income-generating schemes when they leave the Centre;
- Participation in the programme teaches important life skills, such as taking responsibility, managing finances and starting and sustaining livelihood schemes, which is often not available to children in institutional care;

³ ECPAT International. *East African Regional Network Resource Sharing Exchange (Draft Report)*. Dar-Es-Salaam. 2006.

- The Peer Support Programme provides an opportunity to make friends, share experiences and help each other overcome traumatic experiences; and
- This is an integrated approach to helping CSEC victims, from rescue to rehabilitation in shelters and reintegration, through the loan schemes.

The Suitcase Project: South Africa

The Sithabile Child and Youth Care Centre in South Africa has a programme called the Suitcase Project, which reaches out to victims of HIV/AIDS and CSEC, in collaboration with psychology students from the University of Johannesburg. The students and qualified counsellors work with the child victims to create an open and nurturing environment at the Centre where the children are led through a healing process, allowing creative expression of their personal trauma and abuse through written stories, poems and art. The child's work focuses on the things they would like to forget. When complete, the work is locked in a suitcase, so that the child can begin a new life filled with optimism and hope.

Benefits for participating children and young people:

- This innovative and child-friendly approach to therapy can easily be adapted, with positive outcomes for victims of sexual exploitation;
- The creative methodology of using art helps to overcome communication barriers and personal inhibitions, resulting in higher levels of participation among children who experience isolation and discrimination; and
- Support from qualified counsellors and mentors during these sessions on reflection and expression aids the children's resilience, self-esteem and optimism.

Mainstreaming children's participation: The Gambia

Child Protection Alliance (CPA), the ECPAT affiliate in The Gambia, has a children's advocacy group called Voice of the Young, which is regularly consulted and involved in all decision making processes within the organisation. The President of Voice is also a representative on CPA's Board of Directors.

Voice of the Young is very active in social mobilisation and capacity building of children and young people: they have set up 24 Youth Clubs in rural schools around the country. Some of their programmes include training young people on child rights and child protection issues; improving presentation, facilitation and public speaking skills; hosting annual children's summer camps; and hosting talk shows on child rights and protection on national TV and radio stations. They also organise "bantabas" – quarterly meetings involving young people at national level – to

discuss issues concerning them, resulting in a final declaration that is submitted to the government for consideration.

Benefits for participating children and young people:

- Substantive participation of children and young people in all aspects of the organisation from child rights programming to policy discussions and decision making processes;
- Effective mobilisation of children and young people beyond CPA through their strategic partnership with rural schools, allowing them to reach a wider and more diverse group of children;
- Effective use of media as a successful advocacy tool, reaching adults and children throughout the country; and
- Ability to influence government decisions on child rights and protection through their collective mobilisation and advocacy skills.

Youth-led make-IT-safe campaign: Kenya

EICYAC's African Representative coordinated and led this campaign with other youth to raise awareness about violence in cyberspace. The campaign kicked off with an online petition in collaboration with various cyber cafés. Youth representatives were onsite to share information on the potential risks of exploitation of children online and to distribute promotional materials such as t-shirts and stickers. The campaign generated a lot of interest from the public, who called for a

systematic response by working closely with cyber café owners to monitor the content accessed by children or to ban pornography viewing on their premises. The campaign also attracted the attention of the police and government to crimes against children on the Internet. There are follow-up plans to carry out the campaign in other parts of the city and also within universities and schools.

Benefits for participating children and young people:

- This was a youth-led process, whereby youth designed, implemented and evaluated the campaign by themselves.
- The participation process provided an opportunity for young people to demonstrate their leadership qualities; manage their time and resources; take responsibility for decisions and commitments; and to work with various stakeholders such as business owners, government bodies and the police; and
- Greater familiarity with the Internet than most adults gave them higher levels of confidence and the advantage to lead the campaign. This contributed to its success.

Critical elements and lessons learned

ECPAT groups in Africa are using various approaches and methodologies to promote the participation of children and young people against CSEC. It is important to recognise that participation is a process

that requires long-term organisational commitment and investment. It is often difficult to measure its impact in the short term. This is especially true regarding qualitative measures such as resiliency and empowerment. In order to understand the benefits of participation among the most vulnerable and exploited groups of children, it is critical to understand children and youth within the context of their own personal barriers and inhibitions and their ability to interact with others in familiar surroundings or in public spaces.

