



Underage and Legally Under Protected

A STUDY ON THE IMPACT OF CRIMINALIZATION OF PROSTITUTION ON
VIOLENCE PREVENTION AND RESPONSE FOR SEXUALLY EXPLOITED
ADOLESCENTS WHO SELL SEX IN KENYA.

January, 2018

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Recommended Citation

UNDERAGE AND LEGALLY UNDER PROTECTED: A study on the impact of criminalization of prostitution on violence prevention and response for sexually exploited adolescents who sell sex in Kenya. 2018, KESWA-Kenya.

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KESWA acknowledges the project financial support from the Ford Foundation, which has made it possible to initiate and facilitate this ground-breaking community-led Study.

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ACKNOWLEDGEMENT

KESWA would like to acknowledge the significant contribution that sex workers in Kenya have made towards informing effective interventions for key populations within the overall national HIV response. We are proud of individual accomplishments and organizational growth in spearheading and championing peer-led interventions. We thank all our partners for believing in us and especially the FORD FOUNDATION for funding this ground breaking community research project and making the evidence in this report possible.

We thank KEMRI-SERU for their technical guidance and ethical approval for this community-led research approach. We acknowledge the invaluable support of the following community partners; Hapa Kenya, Pema Kenya, ICRH, PTI, Uk-weli Mombasa, CHEC, Rainbow Women, Cure mothers, HOYMAS, SWOP, BAR HOSTESS, Hope worldwide, Fair, KYDESA, KISWA, KASH, ANZA MAPEMA, MAAYGO and Survivors Busia. The community consultations prior to and the provision of friendly sites for the research facilitated the empowerment and safe participation of the respondents across all five target counties.

KESWA is grateful to KATINDI & COMPANY ADVOCATES for partnering with us to enrich the legal components of this research. We are grateful for the fantastic work of these young lawyers who were able to avail and simplify the mountain of information for the understanding of our community members. We thank them for not only transforming the technical content into this simple report but also for their continued legal support towards advancing the rights of sex workers in Kenya.

We extend a hand of gratitude to the Lead Researchers Phelister Abdalla, Melba Katindi and Michael Kirui and sincere appreciation to the research coordinators: Bradley Njuhia, Pauline Nyambura, Joanne Comfort and Mercy Katsivo. We also appreciate all the community research assistants, data collectors from the partner organizations and the legal team that supported the communities involved.

The quality of this report would not have been as enriched without the candid deliberations of the members of key institutions on this controversial subject matter. Our sincere gratitude to those who contributed in their professional capacity as policy makers, law enforcement officer, health care service providers and legal experts. The reality of such a sensitive issue could not be described without the perspectives of those directly involved. For this reason we are grateful to the brave young participants for their time and willingness to contribute, inspire and be part of the study. KESWA is committed to advocating for realistic mechanisms of changing the course of your young lives.

CAROLINE ARIGA KEMUNTO
KESWA BOARD CHAIR

ABBREVIATIONS

AIDS	-	Acquired Immune Deficiency Syndrome
ARVs	-	Anti retroviral
CSEC	-	Commercial Sexual Exploitation of Children
DE	-	Design Effect
EF	-	Electronic Forms
FGD	-	Focus Group Discussion
FSW	-	Female Sex Workers
GNSWP	-	Global Network of Sex Workers Project
GPS	-	Global Positioning System
HIV	-	Human Immunodeficiency Virus
IDI	-	In Depth Interview
KASF	-	Kenya AIDS Strategic Framework
KEMRI	-	Kenya Medical Research Institute
KESWA	-	Kenya Sex Workers Alliance
KII	-	Key Informant Interview
LGBT	-	Lesbians, Gay, Bi-sexual and Transgender
MSM	-	Men who have Sex with Men
MSW	-	Male Sex Workers
NASCOP	-	National AIDS and STI Control Programme
NEPHAK	-	Network of People living with HIV and AIDS in Kenya
NGO	-	Non-Governmental Organization
ODK	-	Open Data Kit
RDS	-	Respondent Driven Sampling
STI	-	Sexually Transmitted Infections
SOP	-	Standard Operating Procedure
SRH	-	Sexual Reproductive Health
SRS	-	Simple Respondent Sampling



1. EXECUTIVE SUMMARY

In fulfilling national and international obligations towards advancing the rights of children, governments have an obligation to take all necessary legal and policy measures to protect all children from neglect, abuse and violence. This requires an effective and functioning child protection mechanism that prioritizes the needs of most vulnerable children.

The Government of Kenya and local NGOs have been working to stop commercial sexual exploitation of children for many years. However, activities resulting in commercial sexual exploitation of children still exist and have been increasing over the years. The ways in which children become victims of commercial sexual exploitation has changed over the years making it harder to identify and respond to. In most cases sexually exploited children who sell sex often don't benefit fully from child protection laws. Criminalization of their behaviour makes them less protected and more vulnerable leaving them even more exposed to violence and penalization.

Despite their vulnerability, research targeting this population is limited due to the sensitivity of this issue; making it difficult to make specific legal and policy changes that are responsive to their circumstances. KESWA sought to contribute to the existing body of evidence to inform realistic solutions for sexually

exploited adolescents who sell sex through evidence based research. This study sought to document the challenges presented by the legal environment on mechanisms to address violence against sexually exploited adolescents who sell sex in Kenya. The focus of the study was specific to mechanisms health, safety and access to justice mechanisms.

The study was successfully implemented in Nairobi, Mombasa, Kisumu, Busia and Nakuru with individual interviews administered to 212 respondents. Sampling of the respondents relied on peer-identification and self-selection regarding age and involvement in selling sex. In depth interviews were also done with 8 children, 5 focus groups undertaken, and 11 key informants interviewed. The study ensured strict compliance with regulatory requirements and ethical standards in research involving vulnerable children.

The major study findings were as follows:


- Both male and female adolescents are selling sex across the major cities in the country. However, the female population of adolescents selling sex is significantly higher (66%) the male population (33%), and easier to reach.
- Majority (84%) of adolescents who sell sex are aware that selling of sex at their age is illegal. However, increased pressure and demand on adolescents

to contribute financially and help address unmet economic needs within the family is driving adolescents into selling sex.

- Slightly more than half (55%) of the respondents have at one time or another interacted with organizations offering sex-worker friendly services. However, these organizations are reluctant to engage with sexually exploited adolescents who sell sex for fear of being accused of promoting child prostitution. Ironically, the study did not provide any evidence on engagement of sexually exploited adolescents who sell sex by child-rights organizations.
- 42.5% of sexually exploited adolescents who sell sex consider law enforcement agents to be the greatest threat to their safety and security. This contributes to mistrust and general fear of law enforcement agents discouraging reporting of violence with only 16% having reported.
- Health risks to adolescents are presented not only due to the risky nature of sex work but also due to the violence they are exposed to negotiating their way out of arrest. There were numerous reports that law enforcement officers specifically targeted them demanding forced unprotected sex in exchange to secure their freedom.
- Besides health services, social services required to support victims of violence are largely inaccessible to sexually exploited adolescents who sell sex.
- Although the law contains specific provision on arrest and detention of children these are selectively applied during arrest, detention and prosecution of sexually exploited adolescents who sell sex. A majority (92.9%) are of the opinion that that it is harder for them to access justice as compared to other children.
- The adolescents who were interviewed reported displeasure in their involvement in selling sex. They all admitted a desire to leave or reduce their reliance on sex work if presented with realistic alternatives.
- The research concluded that there is a need for a paradigm shift in the legal environment from treating adolescents who sell sex as criminals to specifically recognizing and responding effectively to them as child-victims of commercial sexual exploitation. This change will require significant and sustained efforts among numerous stakeholders.

The research therefore makes the following recommendations:

1. Mitigating vulnerability to violence
 - Undertake Legal Awareness and Rights Empowerment
 - Mitigate risk of sexual exploitation by selling sex
 - Establish positive engagement with law enforcement
2. Customizing violence response mechanisms
 - Extend and fully utilize existing structures that have proved effective for addressing violence among key populations to incorporate specific interventions for sexually exploited adolescents who sell sex
 - Integration of social services to support other needs for victims of violence within this population
 - Support Peer led initiatives to improve uptake of service
3. Addressing legal victimization
 - Prioritize Legal and policy reform
 - Improve identification through innovative screening mechanisms
 - Scale up Legal aid
4. Expanding opportunities for community-led Research
 - Support the piloting of rapid assessment tools across relevant sectors to evaluate and help improve service provision to sexually exploited adolescents who sell sex
 - Support research to inform integration of mental health programmes as part of holistic programmes that support the overall health and well-being of sexually exploited adolescents who sell sex
 - Support further research to establish consequences on and vulnerabilities of the children of sex workers on their risk of sexual exploitation by selling sex
 - Support bench marking, knowledge sharing and Documentation of best practices
 - It is imperative that sexually exploited adolescents who sell sex are fully consulted towards the successful implementation of these recommendations. Their engaged in all aspects of strategy development, planning and implementation of violence prevention and response programs at national and county level must be non-negotiable.

A person wearing a plaid shirt and dark pants stands in a doorway, looking out towards a bright, sunlit area with green foliage. The scene is dimly lit, with the person's figure silhouetted against the bright light from the doorway. The walls of the room are made of rough, textured material.

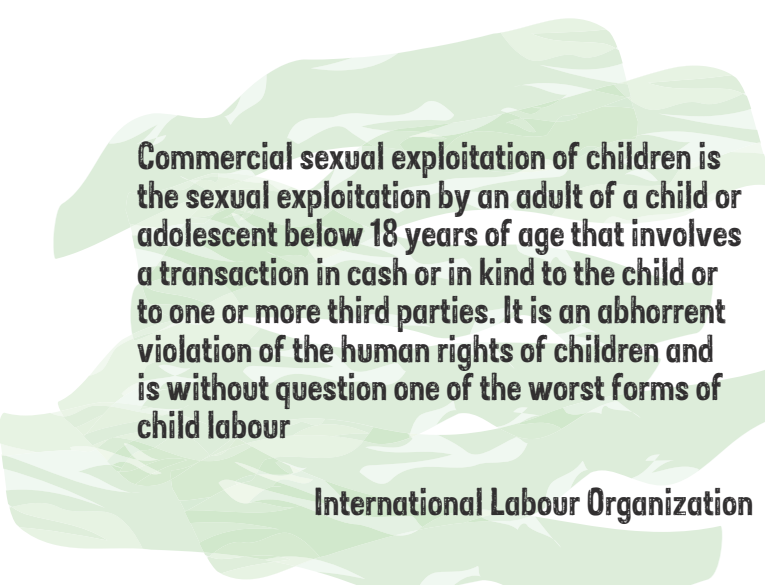
Governments have a legal obligation to respect, protect and fulfill the rights of children to life, health and development, and indeed, societies share an ethical duty to ensure this for all young people. This includes taking steps to lower their risk of acquiring HIV, while developing and strengthening protective systems to reduce their vulnerability. However, in many cases, young people from key populations are made more vulnerable by policies and laws that demean, criminalize or penalize them or their behaviors, and by education and health systems that ignore or reject them and that fail to provide the information and services, including treatment they need to keep themselves safe.

HIV and Young People who Sell Sex - A Technical Brief
WHO



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INTRODUCTION



Commercial sexual exploitation of children is the sexual exploitation by an adult of a child or adolescent below 18 years of age that involves a transaction in cash or in kind to the child or to one or more third parties. It is an abhorrent violation of the human rights of children and is without question one of the worst forms of child labour

International Labour Organization

The Government of Kenya and local NGOs have been working to stop commercial sexual exploitation of children for many years. However, activities resulting in commercial sexual exploitation of children still exist and have been increasing over the years. Despite commendable legislative advancements on child protection in Kenya, children in the country are not reaping the protective benefits of these laws. The ways in which children become victims of commercial sexual exploitation has changed over the years; becoming even more difficult to detect and effectively address.¹ "Survival sex" (exchange for sexual activity for basic necessities such as shelter, food or money) among adolescents is a growing contributory factor to the increased commercial sexual exploitation of children. This report reflects a bold step on the part of the community of sex workers in Kenya to turn the tide on the circumstances of this young population. More community driven research will contribute to a better understanding and shed more light on the strengths and weaknesses of the legal situation when dealing with sexually exploited adolescents who sell sex in Kenya.

