

The report identifies poverty as one of the major causes of marginalization of children in society, with an estimated 43 per cent of the population living in absolute poverty. Other factors contributing to the rise in the number of children living in the streets were identified as including: abuse or rejection within families; the breakdown of traditional family values and the culture of the extended family; cultural practices in some communities where families send children out to earn money through prostitution; the increasing number of single-parent families, especially female-headed households, giving rise to the need to supplement family income; traditional practices which give preference to boys' education if there is insufficient money to send all children to school; the practice of marriages for girls at an earlier age than for boys which is used by parents in some parts of the country for financial gain; and moral acceptance of sexual acts at a very young age because of exposure to adult sexual behaviour. The report also states that persuasion, deception, threats, or violence are used by adults to lure children into being exploited.

The summary comments on the incidence of HIV/AIDS and steps that have been taken by the government and non-governmental institutions and organizations to stop the spread of the disease establishes a link between HIV/AIDS and the sexual exploitation of children. The SR stated that one particularly disturbing trend related to the increase in the number of persons living with HIV/AIDS in Kenya, is the mistaken belief by many that having sex with young children will reduce the possibility of HIV infection. This results in the so-called "spiral effect", which manifests itself in progressively younger children being used for purposes of commercial sexual exploitation. Another equally dangerous conception is that having sex with an infant cures a person infected by HIV/AIDS. In some discussions, the SR was informed that there had been cases reported in which infants under 1 year old had been raped or sodomized due to such false beliefs.

The characteristics of sexual exploitation of children in Kenya are noted as including, *inter alia*, that: the secrecy surrounding the phenomenon compromises to some degree the effectiveness of strategies to eradicate and prevent such exploitation; there is a lack of a legal basis in national laws through which to address the issue; under-reporting of incidents and instances occurs, in part because of either non-existent or ineffective response mechanisms to provide support, protection and assistance to victims; the age of child victims ranges from 9 to 17 years; the categories of children who are victimized by commercial sexual exploitation include school girls, young girls who have migrated from rural communities — especially those who work as unskilled domestic helpers, school boys who need money for school fees, "second-generation" prostitutes, beach boys, and school drop-outs; the children most affected come from "non-Nomadic" and economically and socially more advanced families because of their higher consumption needs and increased demand for goods; the main "modes of operation" by which commercial sexual exploitation takes

place are through pimps, madams and middlemen, parents or other family members, in brothels and massage parlours, in the streets, in nightclubs, bars and in discotheques; runaway or "throwaway" children or school drop-outs and other children living in the streets are frequently engaged in "sex for survival". The report notes information indicating: in many private houses illegal activities involving children are taking place but access by law enforcement officials on mere grounds of suspicion is not allowed and police are reluctant to enter, meaning that activities inside such private houses are very difficult to control; many of the children working in the streets are accompanied by their mothers or older siblings who also engage in prostitution; most brothels are managed by female pimps or madams and the majority of recruiters are also women; information on the use of children in the production of child pornography remains scarce and difficult to obtain although there are indications that such productions are concentrated in populated and/or tourist areas, such as in Nairobi, Mombasa, Malindi and Watamu; children are being trafficked internally from rural to urban areas by intermediaries or, at times, by loosely organized crime networks, for the purpose of prostitution; and refugee children, mainly from the Sudan and Somalia and often marginalized in Kenyan society, are particularly vulnerable to exploitation and abuse.

The profile of the perpetrators of sexual exploitation of children in Kenya includes a wide range of individuals from all levels of society. Intermediaries, family members, service providers and customers, tourists, community leaders, government officials, and the business sector may all be implicated in the growing problem, be it through indifference, ignorance of the consequences suffered by children, or through the active perpetuation of the phenomenon. The customers exploiting children commercially for sexual purposes are both Kenyans and foreigners. Clients include local Kenyans from all social levels, migrant workers whose families have stayed behind in rural areas, expatriates, university students, tourists, paedophiles, and adults who falsely believe that children are safer from HIV/AIDS infection. The SR was also informed that tourist agents, both local and foreign, have been known to direct and guide tourists to specific areas to find child prostitutes.

The report also cites information indicating that law enforcement officials have been implicated in physical abuse, monetary extortion and sexual abuse of street children, with documented instances of girls living on the street having been sexually propositioned or raped by police in order to avoid arrest, or to be released from custody.

Concerning legal protections and remedies, the report notes that the laws related to commercial sexual exploitation are fragmented and there are no specific provisions to address the problem. As a consequence, implementation of protection measures and appropriate intervention by relevant authorities remain ineffective. The difficulties inherent in this fragmentation are compounded by the