ECPAT's work with experiential youth shows that participation can open up many dimensions of empowerment, such as freedom from sexual abuse and exploitation; freedom from abusive environments; increased capacities to defend and protect oneself; access to reporting/complaint mechanisms; access to basic services such as health, education and recreation; ability to form relationships and seek alternative livelihood options, and so on. Over a period of time, it helps children to overcome their own personal challenges, become active in various programmes and get motivated to take the lead in advocating and helping other children affected by abuse and exploitation. Their collective mobilisation in the form of child and youth clubs, groups and networks enable them to reach wider groups of children and community members to raise awareness against CSEC; run peer support programmes; work with parents, teachers and community leaders to fight discrimination; and assist in the process of

rehabilitation and reintegration of CSEC survivors into their families and communities.

One of the greatest challenges in promoting participation of children and young people against CSEC is the stigma attached to it. This, combined with the adult attitude towards participation, poses formidable barriers to participation of children and young people against CSEC. It is therefore crucial for awareness raising activities and capacity building strategies to focus on and include both adults and children, so that they can better understand the concepts of participation and partnerships. Child victims of sexual exploitation are in the process of recovery from extreme forms of harm and are highly vulnerable to psycho-social pressures, thus requiring extra preparation and consideration of their safety and protection.

Each child/youth experience is unique and capacities are different, therefore participation should always be voluntary and appropriate for their age and maturity. It is equally important to ensure proper child protection policies and procedures as most of these children lack parental supervision, making them more vulnerable to potential discrimination and abuse by other children and adults. Overcoming personal challenges requires time and effort. The process of healing, participating and eventually feeling empowered is long-term, and organisations must fully commit in their support. Similarly, it is important for children and adults to allow opportunities to reflect and evaluate their

programmes and processes, learn from these and feedback the lessons learned in improving their work with children.

Despite the challenges, ECPAT's experience shows that participation has many benefits at personal, organisational and even community/national levels. It is a critical element of a rights-based approach that helps children and young people to build their knowledge and capacities in claiming their rights and making the duty bearers more accountable towards the children they work with. It recognises the capabilities of young people and values their inputs for improving the quality of the work that is done with children and young people. Therefore participation is an essential and important part of ECPAT's work with children and young people.

The Gambia's Children's Act 2005 - A Model of Good Practice to Protect Children from Sexual Exploitation

By: Njundu Drammeh, National Coordinator for the Child Protection Alliance, The Gambia

Introduction

Prior to 2005, Gambian law lacked a clear legal definition of a 'child', as well as a clear and concise law regarding the rights and protection of children. There were conflicting elements and contradictions in the national laws relating to children and the requirements stipulated under the United Nations *Convention on the Rights of the Child (CRC)*, which The Gambia ratified in 1990.

For example, a child was defined as a person under 14 or 21 years old; the age of sexual consent was 16 for girls and 14 for boys; and the age of criminal responsibility was as low as 7 years old. The laws were confusing, as is still the case in many African countries. In its concluding observation in *The Gambia Initial Report* in 2001, the UN Committee on the Rights of the Child recommended that The Gambia, as a State Party, "...take effective measures, including a thorough review of all existing legislation, to ensure that domestic law, including customary and Islamic laws, fully conforms to the provisions and principles of the Convention on the Rights of the Child".

On 23 June 2005, the *Children's Act 2005* was debated and unanimously adopted by members of the National Assembly of The Gambia. This was a landmark achievement, unparalleled in the legal history of The Gambia as far as children and their advocates are concerned. With the enactment of a comprehensive *Children's Act*, the anomalies between these laws relating to children and the international conventions were rectified. A child is now defined as any person under the age of 18 and the age of sexual consent was raised to 18 for all children. The law no longer criminalises child victims of sexual abuse and exploitation. Furthermore, there is mandatory reporting of child abuse cases and stiffer penalties for child sex procurers, traffickers and customers.

Child Protection Alliance's advocacy role

Child Protection Alliance (CPA) is a national network of organisations and institutions in The Gambia that work for and with children. Its mandate is the promotion of children's rights and it advocates for the protection of all children from abuse, exploitation, violence and discrimination and the creation of a

protective environment for children in The Gambia.