Emerging evidence indicates that a magnitude of overlapping problems is driving adolescents into high risk sexual activity. One such high risk sexual activity engaged in is selling of sex. This trend eliminates the archaic belief that sexually exploited children are always under the control of a third party. That said, children younger than 18 years who sell sex, irrespective of the reason, are considered under international law to be sexually exploited children. Unfortunately, these adolescents do not always identify themselves as victims of sexual exploitation making rehabilitation programmes less

successful.

Commercial sexual exploitation, which is one of the most hazardous forms of child labor, is a particular threat to child protection in a number of countries globally, including Kenya.² However, there is very little documented data on the extent of commercial sexual exploitation of children (CSEC) in prostitution activities in Kenya, let alone the impact of the legal environment on them. According to a UNICEF study, 'The Extent and Effect of Sex Tourism and Sexual Exploitation of Children on the Kenyan Coast', conducted and released in 2006, an estimated 30,000 Kenyan children are being exploited in the sex industry. A baseline survey on Child Sex Tourism conducted by End Child Prostitution in Kenya (ECPIK) in 2009 in Malindi, Mombasa and Nairobi estimates about 50,000 children are involved in CST.³ These figures are likely to be an under estimation due to the lack of monitoring and the social stigma inhibiting children from reporting abuses (UNICEF, 2006). Children are lured into brothels by promises of jobs as domestic workers in cities, while others are introduced by their families to the sex trade. Brothel based child prostitution is reportedly increasing in Migori, Homa Bay, and Kisii counties. Research by Millie Odhiambo in 2006 provided evidence that many children from rural Kenya are brought to coastal towns of Kenya with the aim of being employed as domestic house helps, but instead end up as prostitutes.⁴

The Government of Kenya has shown continued commitment to improving the national response through leadership and the allocation of resources to support interventions that prioritize sex workers and other populations at higher risk of HIV infection. Whereas the health sector has been able to effectively utilize evidence to inform broad policy development to enhance health service provision to sex workers, the legal environment continues to lag behind. Existing criminal provisions relating to prostitution contribute to an environment in which, violence against sex workers is tolerated; leaving them less likely to be protected from it and limiting the effectiveness of the legal and health services in response to it. It is important to have a comprehensive understanding on the impact that this legal environment has on sex work related violence against sexually exploited adolescents who sell sex in order to most effectively address these victims' needs.

¹ The National Council for Children's Services, (2013) 'The National Plan of Action Against Sexual Exploitation of Children in Kenya, 2013-2017'

² UNICEF, 'Child labour and commercial sexual exploitation' http://www.unicef.org/esaro/5480_child_labour_sexual_exploitation.html

³ The National Council for Children's Services, (2013) 'The National Plan of Action Against Sexual Exploitation of Children in Kenya, 2013-2017'

⁴ Legislating the Counter-Trafficking in Persons Act - The Advocacy role of civil society, CMI REPORT 2015

Whereas, the growing body of evidence has been able to generate useful information and concrete recommendations for legal and policy reform in relation to sex work involving adults in Kenya, research on children is still limited.

It is acknowledged that proper legislation plays an essential role in the protection of children from commercial sexual exploitation. With the ongoing efforts to create an enabling legal environment, the intricate interplay of laws relating to and affecting sex work requires a clearer understanding – particularly in relation to sexually exploited adolescents who sell sex.

2.1 THE RELEVANT LEGAL FRAMEWORK

2.1.1 Child Protection laws in Kenya

Kenya has demonstrated commitment in providing an enabling legal, social and policy environment which reinforces and expands upon the protections relating to children in Kenya.

2.1.1.1 The Constitution of Kenya, 2010

Kenya's progressive 2010 Constitution established a solid foundation for the realization of children's rights in the country. Articles 2(5) and 2(6) make any treaty or convention ratified by Kenya enforceable as part of the law of Kenya. The recognition of International human rights standards in Kenya has provided a framework on which national laws and policies are formulated and interpreted. Therefore, provisions cited in instruments such as the United Nations Convention on the Rights of the Child (UNCRC) and the Africa Charter on the Rights and Welfare of the Child (ACRWC); to which Kenya is a signatory, are applicable in Kenya. Both these instruments prohibit the involvement of children in the sex industry. The International Labour Organization's (ILO) Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (The ILO Convention No. 182) prohibits and calls for the urgent elimination of commercial sexual exploitation of any person below the age of 18 years. The specific definitions of exploitation found in the Convention make it a powerful tool for upholding children's rights to protection. ILO makes recommendations on legal reform and law enforcement, with a focus on stricter sanctions for exploiters; better protection of victims and

improved law enforcement mechanisms.

Article 53 of the Constitution specifically recognizes the need for all children to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhumane treatment and punishment, and hazardous or exploitative labour. It affirms that children have basic rights, including the right to education, nutrition, shelter, health care and parental care.

According to Article 196 public participation is one of the key national values and principles to promote citizen involvement. Ultimately the child's right to participation; which is one of the guiding principles recognized in Article 12 of the CRC guarantees that children have the right to participate in decision-making processes that pertain to their lives and influence those decisions taken within the family, the school or the community. The Children assembly provides a mechanism for children to engage in policy dialogue and to influence issues affecting them from the local to the national level.⁵

Article 27 requires that every child be regarded as equal in the eyes of the law and should be afforded the same rights, freedoms and protection by the law. Article 35 guarantees children the right of access to appropriate information which is important for informed decision making.

By recognizing economic and social rights, Article 43(1) explicitly guarantees the right to the highest attainable standard of health care services including reproductive health care for every person – which includes children. This promotes the delivery of health services such as HIV related services and commodities without restrictions and discrimination.

This article provides a solid foundation to provide appropriate services to children whose lifestyle puts them at risk of HIV and other sexually transmitted infections. In guaranteeing everyone's right to access emergency medical care, Article 43(2) facilitates provision of post rape care services; including treatment for physical injuries, provision of Post Exposure Prophylaxis (PEP) to prevent HIV transmission, Emergency Contraceptive Pills, prevention and treatment of Sexually Transmitted Infections (STIs).

Article 49 touches on the rights of an arrested person.

⁵ Kenya Children Assembly, Department of Children's Services, Operational Guidelines for the Kenya Children Assembly, 2015

These rights include; the right to be informed on the reason for the arrest in a language that they understand; the right to not to be compelled to incriminate themselves; the right to be brought before a court of law not later than 24 hours of being arrested and the right to bail and bond. Additionally, article 53(f) provides that detention of a child should be a last resort. Even where detained, such a child should be held for the shortest appropriate period of time and separate from adults in conditions that take into account of the child's sex and age.

The best interest principle recognized in the Constitution as well as international law forms the major building block of the legal framework and all responses relating to children. This should always be factored in the formulation, interpretation and implementation of laws and policies involving children.

2.1.1.2 The Children's Act (Act No 8 of 2001)

The Act was enacted mainly to put together the provisions of the various laws that affect children and to give effect to the provisions of the CRC and the African Charter on the Rights and Welfare of the Child. Specifically, Section 13 of the Children's Act provides that Children should be protected from abuse;⁶ this includes physical, psychological and sexual exploitation. Section 15 of the Act provides that a child shall be protected from sexual exploitation which is inclusive of prostitution and inducement or coercion to engage in sexual activity. The provisions of this Act acknowledge the notion of children at risk of sexual exploitation through involvement in prostitution and provide an outstanding avenue for their protection.

The Act establishes the National Council for the Administration of Children's Services under Section 30 to exercise general supervision and control over planning and coordination of child rights and welfare. It is also meant to advise the Government on all aspects of child rights and welfare.

The Act also established a Children's Court which under Section 73 can listen to civil matters, criminal matter and any other matters relating to children and offences by and against children. It is important to note that the court process differs from that in courts that listen to adult matters in order to protect the child; whether they are the victims or offenders. Section 119 identifies orphans,

a child with unfit guardians, a truant, pregnant or child exposed to violence as a special group of children known as a Child in need of care and protection. The children's court has the mandate to ensure that such children, when presented before it, are protected.

2.1.1.3 The Sexual Offences Act (Act No 3 of 2006)

The Sexual Offences Act was enacted due to the rise in cases of sexual violence in Kenya. The Act specifically provides for all sexual offences and provides harsh penalties for such offences particularly where children are involved. The act establishes the minimum age of sexual consent at 16. Steep mandatory minimum sentences are provided for sexual acts involving minors; offences which include defilement, keeping a child in an environment that is likely to expose them to sexual abuse, procuring of a child for the purposes of sexual intercourse, trafficking of children for sexual exploitation, threatening or uses of violence towards a child to procure the child for sexual intercourse and many other offences.

2.1.1.4 Counter-Trafficking In Persons Act (Act No. 8 of 2010) (Cap. 61).

The Act outlines the offence of trafficking in persons and related offences and is intended at curbing various forms of exploitation including the recruiting, transporting, transferring, harboring and receiving of a child for any kind of exploitation including sexual exploitation. The act commendably provides protection for victims of trafficking.

2.1.1.5 The Penal Code, Cap 63 (Act No 35 of 2003)

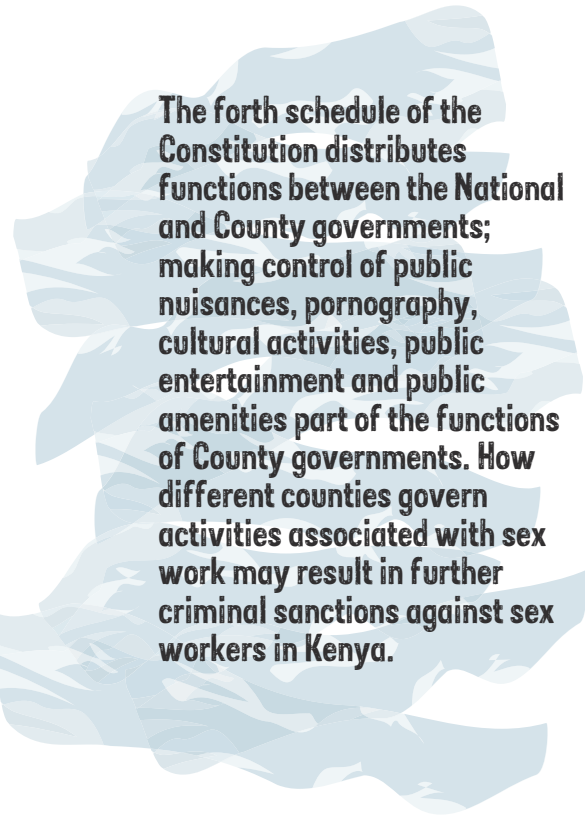
The Penal Code defines the criminal system in Kenya; outlining criminal offences and the prescribed penalties. The penal code prescribes penalties for offences of child abuse.

2.1.2 Laws relating to prostitution in Kenya

The Penal Code is the main law in Kenya that makes provisions on offences and proposes penalties for convictions. In section 151 to 156, the Penal Code contains provisions that outlaw activities relating to sex work. The law touches on the following:

- Detention of females for immoral purposes Section 151;
- Male person living on the earnings of prostitution or soliciting Section 153;

⁶ Section 17, Children's Act 'A child shall be entitled to protection from physical and psychological abuse, neglect and any other form of exploitation including sale, trafficking or abduction by any person. Any child, who becomes the victim of abuse, shall be accorded appropriate treatment and rehabilitation in accordance with such regulations as the Minister may make.'



