The exploitation of children is addressed in the CRC\(^1\), which states that, ‘States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, …exploitation, including sexual abuse.’\(^2\) In addition to that, the 1956 Supplementary Convention on Slavery prohibits the delivery of a minor by parents to another person “with a view to the exploitation of the child or young person or of his labour.”

The CRC is further strengthened by the Optional Protocol\(^3\) which commits signatories to take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.\(^4\)

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 in the region, including Kenya.\(^5\)

The Government of Kenya and local NGOs have been working to stop commercial sexual exploitation of children (CSEC) for many years. However, CSEC activities continue to exist and have been increasing over the years. A study by UNICEF on the Extent and Effect of Sex Tourism and Sexual Exploitation of Children on the Kenyan Coast in 2006 estimates that about 30,000 children are involved in Child Sex Tourism (CST). A baseline survey on Child Sex Tourism conducted by End Child Prostitution in Kenya (ECPIK)

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\(^1\) Convention on the Rights of the Child (1989)
\(^2\) ibid Article 19(1)
\(^4\) ibid Article 10
\(^5\) UNICEF, ‘Child labour and commercial sexual exploitation’
in 2009 in Malindi, Mombasa and Nairobi estimates that about 50,000 children are involved in CST.\textsuperscript{6}

A survey conducted on population of children between 12 and 18 years of age in within the coast region gave frightening results. The population is estimated to be approximately 100 -120,000 of which 60-65,000 are girls. Of that number, it is estimated that 40 – 50,000 live in and around the resort areas. From the various sources of data and triangulation, a conservative assessment of the involvement of girls in sex work and sex tourism is between 25% - 30%. In numerical terms that represents a figure of 10,000-15,000. However, the number of children engaging in sex tourism as a full-time year round commercial activity is much lower at a figure of 2,000 – 3,000.\textsuperscript{7}

The Government believes that the problem of sexual exploitation of boys has arisen due to a direct result of child sex offenders seeking to abuse boys. Apart from enacting new legislation to control the problem of child sexual abuse, the Ministry of Tourism and Wildlife has instituted a Beach Management Programme. Under this programme, rouge traders organize beach traders into a Beach Operators Association whose mandate is to prevent the exploitation of children, with about 6,000 members.\textsuperscript{8}

Trafficking on the other hand deprives child victims the privilege to exercise their wide range of rights, including the right to belong/have an identity, the right freedom, education, healthcare, to rest and leisure as well as the right not to be subjected to torture, or cruel and inhuman degrading treatment.


Kenya’s parliament passed a law\(^9\) on 27\(^{th}\) August 2014 that provides for greater support to victims of human trafficking and has make it easier to secure convictions for perpetrators. Although Kenya passed the Counter Trafficking in Persons Act in 2012, the country has been on the US Department of State’s Tier 2 watch list for trafficking for the past three years for failing to making serious efforts to combat the crime. Since the Counter Trafficking in Persons Act became law, there have been few successful prosecutions due to the high threshold of evidence required to convict.\(^10\)

It is estimated that 17,500 persons are trafficked annually from Kenya. The U.S Department of State’s 2006 Trafficking in Persons Report states that annually, 50% of the 600,000-800,000 people trafficked across international borders are minors.

The International Labour Organisation (ILO) estimates that 12.3 million people are put into forced labour, bonded labour, forced child labour and sex slavery at any given time. Additionally, approximately 1.2 million children are trafficked internally or externally each year.\(^11\)

Children are routinely subjected to horrific sexual abuse, violence and degradation at the hands of unscrupulous traffickers and offenders from many different countries, including the UK.\(^12\)

**CHILD SEXUAL ABUSE BY TEACHERS AND GOVERNMENT INITIATIVE TO PREVENT IT**

Simon Harris, 55, a foreigner of Herefordshire, was convicted after trial last year of three indecent assaults and five sexual assaults, with one victim

\(^9\) *The Victim Protection Act, 2014*

\(^10\) Jurist, (2014) ‘Kenya passes law to protect against human trafficking’

\(^11\) Anppcan, ‘Child trafficking Program fact sheet’

\(^12\) Standard digital – ‘British steps up war against child abuse in Kenya’ by Cyrus Ombati
[http://www.standardmedia.co.ke/article/2000138987/britain-steps-up-war-on-child-abuse-in-kenya](http://www.standardmedia.co.ke/article/2000138987/britain-steps-up-war-on-child-abuse-in-kenya) accessed on 11\(^{th}\) August 2015
thought to be as young as nine. Harris, a former public school teacher was described as a prolific and calculating sexual predator and was sentenced for 17 years and four months in a Birmingham Court after abusing vulnerable young Kenyan street children in Gilgil town.\textsuperscript{13}

This is a case that was reported to The CRADLE, which illustrates how some teachers including foreigners visit Kenya with the sole intent of sexually abusing children by offering perks and gifts due to the trust the profession is affiliated with.