CPA played a crucial advocacy and lobbying role in getting the *Children's Act* developed and adopted. The role played by the children, especially members of the Voice of the Young (a youth project supported by CPA), before the *Children's Act* was established, was significant. The children advocated to the government for comprehensive legislation that protects their rights and interests. They actively lobbied the Vice President, Director of Social Welfare and members of the National Assembly Select Committee on Women and Children to support their cause. Their efforts paid dividends. They are currently engaged in sensitising other children, through the media and workshops, on the content of the *Children's Act*. Fifteen members of the Voice of the Young attended the debate on this bill at the National Assembly. The children's presence that day was testimony to the great expectations and importance they attached to bill.

CPA believes that children have an important role in the building of a child-friendly Gambia. This is possible when children actively participate in decision making processes that affect their lives. As part of its strategy, CPA supported the empowerment of members of Voice of the Young so that they could advocate for the ratification of the *Children's Act*. These children were given training on the *Convention on the Rights of the Child* and the *African Charter on the Rights and Welfare of the Child*. Thus, they knew

the obligations that accompanied ratification of these legal instruments. The children were also provided with training on advocacy and lobbying techniques to enable them to carry out their activities successfully. CPA also ensured they participated in all its activities so that they could clearly 'send the message' about the importance of having a comprehensive legal framework for children.

Premise on which the Act is grounded

The *Children's Act* 2005 makes the best interests of the child "the paramount consideration by any court, institution, person or other body in determining any question concerning a child". It also stipulates that the "ascertainable wishes and feelings" of the child, based on his or her age and maturity, should always be taken into consideration when making decisions that could affect the child.

The drafting and eventual unanimous adoption of the Act by the National Assembly places The Gambia directly in line with international legal instruments in relation to the rights of children. It emulates the CRC and goes even a step further by making the reporting of child rights violations and child abuse mandatory, even holding corporate bodies liable for crimes against children. It strives to remedy most of the shortcomings of the current system by promoting the creation of a protective environment for children.

This commitment embraces a broader perspective on social practice. Thus, the new *Children's Act* is built on internationally recognised standards.

Provisions to protect children from sexual abuse and exploitation

The *Children's Act* applies to all children residing in The Gambia, regardless of nationality. It contains specific and special provisions relating to, among others, the general duty of the government towards children; the responsibilities of parents and children; prohibition of child marriage and betrothals; harmful traditional practices and night work by children; non-institutional sentencing for expectant and nursing mothers; abolition of the death penalty for children; and group counselling and community service as alternative forms of punishment for children.

The *Children's Act* protects all children from harm, sexual abuse and sexual and other forms of exploitation. It imposes life imprisonment on any person who exports or imports a child for prostitution or who trafficks a child for the purpose of sexual or other forms of exploitation. Buying or selling a child for immoral purposes carries a penalty of 14 years' imprisonment. Keeping a brothel or allowing a child into a brothel can result in 10 years' imprisonment. Encouraging, seducing, abducting, procuring or kidnapping a child for the purposes of sexual exploitation, pornography or prostitution carry stiff

penalties ranging from 10-14 years' imprisonment, in most instances without the option of a fine. Foreign travel for the promotion or encouragement of child prostitution is liable to a minimum fine of Dalasi 200,000 (US\$ 8,584), 10 years' imprisonment or both. A person who commits this offence, including a corporate body and its officers, can be held responsible for sexual exploitation of a child. The law imposes a duty on society to report such cases to ensure that perpetrators are punished and victims or potential victims are protected.

The Act provides for the establishment of a Children's Court in each administrative area (Division and Municipality). This will be a milestone in The Gambia's legal history. This clause is commendable: it recognises that children have special needs in respect of communication and should participate in the proceedings. There are also provisions for special orders, namely: Supervision Order, Interim Supervision Order, Care Order, Interim Care Order, Exclusion Order and Emergency Protection Order.