The forth schedule of the Constitution distributes functions between the National and County governments; making control of public nuisances, pornography, cultural activities, public entertainment and public amenities part of the functions of County governments. How different counties govern activities associated with sex work may result in further criminal sanctions against sex workers in Kenya.

- Woman living on earnings of prostitution or aiding, abetting or compelling an individual to engage in sex work Section 154;
- Procedure for entry and search of premises used for prostitution Section 155; and
- Running a brothel Section 156

In addition, the penal code criminalizes unnatural offences. This is defined under Section 162 as having carnal knowledge with another against the order of nature. Section 165 additionally penalizes indecent acts between males. These provisions can be enforced against activities by male sex workers.

The Sexual Offences Act also contains provisions on prostitution. The act focusses on third parties and generally outlaws the “exploitation of prostitution”; this means that it is illegal to encourage someone to do sex work or receive financial benefits from another person’s sex work. It also focuses on the exploitation of prostitution such as actions compelling anyone including a child or person with mental disabilities into sexual intercourse for gainful purposes.

Section 21 of the County Governments Act (2012) as read together with Article 185 of the Constitution of Kenya gives County Assemblies legislative power to pass law.

The defunct Municipal bylaws contain provisions relating to general nuisance that outlaw loitering for immoral purposes, importuning for prostitution and indecent exposure. These provisions have continued to form the basis of arrest of sex workers by County officials. Alarming, there has been increased debate on attempts

by several County Assemblies to undertake further legislation prohibiting sex work and related activities.

2.1.3 Violence prevention and response for sex workers in Kenya

Kenya is a signatory to a wide spectrum of international legal instruments that obligate the State to take action against all forms of violence. Multi-sectoral Standard Operating Procedures (SOPs) for Prevention of and Response to Sexual Violence in Kenya (2013) developed by the Task Force on the Implementation of the Sexual Offences Act (TFSOA) provide for the minimum package of care to be accorded to survivors across sectors – including health, legal and psychosocial. The Vision 2030 Second Medium Term Plan (2013—17) emphasizes the need for establishment of integrated one stop sexual and gender based violence response centres in all healthcare facilities in Kenya. The National Adolescent Sexual and Reproductive Health Policy provides complementary guidance towards enhancing sexual and reproductive health (SRH) status of adolescents in Kenya, ultimately contributing towards realization of their full potential in national development.

There is no debate that violence increases the vulnerability of sex workers to HIV infection. Laws that criminalize prostitution create an environment in which violence against sex workers by police, clients and others is silently accepted or even considered justified. This leaves them less likely to be protected from violence. Further, fear and lived experiences of violence discourage sex

workers from seeking health and related available services in response to violence.

The National guidelines for key populations programming, developed in 2010 by the National AIDS and STI Control Project (NAS COP) were revised in 2014 to prioritize violence prevention and response as a key approach to preventing HIV among KPs. The Kenya AIDS Strategic Framework (KASF) 2014/15 – 2018/19 identifies adolescents and young people as a priority population for the national HIV response. The HIV and AIDS Prevention and Control Act of 2006 (HAPCA) contains specific exemptions regarding parental/guardian consent by recognizing the possibility of direct consent by a minor engaged in risky sexual behaviour. This makes access to HIV testing and disclosure of HIV results particularly easier for sexually exploited adolescents who sell sex. The Fast Track Plan to End HIV among the adolescents and young people prioritizes strategies that will facilitate an enabling environment and address structural challenges to the response. Impressively, the plan recognizes, for the first time adolescents who sell sex, and prioritizes a few specific interventions for them.

Strong evidence is critical to inform extensive legal and policy decisions specific to sexually exploited adolescents who sell sex in order to create a more conducive environment for the effective implementation of additional population-specific interventions within this fast-track momentum.





STUDY OVERVIEW

3.1 Study rationale and Objectives

One of the crucial gaps in the current HIV response is that sexually exploited adolescents who sell sex are not being effectively reached. The response has been limited due to lack of data regarding their circumstances and specific needs. Research targeting this population is limited due to the secretive nature of their activities and social ignorance and denial on the issue. Ultimately, offering services to this population continues to be hampered by legal and social controversy. Effective violence prevention and response mechanisms will require not only sound legislations that are properly enforced, but also evidence informed interventions that are sensitive to the circumstances and receptive to the specific needs of such children.

Given their enhanced vulnerability, KESWA sought to contribute to the existing body of evidence to inform realistic solutions for sexually exploited adolescents who sell sex through evidence based research. This will create a better understanding of this underserved group. This study seeks to document the challenges presented by the legal environment on mechanisms to address violence against sexually exploited adolescents who sell sex in Kenya.

The general objective of this study was to investigate the impact of the legal environment on sex work related violence in Kenya with a focus on health, safety and protection of sexually exploited adolescents who sell sex.

3.2 Methodology

The study followed a cross sectional descriptive study design. Data collection adopted a mixed method combining the strengths of quantitative methods; permitting unbiased generalizations to the total target population, with the ability of qualitative methods to describe in depth the lived-through experiences of intended individual study groups or communities.

Primary Data Collection involved Individual interviews with children engaged in sex work related activities, focus group discussions with children engaged in sex work related activities, case stories of primary study populations and Key informants interviews with stakeholders.

A respondent driven sampling (RDS) design was adopted for the primary target group with a sample size of 500 (100 respondents per county – 50 male and 50 female). Recruitment begun with seeds:

- Initial, purposive recruits, were facilitated by a partner NGO.
- In each study site 4 seeds were recruited for commercially exploited children.
- Seeds were well-known by members of the target population and were capable of generating buy-in.
- Comprised commercially exploited persons were identified in formative phase.
- Fixed number (3) of recruitment coupons was then given to each participant.
- No participant could recruit more than 3 individuals.
- Unique RDS (coupon) number was recorded and used to link participants

RDS assumes that persons with a given characteristic or activity are connected in a social network and have links to other persons with similar characteristics. The data collection is done through successive recruitment cycles called “waves”. First, individuals from the target population called “seeds” are selected non-randomly to participate in the study (Heckathorn, 1997). The seeds are asked to recruit a fixed number of peers from among their friends and acquaintances in the same population subgroup. The peers recruited by the seed also recruit other peers, and so on.

Key informants included partner organizations, relevant government agencies, law enforcement officers, medical providers offering “*sex workers friendly*” services, legal practitioners and policy makers. Due to the large amount of data to be collected, the collection of quantitative data was done using mobile phones and or tablets using the ODK Collect Platform. In order to secure the data, once completed and submitted, the data collection tool was no longer accessible on the field. Qualitative data was recorded by the research assistants who in turn transcribed them verbatim. Secondary Data Collection Sources for the study also included published and unpublished literature and stakeholder reports. The research tools were pre-tested, simplified and translated into Kiswahili.

The study was carried out in Nairobi, Mombasa, Kisumu, Busia and Nakuru which are part of the counties mapped out as having a relatively higher population of sex workers.⁷ The community-led approach of the research ensured community participation at county level and legal empowerment of the sex workers who were consulted and directly involved at every stage of the study. Participation was entirely voluntary and KESWA ensured the rights, welfare and privacy of the children were protected.

3.3 Ethical Considerations

With the deep understanding that the primary target population was children who may be socially stigmatized as a result of their participation in criminalized activities, numerous ethical considerations were factored into the study approach.

Ethical review and approval was sought from KEMRI.

Consent process

In consideration the human rights principle of the best interest of the child and in line with the KEMRI-SERU Standard Operating Procedures,⁸ the population of children targeted under this research was limited to mature minors among whom waiver of parent/ guardian consent was justifiable; hence sought and granted.

Each child was given simple written and verbal information regarding the research and consent obtained directly from them documented once it was determined that they were able to provide it; based on their age, maturity level and understanding of the study subject.

The right to refuse and to withdraw was emphasized as the

potential risks of participation were exhaustively explained. Where it was determined by the study oversight team that participation of the child in the research would expose them to risk of direct physical harm, their participation was to be withdrawn and referral made to the local children’s officer and/or local child rights organization for their protection. The best interest principle guided the research team in order to protect the children in line with Constitutional requirements and internationally recognized child protection policies and guidelines. Through collaboration with local sex workers’ rights organizations, appropriate mechanism were put in place to ensure child protection services were availed to the children who needed them.

Anonymity

Data collected from each participant was identified using unique study identification numbers and no study participant was identified by name. However, participants were able to voluntarily provide additional consent to future contact with KESWA for purposes of follow-up and management of identified cases.

Compensation

There was no payment for participation in the study. However, each participant received a modest compensation which covered their transport to and from the research site.

Potential risk/harm

Loss of privacy and confidentiality was clearly identified as a leading cause of risk or harm to participants in the research. While all reasonable measures were taken to safeguard participants’ identities, it was made clear that participants who agreed to receive follow-up support on identified cases would risk exposing their identification. Additional express consent was however obtained for such follow-up.

Risk Management

The research was carried out in locally identified safe spaces where the participants were assured of privacy and protection from the public. At the interview site, the consenting process and signed forms were managed by a different data collector and the questionnaires administered separately by a different data collector on the team. They were separately responsible for safekeeping, transportation and submission of the same ensuring at no time were potentially identifiable data linked to a participant. To protect the participants further, the surveys which were collected electronically, once completed and submitted could no longer be accessible from the data collector’s device. After analysis, compilation and publication all

⁷ Kenya Most at Risk Populations Size Estimates Consensus Report, NASCOP, 2013

⁸ KEMRI-SERU SOPs, Version 1.0 dated September 2016

the data will be destroyed except for data that will be in use in relation to cases being followed up by KESWA. For that express consent was sought from such participants.

Limitations

Expected challenges included that some of the children would be hesitant or unwilling to participate out of either fear of repercussions or intimidation on the subject matter. To minimize this, community consultation meetings were conducted ahead of the study with local member organizations. KESWA spoke to the community on the purpose of the study and field reports ensured effective feedback throughout the process. Sex workers were also recruited from the community's local network as part of the data collection teams. A legal team was present at all sites to ensure strict ethical compliance in the conduct of the study.