In exchange for good grades, treats and most importantly, the fear of infuriating their school “guardians”, many Kenyan children have been victims of sexual violence in school.

It should be noted that not all sexual abuse is conducted for grading advantages; in Murang’a for example, the Teachers Service Commission (TSC) Murang’a County branch is investigating allegations that a teacher from a local school had sexually molested 12 male pupils. The county TSC director, Ibrahim Aden, said his office had sent a delegation to unearth the truth about claims that a teacher employed by Parents and Teachers’ Association at Muthiria Boarding primary school had sexually assaulted minors.

‘Most of these violence, abuse and neglect cases are perpetrated by parents, older siblings and children, business people, teachers, aunts and uncles, and peers,’ they said.\textsuperscript{15}

TSC Chairperson Lydia Nzomo due to the rising cases of sexual abuse of children I schools put a warned school heads whose institutions would be

\textsuperscript{13} ITV news, ‘Former teacher jailed for abusing children in Kenya’ (Feb 2015)  

\textsuperscript{14} News24, ‘Teacher sexually molests 12 male pupils’  
http://m.news24.com/Kenya/MyNews24/Teacher-sexually-molests-12-male-pupils-20150526 (26th May 2015) accessed on 11\textsuperscript{th} August 2015

\textsuperscript{15} Anppcan, ‘Reducing VAC, Sexual Exploitation of Children in Kenya’  
http://www.anppcan.org/node/99 accessed on 11th August 2015
guilty of involvement in child molestation, saying that they would answer as to why the vice had taken place in their schools.\textsuperscript{16} She pointed out that apart from making schools safe for children, her agenda during her term would be to ensure that learners are accorded quality education in all public schools\textsuperscript{17}.

Kenya’s authorities\textsuperscript{18} have banned 126 teachers for “gross misconduct,” finding 96 of them guilty of having sexual relations with students. Child welfare society in Kenya also urged the director of public prosecutions to imprison those convicted so as to prevent harm on other children in future.\textsuperscript{19}

The list of shame of the teachers was compiled from complaints between 2011 and 2014\textsuperscript{20} is posted online here\textsuperscript{21}. It is a commendable effort by the government to shame perpetrators of such abuse since it will curb others who would attempt to commit. Before this, in 2010, more than 1,000 Kenyan teachers were sacked for sexually abusing girls, with most of those cases occurring in rural primary schools.\textsuperscript{22}

An article in the Daily Nation \textsuperscript{23} emphasized that teachers who molest students betray their role as parents; it continued to criticize the recent

\textsuperscript{17} Ghetto Radio ‘TSC now warns teachers molesting students’ http://ghettoradio.co.ke/tsc-now-warns-teachers-molesting-students/ (20th July 2015) accessed on 11th August 2015
\textsuperscript{18} The Teachers Service Commission - investigations by the TSC’s Disciplinary Committee.
\textsuperscript{19} Ventures, ‘Sexual abuse is rapidly creeping into Kenyan high schools’ (June 2015) http://venturesafrica.com/sexual-abuse-is-rapidly-creeping-into-kenyan-high-schools/ accessed on 11th August 2015
\textsuperscript{23} Daily Nation , - 16th July 2015 ‘Teachers who molest students betray their role as parents’ Pg 14 by Nicholas Sewe
incident at Nakuru’s Njoro Girls High School where a teacher was reported to have sexually molested seven students was appalling. The recommendation by the article was that the commission should come up with measures such as an annual assessment of teachers countrywide to streamline the industry and set it free from such shameful and immoral behavior. This would ensure discipline maintained by the teachers through fear and dread of retribution by the TSC.

Recently, Njoro High School principal and her deputy were interdicted following allegations of sexual molestation of six girls. Principal Milka Wanderi and deputy Esther Mbugua, were interdicted by the Teachers Service Commission for failing to take action when six of their students were molested by a male teacher.24

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24 Daily Nation, - 4th July 2015, ‘Principal sent home over sex scandal’ pg 19 by Nation Reporter