The challenges and manifestations of CSEC in The Gambia

Sexual exploitation of children is a form of abuse that is gaining presence, notably in the urban areas of the country. Here, children and adolescents are increasingly becoming involved in commercial sexual exploitation. The phenomenon has evolved to such

an extent that it is now seen to be permeating most facets of adolescent life. Serious economic hardships, coupled with rural-urban drift, have led to the erosion of social security systems and other safety nets that are in place to safeguard children, especially girls, against this social menace. It also appears that in urban society, traditional mechanisms of socialisation and care for children by the extended family or the community have increasingly come under pressure as a result of poverty, rapid urbanisation, the poor economic status of the country, social exclusion and deficient social infrastructures. This has created a particularly precarious environment for children in which phenomena such as sexual abuse and commercial sexual exploitation have flourished when children are 'pushed' into vulnerable situations. On the other hand, there is the emerging issue of tourism, which encourages the practice of prostitution among both boys and girls.

Certain factors and situations increase the vulnerability of children to sexual exploitation, including traditional practices such as early marriage, child domestic labour, children engaged in petty selling and begging. Children in these circumstances often do not have the confidence, power or opportunity to speak out and thus become invisible victims.

Research has indicated that perpetrators can "prime their victims over time through a process known as grooming. This has a dual purpose of securing the cooperation of the victim and reducing the risk of discovery or disclosure." In different regions, the

grooming process takes on different forms according to the environment, culture and sensitivities of the community at large. The Gambia is a poor country and more than half of the population lives below the poverty line, thus child sex exploiters capitalise on the poverty situation of children to sexually exploit them. This relationship of support creates dependency on and trust in the adult, who appears to be kind and giving. This encourages both the child's silence and the family's inaction or disbelief should the child divulge information pertaining to abuse. A further two factors ensure a code of silence: firstly, open reference to sexual conduct and public affection are taboo within Gambian society, and secondly, a societal and age hierarchy is deeply entrenched in the culture. Children are therefore unwilling or afraid to speak openly with their parents and persons in positions of authority about inappropriate conduct or sexual abuse.

The *Children's Act* 2005: The first step in a longer journey

A clear objective of the *Children's Act* is the creation of a protective and child-friendly environment for children, but laws on their own are not necessarily sufficient for the creation of such a child-friendly Gambia. Implementing the provisions of the *Children's Act* needs to be popularised among the people. All duty bearers need to know the content of this legislation and the obligations they have towards the protection of children. For effective

implementation, the Act requires the establishment of structures and the allocation of adequate resources to enable the departments charged with turning the Act into reality to perform their statutory obligations to the best of their abilities. Services should be put in place to support victims of sexual abuse and their families. The skills of law enforcers would have to be enhanced on investigation and interviewing techniques in sexual crimes against children. The taboo that makes child sexual abuse and exploitation thrive should be broken. This would require confronting customs, traditions and beliefs that engender the sexual abuse and exploitation of children; working with the media to raise awareness on children's issues; and building the capacities of families and caregivers. Above all, children will require life skills to protect themselves.

Conclusion

The prevention and treatment of child sexual abuse and exploitation cannot be accomplished through legal provisions alone. The legal process is just one tool for the protection of children. An understanding of this process, however, is crucial for any professional involved in child protection. A more rigorous response

is needed. In order to combat the sexual exploitation of children, there must be a comprehensive, coordinated partnership between many stakeholders: the police, prosecutors, lawyers, embassies, NGOs, the travel industry, and the media, to name a few. This would require increased efforts to support the training and guidance of enforcement officers in The Gambia (including customs, immigration and police) to enable a more consistent and coordinated response, as well as increasing the knowledge of prosecutors and judges, specific to offences committed abroad.

Children can only enjoy their rights to protection against sexual abuse and exploitation when the enabling environment for their enjoyment is built and strengthened. The Gambia has taken a quantum leap, but the battle for the promotion and protection of the rights of children is only half won. The silence around child abuse and exploitation can only be broken when cases of abuse are reported, child victims are supported and able to speak freely, and the provisions of the *Children's Act* are ensured. While this is a daunting challenge, CPA is committed to the creation of a Gambia that is child-friendly and which respects, promotes and fulfils the right of every child to protection from sexual abuse and exploitation.

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GRAND-DUCHÉ DE LUXEMBOURG
Ministère des Affaires Étrangères





ECPAT International

328 Phayathai Road
Ratchathewi, Bangkok
10400 THAILAND

Tel: +662 215 3388, +662 611 0972

Fax: +662 215 8272

Email: info@ecpat.net | media@ecpat.net

Website: www.ecpat.net