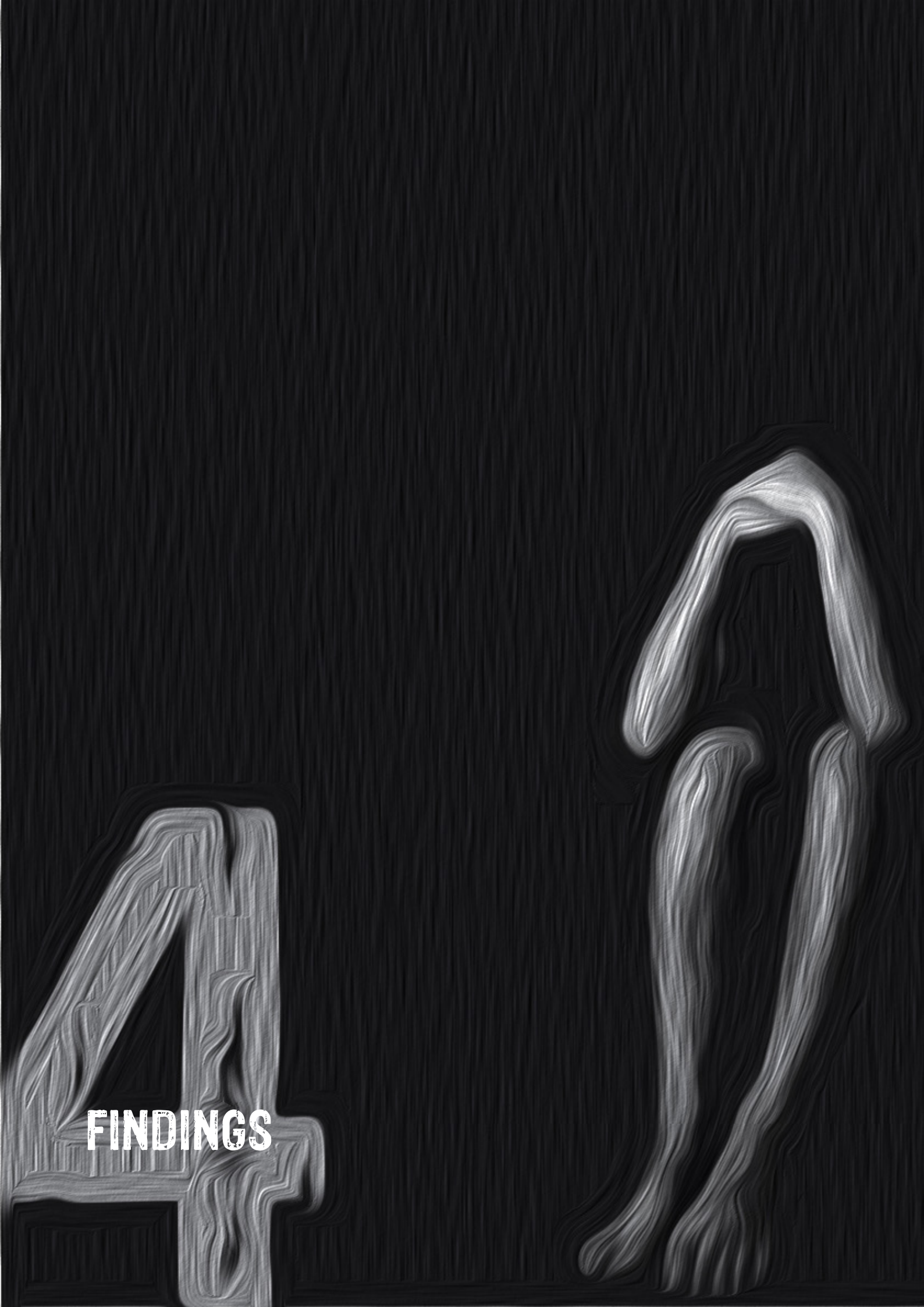
The study methodology relied on peer-identification and self-selection which could present a bias in relation to declarations by participants regarding their age and personal involvement in selling sex.

The study anticipated the challenge of attaining the study sample size. Possible explanations for this are two tiered. Firstly, this is a hidden population that is hard to reach – stigma and discrimination is often associated with selling of sex. Secondly, fear of retribution also surrounds underage boys and girls engaged in these perceived

criminal activities. To mitigate these challenges, the study ensured involvement of the local community as well as strict compliance to the peer driven sampling to ensure confidentiality would be maintained.

Another limitation directly relating to field work for this study was the political situation of Kenya during the period the research was undertaken. The prolonged election period implied varied priorities in the agenda of stakeholders. Political tensions would likely influence the relocation of members of the target group. It became impracticable to get information from targeted representatives of judicial, legislative and ministerial institutions. To mitigate this, field activities were carried out prior to set election dates.

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FINDINGS

4.1 Demographics

Reaching sexually exploited adolescents who sell sex is a challenge given that the number of respondents reached was less than half of the estimated sample size. A total of 212 primary respondents were reached during the study. Nairobi had the highest with 60 participants and Busia had the lowest with 29 participants.

The results below describe selected demographics and social characteristics of the respondents.

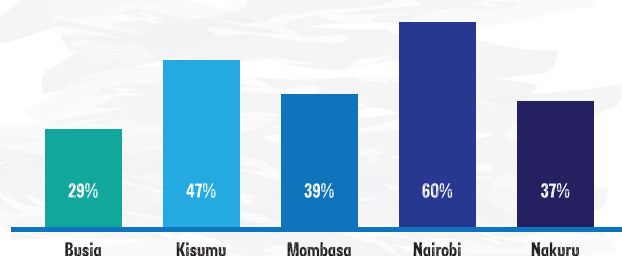


Figure 1: Respondents by Region

4.1.1 Gender and Age of respondents:

This study interviewed male, female and transgender respondents between the ages of 14-17 years. Although the study targeted equal portions of male and female respondents, majority of the respondents interviewed were females (66%) followed by male who were 33% and 1% who identified as Transgender. Amongst adolescents in Kenya, the sex distribution ratio is almost 1:1. The findings show that there are more females who are engaged in sex work related activities as compared to their male counterparts⁹

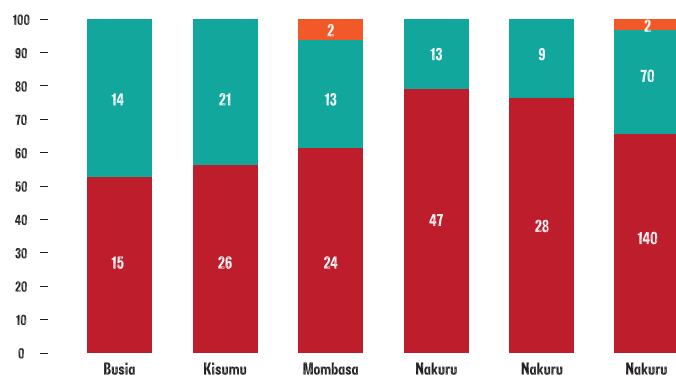


Figure 2: Gender distribution for all five counties

Across the genders, the percentage of respondents increased with age. As the adolescents got older, the likelihood of their involvement in selling of sex increased. Ages interviewed were from 14 years to 17 years.

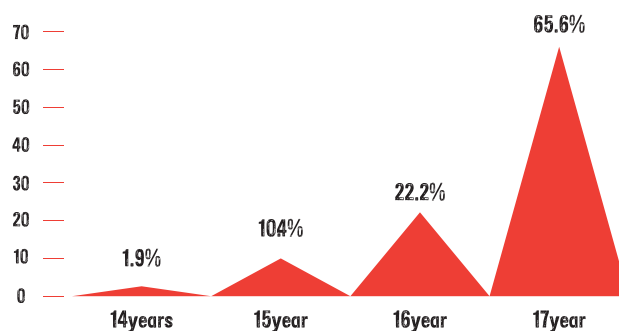


Figure 3: line graph showing participation by age 17 years

4.1.2 Education:

Kenya recognizes that education is the key for empowering marginalized and vulnerable children in society, adopting free primary and secondary education policies.¹⁰ Further, the government has also developed several programmes to deliver non-formal education and vocational training in an attempt to ensure that vulnerable children and children in need of care access quality basic education.¹¹

In this study, a total of 84% of the respondents had attained varied levels of basic education; 45% primary school education and 39% secondary school education. 2% of the respondents had never attended school or received any formal education. 11.3% of the respondents had accessed non-formal and vocational training. Only 1.4% of the respondents had opportunities for higher qualification.

4.1.3 Family and Marital status:

In Kenya marriage is prohibited for all children under the age of 18 years.¹² At the time of the study, majority of the respondents were single (91%). 6% claimed to be married and 1.5% were separated. Majority (88%) of female respondents and (58%) of male respondents were taking care of somebody in their household, whether their siblings, parents, children or other members that live within their household.

4.1.4 Involvement in sex work:

Sexually exploited adolescents who sell sex tend to be

⁹ According to Kenya Demographics Profile 2017, the sex distribution ratio of male to female children aged 14-17 years is 1:1

¹⁰ The 2013 Basic Education Act provides for compulsory free primary and secondary education. Free compulsory basic education is also guaranteed in the 2010 Children's Act. A policy on alternative provision of basic education training (Non-formal education) of 2009 seeks to increase access to basic education for children and youth who due to special circumstances are unable to attend formal school.

¹¹ State Report submitted to CRC in 2013 and Education Sector Report, Ministry of Treasury, 2016

¹² Article 45(2) of the Constitution 2010, Sections 14 & 125 Children's Act 2001, Sections 4 & 8 of Marriage Act 2014.

secretive about their activities. Whereas majority (73.6%) of the respondents had been selling sex for over a year, majority (72.7%) indicated that their family members were not aware of their involvement. According to the research findings, 55.7% of the respondents had disclosed to close friends and colleagues. Only 4.2% of the respondents were openly selling sex whereas 17% had never disclosed to anyone.

A majority of the respondents (91.9%) got involved in selling sex on their own or were introduced by their peers, whereas 6.1% were introduced by a family member or guardian. All the respondents considered selling of sex as a source of income to support themselves and their families. Contrary to popular belief, selling of sex for adolescents is more of a peer influence activity and they are not always under the control of a third party.

“

I am 16 years old and I sell sex. I live with my cousin and baby sister who is currently 4 years old. My parents died when I was in class three and my sister was very young. We went to stay with my aunt after they died but I moved out after a while.

My aunt used to sell young girls out to older men to have sex with them and she would get paid, that is how I started sex work. When I was 14 years old she taught me about sex, what to do during sex and how to make a man happy. When she saw that I was ready and I had begun to grow, she started selling me. My aunt would bring me to her house to sleep with men and she would take all the money. She would say that, she is clothing and feeding me with my sister so, I was not entitled to any of the money. After that I realized that she is using me and I moved out with my baby sister to go and live with my cousin. These days I work at a club called Spikes. Sometimes I work as a waitress other times that is my hotspot. I usually charge depending on what the client wants. Sometimes I can get as low as Kshs. 100 and other times as high as Kshs. 600 depending on the client.

There is a time this year I was badly beaten by a client because I wanted to use a condom and he did not want to. When we finished having sex, he refused to pay me and when I confronted him, he beat me up and left me by the side of the road. I did not report the matter because

it happens a lot and those who I have seen reporting, nothing is ever done. The same reason I have never reported my aunt; she scares me and she is family, if I report her, the rest of my family will be upset with me and I am afraid of what will happen. I know many people who do what she does and they are never arrested and if they are, they just pay their way out. So, if I report her and she gets out then I will be in danger and who will my sister be left with?

A 16 year old girl, living in Nairobi County

4.2 Legal awareness on child protection against prostitution

This section sought to explore the respondents' level of awareness of the legal environment and how this affects their involvement in selling sex. This information shed light on the interpretation and implementation of law by various duty bearers when sexually exploited adolescents selling sex were involved.

Almost all (84%) of the respondents were aware that selling of sex at their ages is illegal. However, the respondents were unable to discuss any specific provisions.



Figure 4: Do you think sex work at your age is legal?

Most respondents could not discuss specifics of the criminalized activities. Their general understanding was that any kind of paid work involving children was outlawed. Children engaged in sex work generally understand that existing laws inhibit sexual exploitation of children. Ironically, none of them associated their selling of sex with sexual exploitation as they associated

exploitation with pimping. When probed on the necessity of the provisions outlawing prostitution, majority (62.3%) either agreed or were necessary or were neutral about the laws for protection of children. However, they

were split on similar limitations for adult sex workers.

Despite 84% of the respondents having attained various levels of basic education, majority of the respondents reported

limited awareness on child rights issues. Only 32.1% had attended forums discussing children's rights and 28.3% had been involved in forums discussing issues pertaining to their involvement in selling sex.

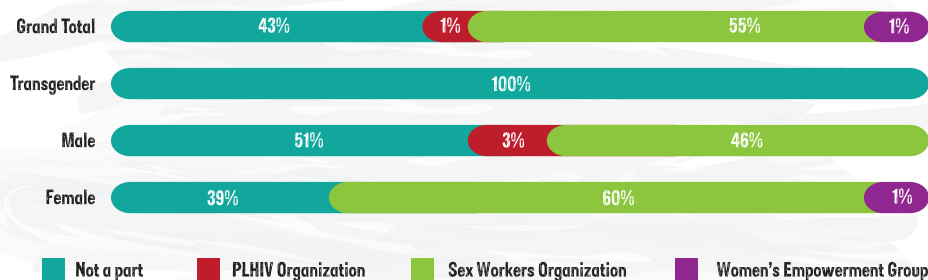


Figure 5: Are you part of any community/organization?

Their ability to organize and association with empowerment groups was explored. More than half (55%) of the respondents identified as being part of a sex-worker led organization and 1% were members of organizations of persons living with HIV (PLHIV). 43% of the respondents were however not affiliated with any organization. A few female respondents were also part of women empowerment groups.

A third (33%) of the respondents reported having ever been formerly detained or arrested because of their involvement in selling sex.

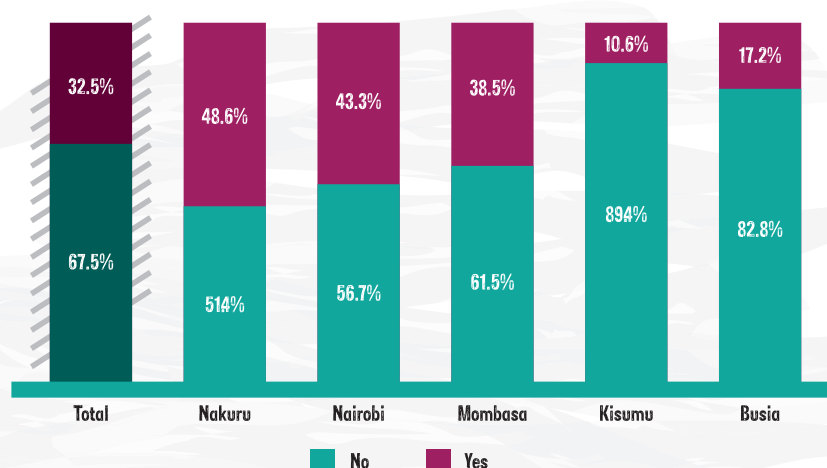


Figure 6: Have you ever been arrested because of engagement in sex work?

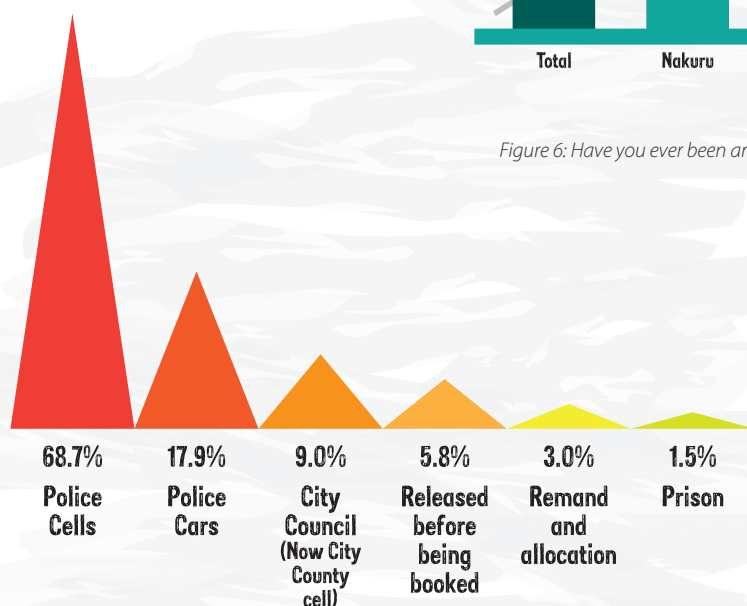


Figure 7: Where were you held?

Majority of them were detained in police cells whereas the rest were held in city county cells and police cars. 4.5% reported being detained in prison and remand facilities.

Almost all (96%) of children arrested are released after being held for less than a month with 62% of them being held for not more than a day.

Respondents reported having adopted various strategies to avoid arrest; (78%) of the respondents reported paying bribes whereas 8% of them admitted having engaged in sexual acts to secure their release. 13% were able to successfully negotiate for their release with no consequences especially where the officer was known to them.

The children felt that as compared to adults who sell sex, they are particularly vulnerable to harassment and exploitation by law enforcement officers. Whereas most adult sex workers are able to bribe and negotiate their way out of arrests, the respondents felt that in most cases they were forced into sexual acts in order to secure their release.



“The scariest incident was when I was raped by two officers. (She was hesitant to narrate the story and I had to reassure her that she was in a safe place and I would not disclose her identity when taking down what she was saying. She took a deep breath and began narrating what happened.) About two months ago I was at a club in Mwangega, one of the places I bangaiza (a street term used to mean the hustle of selling sex) as usual, apart from normal clients at the club, there were officers who had come to drink. I didn't pay much attention to them because if they are not in uniform they usually do not question you about work. We were with my friends having a drink and identifying potential clients. The club that day was not as busy so we stepped out to wait for clients along the road. While outside the club, a police car stopped a distance away, three officers chased us down and when they finally caught up to us they arrested us and threw us in the back of their car. One of the officers is a man who has wanted to sleep with me for a while but I always said NO. They took us round in their vehicle for about thirty minutes and finally stopped in a dark place. I didn't know where we were. They told us to alight from the car and began dividing us amongst themselves. The officer who had wanted me took me and my friends were

left with the other two officers. The officer took me to a guest house (she does not recall the name of the guest house). When we got to the room he told me he is going to sleep with me and then release me. He said he will even pay me Ksh. 200 for my services as a favor. I was scared so I complied. He asked me to take off my clothes and take a shower. When I left the shower I found him shirtless on the bed. He asked me to give him a massage while I was naked and when he was satisfied with the massage he took off his clothes. He said he was going to have sex with me without a condom I tried to refuse but he said if I didn't do what he said he would kill me. I let him have sex with me without a condom. When he was done he took a shower and asked me to do the same. We both got dressed by this time it was around 2:00 am. He left the room before me and locked the door. When I opened the door to leave I was shocked to see another officer coming in. He closed my mouth with his hand and warned me not to make a sound. I tried screaming and fighting but he hit me and threw me across the floor. He picked me up and threw me to the bed, he closed my mouth and held me down on the bed. I stopped struggling because the more I did the more he hurt me so I let him do what he wanted. He had sex with me, left me Ksh. 200 at the side of the bed and left. I left the room and went straight home. I only told my friends about what happened. I haven't reported it and I won't report it. Where am I supposed to report when the people who are supposed to protect me are the ones who raped me! I still see the officer around some of the spots where I bangaiza, and every time I fear that he will do the same thing again.”

A 16 year old girl living in Mombasa County

Key informants' interviews provided contradictory statements in relation to arrests of minors in relation to prostitution related offenses. The police claim that children are usually not targeted during raids and crackdowns. On the other hand, information from county officers indicate that in the enforcement of county laws relating to public nuisance, age is usually not a mitigating factor while making arrests. No age assessments are ever undertaken and according to them it is the responsibility of the police to establish age after the arrested persons are presented to them. Further, both categories of law enforcement officers opined that it was the obligation of the courts to make a determination on the fate of all children who are presented before it regardless of the

charges.

In instances where children are arraigned in court, they are usually charged with offences relating to loitering and disorderly conduct. In most of these instances, the children are usually advised to plead guilty either by law enforcement officers or other suspects they interact with while in custody. Where penalized most of them are unable to raise the fines and end up serving jail terms usually between 14-30 days. Informants admitted that they never disclose their age because nobody ever inquires about the same. Others confess that

"We arrest minor sex workers mostly at night. We handle them the same way we handle adult sex workers and detain them in the same cells. It is upon the court to determine the fate of the minor. The suspects are often charged under the county bylaws even when arrests are undertaken by police officers. I am yet to see a sex worker charged under the provisions of the penal code. When they are presented to the police, the OCS usually has discretion determine whether an arrested suspect will be formally charged and presented before court. We do not undertake age assessments and we treat all who are arrested for selling sex in the same manner unless they disclose their age – this is usually very rare -. In some instances, the minors arrested for selling sex are subjected to manual labour such as cleaning or sweeping duties around the police station and let off with a stern warning.

City County Officer, Nakuru

"When we interact with underage sex workers we do not charge them we arrest and charge the client where they are arrested along with the sex worker. This can only happen in the event the sex worker admits to us that they are underage because we understand that a minor cannot legally give consent when it comes to sex. Most of the time the minors are let off with a warning, this however frustrates prosecution of the clients because the minors will rarely appear in court to testify against the accused."

Police Officer, Nairobi

they would rather serve shorter jail terms for the petty offences they are often charged with than be subjected to longer periods of detention in facilities available for juvenile offender.

4.3 Safety and Security of sexually exploited adolescents who sell sex

This section sought to explore the impact of the current legal environment on the protection of sexually exploited adolescents who sell sex from violence.

A sizeable proportion (45%) of the respondents were of the opinion that child protection laws play no role in deterring sexual exploitation of children through selling sex. They believe that poor law enforcement allowed the trade to continue unpoliced.

Slightly more than half of the respondents (52.8%) reported having received threats as a result of their direct involvement in selling sex.

If yes who threatened you	Busia	Kisumu	Mombasa	Nairobi	Nakuru	Total
Clients	33.3%	60.0%	52.0%	47.0%	76.0%	54.9%
Law Enforcement	0.0%	20.0%	16.0%	14.7%	8.0%	12.6%
Family members and Friends	24.9%	0.0%	8.0%	20.3%	8.0%	12.6%
Members of Public & Community	24.9%	0.0%	12.0%	2.9%	12.0%	9.0%
Strangers & Other groups	8.3%	0.0%	4.0%	8.8%	4.0%	5.4%
Other sex Workers	8.3%	20.0%	4.0%	5.9%	0.0%	6.3%

Figure: Sources of threatens against sexually exploited adolescents who sell sex

The respondents were mainly concerned about threats from clients, law enforcement officers, family members and friends.

F5 “For us minors we experience a lot of insecurity. You may find a man who is the age of your father. First, you will be fearful of him and whatever he tells you, you will have to do. Majority of them do not want to use a condom and if you try to resist they even threaten to kill you so you are forced to accept because at times you might be very far and with no one to help you.”

Focus Group Discussion Nakuru

F4 “Considering we do not have I.D’s, it is very hard for us to get a cell phone. When you identify a client at a hot spot. You have to figure out how to let your friend know where you are going and when you intend to be back because there is no way for anyone to find you in the event something goes wrong.”

Focus Group Discussion, Nairobi

F6 “I fear the police most because they may arrest you and say they are taking you to the cells but later will force you to have sex without any protection and anywhere. County officers are the worst because they can use you anywhere even in their Lorries in front of others.”

Focus Group Discussion, Mombasa

Although most threats were from clients, the respondents’ deliberations during focused group discussions focused on their fear of law enforcement officers – whom they are mainly concerned about. Law enforcement officers pose a major threat to their security because they arrest them and often demand sexual favours without protection in exchange of their freedom.



“A friend of mine was arrested was told she was being taken to Mbariki Police Station, she was however taken to the cemetery and asked for sexual favour by the police, she refused since it was in a cemetery. The police gave her a thorough beating. The following day, she filed a case

was given a P3 form which she filled, and it became hard to arrest the police who kept on threatening her until she withdrew the case.”

Mature Minor Mombasa County FGD

Interestingly, the respondents explained how adult sex workers are usually able to identify them at the hotspots. They explained that the adults harassed them and insisted on chasing them away from their hotspots.

F8 “Sex workers working at the same hotspot usually know each other so they are able to identify us easily when we come to the hotspot no matter how maturely we dress. They harass us and at times demand that we buy them cigarettes, miraa or alcohol. Often we get more clients than them and this is usually the cause of problems between us. They discourage our clients by disclosing that we are underage. There is always a risk that they will report you to the police and get you and your client arrested.”

Focus Group Discussion, Mombasa

Children engaged in sex work do not always report threats to their safety and security as shown in the table below. The few (16%) who report do so to law enforcement. It is unfortunate, however, that although they report to law enforcement, majority (88%) do not believe law enforcement act to protect their safety and security. Others do not report for fear of arrests. A significant majority believe that civil society organizations, non- governmental organizations and human rights institutions are more likely to act in the interest of their safety and security. The driving factors to none reporting include repercussions on them from law enforcement upon realization they are engaged in sex work or the belief that no action will be taken. Lack of knowledge of where to report cases of breach on their safety and security is also a driving factor discouraging reporting of cases.

Majority (84%) of the respondents felt that they were treated either the same or worse than adult sex workers. They are believed to be criminals engaged in immoral activities. They do not receive any protection as victims or sexual exploitation.

44 Provision of health and related social services

Sexually exploited adolescents who sell sex are highly vulnerable to HIV and other related health risks as the risk of being young coincides with those in commercial sex. They are less able to negotiate safe sex, more likely to have higher risk partners and less likely to use available health services compared to adult sex workers. This section explored the need for, availability and accessibility of health services that address violence against sexually exploited adolescents who sell sex. It also explored linkages to other social services available to mitigate vulnerability of the children to sexual exploitation.

The respondents perceived sexually transmitted diseases as the greatest health risks to them. As shown in the figure below, the respondents felt that Human Immunodeficiency Virus (HIV) poses the greatest health risks followed other sexual transmitted diseases. Qualitative findings indicated that the fear of sexual transmitted diseases is related to their low negotiation power for safe sex due to their age as compared to their adult clients who will overpower them both physically and psychologically. Almost half of children engaged in sex work viewed physical injury as another major health risk.

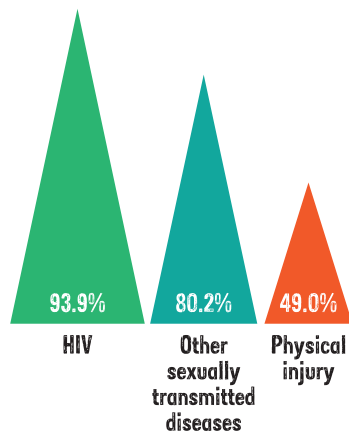


Figure 4: Health risks for adolescents who sell sex

With HIV being the greatest health risk, understandably almost all (96%) desired the prioritization of HIV prevention, care and treatment services for them. Majority of the respondents' also desired reproductive health services with half indicating the need for adolescent-friendly post rape care services.

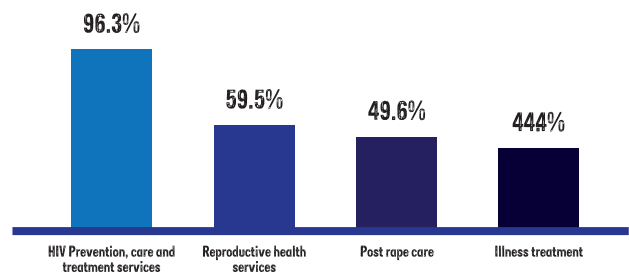


Figure 5: Health services desired by adolescents who sell sex

Access to health care services by the respondents is majorly either through non-governmental organizations (69.3%) and public health care facilities (49.9%). The respondents accessed private health facilities only as a last resort for fear of exposure and stigmatization. The high costs charged at private health care facilities was also an inhibitor. This explained the preference by the majority to non-governmental organizations and public health care facilities which had specialized services for sex workers.

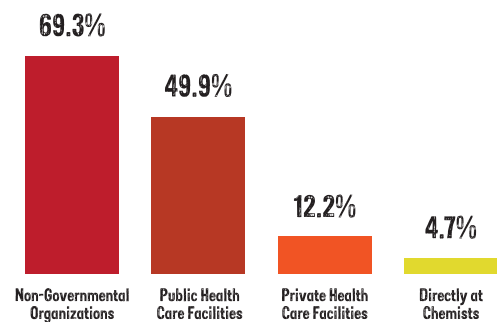


Figure 6: Where adolescents who sex access health care services

While children engaged in sex work view existing laws as an impediment to access of health care services by sexually exploited adolescents who sell sex, majority of them still reported the services to be accessible as they rarely disclose their age. Where necessary, they would present fake or borrowed identification documents. All in all, the respondents felt that the legal environment affected their access to health services as they could not freely access these services; they were uncomfortable revealing their age and disclose their involvement in selling sex. Most respondents feared that full disclosure would affect the quality of services provided to them as the attitude of the provider would be bias against them. They also feared the consequences if their underage involvement in selling sex was revealed to authorities. Similarly, organizations where these adolescents are

most likely to access services remain apprehensive about providing holistic services to children.



When a client comes here we open a file for them for easier management and follow-up of health services provided. Where they report to us that they have experienced any form of violence, our paralegals are available to provide legal support. They fill in the incident report form and it is put in their file and we follow up on the issue. However we as the paralegal team do not deal with children. If a minor wants to get health services then they can access them at our clinic but that is the only interaction we have with them. When it comes to any kind of violation that they may have gone through, then we refer them to a certain nearby that handles rights issues of minors. We cannot dare open a file for anyone who does not have an identification card. As male sex workers and MSMs we are already under a lot of scrutiny, we do not want to be told that we are promoting immoral acts amongst minors. We could get into trouble for such things so we are very careful when it comes to minors.

Paralegal worker, HOYMAS - Nairobi

A majority of the respondents indicated the need to prioritize sexually exploited adolescents who sell sex in the provision of social services. While almost all (87%) the respondents desired social services, majority (59%) stated the services to be inaccessible. Among the social services identified by the respondents were;

- Financial assistance such as referral to cash transfer programmes;
- Support to address alcohol and substance abuse;
- Rehabilitation through government and donor funded vocational training programmes;
- Legal support when arrested

Impressively, all the focus group discussions revealed that the respondents would welcome realistic initiatives that would see them rehabilitated out of selling sex. **However, they felt that initiatives targeting sexually exploited adolescents who sell sex should factor in the needs and circumstances of the different age groups.** Focus group discussions revealed that majority of the older sexually

exploited adolescents who sell sex were opposed to initiatives that would force them back to school. Instead they preferred programmes that would equip them with knowledge and skills to enable them to find alternative sources of income to help them support themselves and their families.

F6 "Equip children with skills and knowledge that will help them constructively occupy their time and earn money to provide for themselves and their families. Going back to school full time will not work for most of us who have responsibilities!"

Focus group discussion Nairobi

4.5 Help-seeking and Access to Justice

Addressing and responding to violence amongst sexually exploited adolescents who sell sex requires mechanisms that identify their needs and integrates their voices into justice systems. This section sought to investigate the impact of the legal environment on prostitution on protection and response to incidences of against sexually exploited adolescents who sell sex.

The respondents stated that they do not report cases of violence. An alarming majority (90%) of the respondents had never reported any cases of violence.

F1 "We know that cases of violence are supposed to be reported to the police but we have no faith in the police. The police are the ones who arrest us and harass us so if you go to report that a client hasn't paid you or has beaten you up, the officers may arrest you instead. Police themselves want us and want to have sex with us so if they see you there reporting a case and they know you are young and what you do, you become a target for them as they can easily identify you in the field."

Focus Group Discussion, Nairobi

The few who have reported incidences of violence did so to law enforcement officers with majority (59%) reporting that no action was taken. A large majority (86%) of those who have ever reported were not satisfied with the action taken. 18.2% stated that while the offenders were arrested and quickly released.



"A client took me to a hotel room where I found another man there, I requested for double payment but instead they had sex with me and beat me up. They also took my I.D, my phone and stripped me naked. The next day I reported the case to the police and we followed up on it but the police kept on telling me to go back the next day. I came to realize later on that they were colluding with the client and the case is still dragging on to date. The man has done this to several other girls. The police do not take action once they find out what you do; they treat us like we are nothing."

Sexually exploited Adolescent selling sex, Mombasa

Almost all (93%) of children engaged in sex work have never interacted with the courts. The respondents earlier stated that even when they are arrested they find ways to evade getting to the cells let alone the courts. Among the few who had interacted with the courts majority (73.3%) appeared as accused with only 20% as the complainants. Although earlier discussions revealed numerous interactions with law enforcement agents, only a small fraction (6%) of the respondents have ever been formerly charged in court. The offences included loitering; drunk and disorderly and being in a club while under age. **Of the few respondents who were charged with an offence and presented to court, 91% did not receive any legal representation. None of them was aware that they were entitled to legal counsel as a matter of right. The respondents were of the opinion that lawyers and advocates was an option for those who could afford them.** This would explain why most of the respondents who appeared in court pleaded guilty to the charge.

F10 "We experience a lot of injustice but we cannot afford lawyers so you do what you see everyone else doing in court, you accept the charge and you move on. Sometimes they even charge you with something you did not do but we are children what are we supposed to do? We have nobody to fight for us when we are in court and I cannot go against the police saying that they are lying, they will obviously win."

F7 "I have been doing this for a while and out of all the times I have been arrested with children who are even younger than me, I have never seen anyone offering us any kind of legal service or a lawyer coming to defend us. Lawyers cost money and money is one thing we do not have. The magistrates rarely look at us when we are lined up in court so at what point will they notice that here are children amongst adults"

Focus Group Discussion, Nakuru

4.6 Perception of respondents on how to enhance the environment for more effective violence prevention and response

4.6.1 Enhancing Safety and Security

The participants felt that law enforcement officers needed to be sensitized on how to handle sex workers and especially minors exploited by selling sex. There should be a safe mechanism of unanimously identifying officers who perpetrate violence and threats against children. There is need for government to map out orphaned and vulnerable children from poor backgrounds so that they reach out to them with timely financial support to mitigate the risk of sexual exploitation.

4.6.2 Enhancing access to Health and Social Services

Sexually exploited adolescents who sell sex need to trust that they will receive fair treatment at health facilities. The fears of stigma, discrimination and victimisation in the provision of care should be addressed through appropriate messaging and proper peer-led initiatives that specifically target them. Health care providers need to assure those who access services of complete confidentiality. Intergration of social services in health provision can provide a timely opportunity to create demand and influence uptake.

4.6.3 Enhancing Help-seeking and Access to Justice

Legal empowerment and rights awareness forums should be regularly held in formal education and informal settings. These will sensitize the children as well as care givers risk factors of sexual exploitation, available avenues for legal redress as well as their health and social needs. Most importantly to create a better understanding on the role of the community in addressing the demand for commercial sex by minors.



ANALYSIS AND DISCUSSIONS ON FINDINGS

From this data, evidence of a unique category of vulnerable adolescents is presented; one that has not effectively been addressed by the legal environment. These are commercially sexually exploited adolescents who are not under the control of an adult but have been compelled by personal circumstances to engage in selling of sex. Sexually exploited adolescents who sell sex, just as the case for adult sex workers, are extremely concerned about violence. Due to their age and inability to protect themselves, they are disproportionately at a much higher risk than adults. They also face a higher risk of contracting HIV and other sexually transmitted infections. Because they are aware that their involvement in selling sex is illegal they are less likely to seek and receive protection from law enforcement officers and have limited access to legal assistance. Consequently, they often don't enjoy the same level of legal protections as other child victims of sexual exploitation.

A proper mechanism to address violence against sexually exploited adolescents who sell sex must be alive to the challenges posed by the legal environment on prostitution. This section provides detailed discussions on the findings of this study, providing valuable evidence to inform strengthening of child protection legislation. The section also contains important analysis that may provide direction for the development and implementation of programs and policies to scale up services to sexually exploited adolescents who sell sex in Kenya.

5.1 Discussion on general findings

The findings show that both male and female adolescents are selling sex across the major cities in the country. However, significantly more female than male adolescents are involved in selling sex. Similarly, the female population of adolescents selling sex is easier to reach than the male population. This is attributed to the fact that they seek health services more frequently than their male counterparts. This is a general indication of an existing gap on uptake of existing HIV and SRH services amongst the adolescent boys as compared to girls.

The government of Kenya is currently offering free Primary and Secondary schools education, yet a majority of the adolescents who are selling sex are not able to complete basic education. This affects the competency of their life skills. This was supported by the fact that during

the study regardless of whether the respondent opted for a Kiswahili or English questionnaire, the research assistants in most cases had to break down the questions in their local dialect or 'sheng' for ease of understanding. The lack of basic education is attributed to the fact that most of the respondents had limited parental care and were mostly responsible for themselves. Some of the respondents were orphaned. The lack of parental care makes sexually exploited adolescents who sell sex less likely to complete basic education – formal or otherwise – increasing their vulnerability to sexual exploitation including selling sex at a younger age.

'Survival sex' offers easy entry into commercial sexual exploitation by selling sex for adolescents from dysfunctional, poor or orphaned families. Majority of the participants had engaged in sex work for more than a year at the time of the study. Most of them were responsible for other members of their immediate family; others have children of their own whom they have to take care of. This is why as they grow older most will opt to drop out of school and fully engage in sex work related activities and other odd jobs for financial or other economic reasons.

A large number of the adolescents were introduced into selling of sex by their peers who they believed were making money to support themselves and their families. Although the research did not focus specifically on children of sex workers, the perceptions of the respondents with regard to selling of sex being a viable source of income, raises significant concerns about the consequences and vulnerabilities on the children of sex workers. There is need for further research to establish the need for interventions for children of sex workers within existing empowerment programs for sex workers. Minors who are neglected and lack proper parental care are at high risk of engaging in selling of sex. The findings of this research indicate that there is increased pressure and demand on adolescent to contribute financially and help address unmet financial and other related economic needs within the family. This category of adolescents are reluctant to identify themselves as victims of commercial sexual exploitation making them difficult to identify through conventional anti-trafficking and child protection programmes. Further, most legislative remedies targeting sexual exploitation of children in the country appear to focus on influence and control by a third party.

That said, it is important to acknowledge that promotion of juvenile prostitution by parents and close relatives is still ongoing. This reflects a gap in implementation of the law with regards to children being exploited into sex work due to the continued exploitation of a small percentage by adults. The number of cases prosecuting guardians who are perpetrators of commercial sexual exploitation of children remains minimal. Prosecution of such guardians is further complicated by the fact that most of them are the sole care providers for such minors. Conviction and imprisonment would likely leave such children even further exposed to the risk of continued exploitation by unknown individuals. This indicates a major gap in how available social services are utilized to support more vulnerable children who are at risk of sexual exploitation through selling sex.

The data indicates that the percentage of respondents who sell sex increased with age. As the children become more involved in sex work related activities, more of them drop out of school. This means that interventions introduced at an early age could mitigate vulnerability to commercial sexual exploitation of children by selling sex.

Respondents in this study unanimously reported displeasure with their involvement in selling sex. *The adolescents who were interviewed expressed that they were not comfortable with their circumstances, unhappy with their conditions and all admitted a desire to leave or reduce their reliance on sex work.* This is reflective of the research finding that selling of sex by adolescents is characterized by high levels of alcohol and substance abuse. This has become a mechanism for them to deal with stress, anxiety and the numerous challenges they experience. They all welcomed the provision of appropriate support to facilitate their transition out of selling sex.

5.2 Discussion on the findings on Legal awareness on child protection against prostitution

Adolescent who sell sex are aware that selling of sex at their age is illegal. However, this awareness was not specifically informed by a comprehensive understanding of either prostitution related laws or child protection laws. They simply had a general awareness that sex involving minors was against the law. This is reflected by the different perceptions about

criminalization of prostitution and the divided position regarding laws on the protection of children.

There exists a huge gap in terms of access to legal and rights information by sexually exploited adolescents who sell sex. This is attributed to the low levels of education attained by them and necessitates the need for innovative alternative less formal channels of information sharing with this population. The research provides evidence that most organizational engagement of sexually exploited adolescents who sell sex is by sex worker-led organizations. This often involves the provision of HIV prevention services and commodities. These organizations are reluctant to engage further with sexually exploited adolescents who sell sex for fear of being accused of promoting child prostitution. There exists a unique opportunity to strengthen and expand engagement of sex workers organizations with sexually exploited adolescents who sell sex to incorporate legal and child rights empowerment.

Sexually exploited adolescents who sell sex attribute the fact that they are treated differently from other minors to the existence of prostitution laws. These laws drive stigma and discrimination that is associated with both selling of sex and sexual activity among minors. This can be attributed to the lack of evidence in this study on engagement by child rights organizations.

5.3 Discussion on the findings on Safety and Security of sexually exploited adolescents who sell sex

The nature and environment sex workers are exposed to makes them vulnerable to violence. Adolescents who sell sex are at a higher risk of violence as compared to adult sex workers. Laws governing sex work and law enforcement authorities play a key role in the violence experienced by sexually exploited adolescents who sell sex. This trade by minors is very secretive, forcing them to operate at night and this puts them at a more heightened risk than their adult counterparts. These night operations expose them to violence not only by clients but also to violence from criminal elements and law enforcement officers.

Alarmingly, sexually exploited adolescents who sell sex consider law enforcement agents to be the greatest threat to their safety and security. This is particularly troubling because it is these law enforcement agents who have the responsibility of not only safeguarding children

from violence but an even greater responsibility to record, investigate and prosecute these violations. The legitimacy of reports made by sexually exploited adolescents who sell sex is often discredited. The perception of law enforcement agents on the credibility of the adolescent victims may be influenced by pre-existing bias against prostitution, resulting in misconception about such victims being responsible for their own victimization. The victims' credibility becomes even more questionable where the violence is perpetrated by one or more of the law enforcement agents. This greatly contributes to the mistrust and general fear that these sexually exploited adolescents who sell sex have in law enforcement and discourages reporting of cases of violence.

Clients often take advantage of sexually exploited adolescent who sell sex due to their vulnerability knowing that they can get away with it. The weaknesses on the enforcement mechanisms on child prostitution and the high levels of corruption within law enforcement further encourage impunity on the part of clients knowing that they can easily evade arrest; particularly where the minor initiated the commercial sexual contact.

Violence against sexually exploited adolescents who sell sex is largely perpetrated by individuals who become aware of their involvement in selling sex. The research revealed that once member of the respondents families become aware of their involvement in sex work, they discriminate against them, financially exploit them and at times become violent. This is highlighted as one of the reasons why adolescents reluctant to disclose that they sell sex. Other perpetrators of violence against them are police and clients who are also obviously aware of their engagement in selling sex.

There exists a huge challenge in the identification of minors sexually exploited by selling sex. The respondents reported that adult sex workers interfere with their trade as they are able to identify them, send away their clients and a times sell them out to the police. Their interactions with adult sex workers can be positively explored to enhance identification of minors for the purpose of protection from violence and provision of appropriate interventions. The interest of the adults in having underage sex workers off the streets could be a good motivation for sustainable programmes by sex worker-led organizations. This could also be more economically viable as integration of such programmes will be easier

and perhaps more acceptable to this population. The findings of this research regarding the respondents' desires for realistic economic alternatives to selling sex is extremely encouraging. The inaction by law enforcement officers on self reported violence by victims is a missed opportunity to address this need. Even where information provided is not enough to support investigation and prosecution, the complainants should always be treated as victims of commercial sexual exploitation and referred to relevant supportive programmes. The research exposes multiple police crackdown operations in relation to prostitution related crimes. Uninformed officers are sometimes used to identify those engaged in prostitution. The proper training of these officers can provide another useful resource for the identification of underage victims for the purpose of offering protection and rehabilitation.

There exists a general need to equip adolescents, their families and society at large on risk factors associated with and the support required by vulnerable children to protect them from sexual exploitation and the violence associated with it.

54 Discussion of Findings on Provision of health and related social services

Sexually exploited adolescents who sell sex are not able to always negotiate for safe sex. They are more likely to have higher risk partners and less likely to use available health services compared to adult sex workers. Due to their age, sexually exploited adolescents who sell sex are biologically more vulnerable as compared to adults who sell sex thus worsening their health risks. This is reflected in the findings of this research with the respondents reporting their major health risks as HIV infections followed by Sexually Transmitted Infections. This is further supported by the respondents express need for HIV, Sexually Transmitted Infection services and Post-rap care services.

The research also revealed that **health risks to adolescents are presented not only due to the nature of risk associated with sex work, but also due to the physical and sexual violence they are exposed to negotiating their way out of arrests. The respondents reported that law enforcement officers specifically targeted them for extortion of sex in exchange for release.** Alarming numerous reports involved demand for forced unprotected sex. Sexual exploitation involving

police officers was largely targeted at the underage girls. Adolescent girls who sell sex are less likely to physically defend themselves, more vulnerable to coercion and more likely to be intimidated into not using condoms. Respondents who reported having been defiled by law enforcement officers did not indicate having resisted demands for unprotected sex. This raises important and unaddressed gaps relating to HIV awareness amongst law enforcement officers.

As supported by the research findings, access to health services for adolescents has improved due to the conducive policy environment specifically targeting them. There is a need to have specific health services that are tailor made for sexually exploited adolescent who sell sex. Despite availability of services for adolescents, the respondents revealed that they access HIV and SRH services that are provided within programmes that target key populations. Further, majority of the respondents still prefer to access health services at NGO institutions as opposed to visiting public hospitals. This is attributed to the fact that NGO institution have health care workers who are more sensitized on issues of key populations and offer specialized services.

The inability of the study to attain its target sample size despite the adaptation of an innovative sampling methodology is a clear indication that this population is hard to reach. This may imply that sexually exploited adolescents who sell sex are significantly underserved in comparison to both adult sex workers and other adolescents in more stable circumstances. Their interactions are extremely secretive, conducted at higher risk locations with minimal disclosure of their involvement in selling sex. This poses a challenge to peer-led initiatives which have been highly successful in mobilizing the adult key population.

The research findings indicate that sexually exploited adolescents who sell sex do not always identify as victims. The respondents also admitted to consistent alcohol and substance use. Interactions with the respondents revealed self-stigma issues reflected by the use of derogatory terms in reference to themselves "Shoga," "Malaya", This indicates underlying psycho-social issues associated with the sexual exploitation of adolescents who sell sex. This is an area that requires further research to inform integration of mental health programmes as part of holistic programmes that support the overall

health and well being of sexually exploited adolescents who sell sex.

Given their vulnerability and high need for proper health care services, it is unfortunate that the burden of meeting health related costs is largely left to these sexually exploited adolescents who sell sex. This is because their age and lack of parental care largely excludes them from government provided national insurance schemes. Unless proper subsidized programmes that specifically target them are provided within the more accessible public health institutions, this challenge will be left unaddressed. The National Hospital Insurance Fund (NHIF) needs to establish mechanisms of prioritizing more vulnerable and needy adolescents in the provision of social health insurance.

Whereas health services are more accessible, social services are largely not accessible. The adolescents interviewed highlight the fact that though necessary, they had never been exposed to an environment where holistic social services were provided. This exposes a gap in some of the health and drop-in centres that the sexually exploited adolescents who sell sex contact. There is need for provision of comprehensive services both "sex worker friendly" and "adolescent friendly" centres where sexually exploited adolescents who sell sex will be most likely to access services.

Besides the health services already discussed, some of the social services required by the adolescents interviewed are alternative care for those who are orphaned; health insurance, affordable housing for child-headed families and financial support to meet basic needs. Interventions to address alcohol and substance abuse are also critical. The need for legal services is also identified as key to successful violence response and will be discussed further in the next section.

Other than in health and formal educational institutions, social services need to be firmly integrated into extensive out of school programmes that address the vulnerability of adolescents at the critical age where they are social vulnerable, easily influenced and struggle with self-esteem. Establishing and publicizing the availability of safe and secure spaces is fundamental for the uptake of services needed by sexually exploited adolescents who sell sex.



5.5 Help-seeking and Access to Justice

Sexually exploited adolescents who sell sex are not always recognized as victims. In most cases, the social and justice system treats them as adult offenders. The report found that implementers of the law were untrained on the notion of sexually exploited adolescents who sell sex without the direct influence or control of an adult or other third party. This in turn inhibits the timely and appropriate action on behalf of these victims.

Despite a comprehensive legal environment on the rights of children in Kenya, the legal environment surrounding prostitution causes sexually exploited adolescents who sell sex to feel unsafe reporting violent crimes and other abuses. The thresholds at which they will report crimes to the police are low and only occur when the offence is at its extreme. These children often face double victimization; facing the negative stigma associated with prostitution as well as the humiliation of being sexually assaulted. As evidenced in the data very few reports made by sexually exploited adolescents who sell sex are followed up on or investigated to completion. The rampant culture of victim blaming and shaming makes it harder for sex workers to report assault, a situation which is even worse for sexually exploited adolescents who sell sex.

Although the law contains specific provisions relating to arrest and detention of children, these are selectively applied during arrest and detention of sexually exploited adolescents who sell sex. The respondents indicated that during raids by both police and county officers, they are arrested by both male and female officers. Because no attempts are made to establish their age, they are often detained together with and at times even charged alongside the adult sex workers. None of the respondents who interacted with police mentioned attempts by the officers to explain the charges faced or legal process to them. Neither guardians nor children officers were ever involved and informed of the respondent's arrests. This exposes a massive gap in the implementation of legal provision in relation to children in conflict of the law. This report finds that most law enforcement officers are not sensitized on engagement of children in selling of sex as an issue involving their commercial sexual exploitation. They are not properly equipped on the best approach in handling child victims who are detained during the course of arrests relating to prostitution. The adolescents

when arrested do not undergo an age assessment test or interact with the officers at the gender desk. There were however reports of some of the arrested adolescents interacting with the Officer Commanding Station (OCS) who at times would exercise discretion. Respondents reported being assigned manual labour around the police station and being let off with a stern warning. This presents an opportunity for making interactions between law enforcement officers and at-risk adolescents more beneficial. Programs at this stage may be more effective to deter at-risk adolescents from deeper involvement in the juvenile justice system and proper linkages with appropriate social services.

The lack of proper risk assessment and identification mechanisms resulted in the minimal use of the legal provisions on children in need of care and protection. Most of the respondents who interacted with the court were presented as criminals. None of the respondents reported due diligence on the part of judicial officers to determine their age or determine the circumstances of arrest. The nature of offences they are charged with limits their identification as victims hence no programmes are availed to support them once they are presented before a court of law.

Most of the adolescents interviewed had no access to legal representation when presented before court. This accounts for the majority of them pleading guilty of the offence charged with either out of ignorance or undue influence. There is an urgent need to sensitize all

magistrates, not just those gazzeted to sit in the children's court on the existence of sexually exploited adolescents who sell sex. It is important that judicial officers approach children presented on prostitution related offences as victims of sexual exploitation and be equipped with appropriate mechanisms for their protection.

The report finds that there was no use of other human rights institutions to report incidences of violence or inaction on the part of law enforcement. There is a need to create awareness among vulnerable children and professionals who interact with them on alternative mechanisms of reporting complaints against and on behalf of sexually exploited adolescents who sell sex. The Commission on Administrative Justice provides a useful mechanism of reporting complaints against public officers such as police and city council officers. Additionally, legal empowerment programmes for adult sex workers should incorporate components of sensitization on their role in the identification of sexually exploited adolescents who sell sex within the justice system. They can provide a timely and invaluable resource for law enforcement agents and judicial officers in cases where children are arrested alongside them.

Finally, the discussions above support the need for specific policy recognition of sexually exploited adolescents who sell sex as a more vulnerable category of children. In this way, they can be prioritized for affirmative action and more specifically for legal assistance particularly through the National Legal Aid and Awareness Programme.





CONCLUSION AND RECOMMENDATIONS

Evidence provided through this research corroborates the fact that criminalization of prostitution prevents populations most vulnerable to violence from accessing necessary prevention and response interventions. In fact, criminalization of prostitution only exacerbated the vulnerability of sexually exploited adolescents who sell sex to violence. This prevents them from fully benefiting from favorable child protection laws and policies aimed at facilitating access to health services by adolescents. It results in the unprocedural penalization of sexually exploited adolescents within the justice system. The existence of laws criminalizing prostitution ultimately discourage adolescents who sell sex from organizing into recognized empowerment groups and deters association with existing establishments working on rights issues. There are no legal mechanisms that expressly provide for adolescents who become victims of commercial sexual exploitation by selling sex from prosecution as criminals. There are no proper services that are equipped to meet most of their needs.

The principle of the best interest of the child should inform laws, policies and interventions affecting all children. This report calls for a paradigm shift in the legal environment from treating adolescents who sell sex as criminals to specifically recognizing and responding effectively to them as child-victims of commercial sexual exploitation. This change will require significant and sustained efforts among numerous stakeholders. Addressing service delivery challenges presented by the legal environment criminalizing prostitution entails the express recognition of sexually exploited adolescents who sell sex within national policies as well as county plans with dedicated funding for specialized interventions. Sex worker-led organizations provide an invaluable resource for successful programming for sexually exploited adolescents who sell sex. Their technical insight and success in mobilizing uptake of services among hard to reach populations can aid in informing and implementing effective interventions.

Ultimately given the limitations in comprehensive evidence-based research on what works for sexually exploited adolescents who sell sex, their opinions are critical to the acceptance and uptake of interventions. It is imperative that they are fully engaged in all aspects of strategy development, planning and implementation of violence prevention and response programs at national and county level.

The recommendations of this report identify three main areas of focus that cut across several sectors and require collaboration by various stakeholders:

6.1 Mitigating vulnerability to violence

1. Undertake Legal Awareness and Rights Empowerment
 - Legal awareness and rights empowerment forums should be regularly held in formal education and informal settings. Information should target children as well as caregivers on the risk factors of sexual exploitation, the legal protections available to children and avenues for legal redress as well as available health interventions and social needs programmes.
 - Setting up part-time community-based out-of-school programmes to promote access to basic education opportunities for out of school youth.
 - Community outreach activities by sex worker-led organizations should incorporate legal awareness and child rights empowerment
2. Mitigate risk of sexual exploitation by selling sex
 - Training of sexually exploited adolescents who sell sex on risk assessment and personal safety skills. This will improve their awareness on and response to threats.
 - Undertaking community-based campaigns to encourage increased enrollment of children into either formal or informal education opportunities and establishing specific incentives for sexually exploited adolescents who sell sex. Some proposed incentives are accelerated learning programmes for older adolescents and conditional cash transfer.
 - Establishing voucher-based programmes for at-risk adolescents to enable them cater for basic necessities that would otherwise expose them to sexual exploitation by selling sex.
 - Vocational programmes that offer practical training and skills that would create job opportunities based on market demand and personal interest.
 - Community programmes for at risk

adolescents to encourage dialogue on risk factors of sexual exploitation including specific sessions targeting children of sex workers. These sessions should equip participants with life skills to resist negative peer pressure.

3. Establish positive engagement with law enforcement

- Undertake station-based sensitization forums for law enforcement officers on child rights and procedural requirements when dealing with sexually exploited adolescents who sell sex.
- Institute a safe mechanism for underage victims of violence perpetrated by law enforcement officers to anonymously report and identify officers.
- Promoting more beneficial interactions with law enforcement officers to establish trust for increased reporting of cases. Law enforcement agents can also play a significant role in deterring at risk youth from deeper involvement in delinquent behaviour through appropriate youth transformation programs.

6.2 Customize violence response mechanisms

1. Extend and fully utilize existing structures that have proved effective for addressing violence among key populations to incorporate specific interventions for sexually exploited adolescents who sell sex.
2. Integration of social services to support other needs for victims of violence within this population
 - Map out existing social services to identify opportunities for linkages with sexually exploited adolescents who sell sex. This will also inform programmes to address the existing gaps.
 - Supporting interventions by sex worker-led organizations to identify sexually exploited adolescents who sell sex and link them to existing social services.
 - Establishing programmes that address alcohol and substance abuse among at risk youth.
3. Support Peer led initiatives to improve uptake of service

- To develop appropriate messaging that addresses stigma, discrimination and victimization of sexually exploited adolescents who sell sex within health service provision.
- Youth-led initiatives establishing and publicizing the availability of safe and secure spaces for the uptake of services by sexually exploited adolescents who sell sex.
- Incorporate within sex worker-led organizations activities to monitor and report discrimination and other violations within health service provision to sexually exploited adolescents who sell sex. Encourage the use of other human rights institutions to report these violations.

6.3 Addressing legal victimization

- Prioritize legal and policy reform
- Decriminalize sex work to eliminate the heightened risk of violence that sexually exploited adolescents who sell sex are exposed to.
- Advocate for engagement of sexually exploited adolescents who sell sex and support their participation in policy development and legislative processes on relevant issues affecting them.
- Advocate for better implementation of existing child protection laws to better safeguard vulnerable children. Establishing mechanisms that specifically recognize adolescents who sell sex as children who are sexually exploited and expressly exempting them from criminal prosecution for related offences.
- Law enforcement procedures should compel presentation of adolescent who sell sex in court as children in need of care and protection.
- Advocate for the use of alternatives to detention and confinement of sexually exploited adolescents who sell sex by law enforcement officers and judicial officers. A proposed example is community-based supervision programmes by identified court appointed mentors.
- Ensure specific policy recognition of sexually exploited adolescents who sell sex as a more vulnerable category of children. In this way they can be prioritized for social support and more specifically for legal assistance.

4. Improve identification through innovative screening mechanisms
 - Advocate for strict requirement for age assessment within the justice system (at arrest and in court) for appropriate treatment of sexually exploited adolescents who sell sex.
 - Develop a screening tool for individual risk assessment within “adolescent friendly” and “sex worker friendly” services for the proper identification of sexually exploited adolescents who sell sex to better inform their specific need. Where customized, this tool could be used by professionals in other sectors who work with children to enhance referral of at risk youth.
5. Scale up Legal aid
 - Enlisting the support of paralegals from sex worker-led organizations in identifying sexually exploited adolescents who sell sex and bringing it to the attention of the court.
 - Advocate for prioritization of legal aid within programs existing within government and human-rights organizations.
 - Capacity building forums for legal practitioners and judicial officers to scale up successful prosecution of cases involving sexual exploitation of children.

enable consultations with relevant stakeholders for the purpose of prioritizing and mapping out specific roles for each stakeholder in taking forward the proposed recommendations.

64 Expand opportunities for community-led Research

1. Support the piloting of rapid assessment tools across relevant sectors to evaluate and help improve service provision to sexually exploited adolescents who sell sex
2. Support research to inform integration of mental health programmes as part of holistic programmes that support the overall health and well-being of sexually exploited adolescents who sell sex
3. Support further research to establish consequences and vulnerabilities on the children of sex workers on their risk of sexual exploitation by selling sex
4. Support bench marking, knowledge sharing and Documentation of best practices
5. Finally, this report recommends a participatory approach be adopted during dissemination to



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