



Kenya

Sexual Exploitation and Gender Inequality

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Sexual exploitation

Sexual exploitation of women and girls is influenced by historical and structural power imbalances between women and men which exist in varying degrees across all communities. It is related to their limited power and control, as well as to the social norms that prescribe men and women's roles in society and condone abuse. Inequalities between men and women cut across public and private spheres of life, and across social, economic, cultural, and political rights, and are manifested in restrictions and limitations on women's freedoms, choices and opportunities.

Commercial sexual exploitation

Commercial Sexual exploitation is about using one's (socio-)economic power to gain personal sexual gratification from another. The power imbalance in the exchange is inherent. Commercial sexual exploitation preys on marginalized persons, whether due to gender, sexuality, race, disability, immigration status, etc. and causes further marginalization.

-> Stereotyping -> Discrimination -> Inequality -> Marginalization -> Vulnerability -> Exploitation.

Esther

Esther has just turned 24. She was married at 15 and has three children. After her husband left their family, it was up to Esther to provide for herself and her children. Without an education or job opportunities, she reluctantly goes to a neighboring country and sells sex. She sends the small amounts she receives to her children. It isn't the life she wants for herself, but what else can she do to survive?

Saida

She was a happy child, until her father, the breadwinner, died leaving her with her mother, sister and young brother. Her mother and sister are both doing laundry cleaning. They could not pay for her school fees and went into domestic care work and laundry cleaning to support herself and family. A man in her neighborhood tells her he can find her a job. But instead he took her to a brothel. Today, she still sells sex, she knows no other way to make a living.

Atieno

She is 22 years old, living with her father and stepmother. Her mother died of colon cancer. She went through primary school and a hard time in secondary school but managed to sit her final exams. Her father saves money for College, which she attends until second year when he can't support her anymore. Raped by an acquaintance, a policeman at a party in Mtwapa. Traumatized, she starts having sex with men for money.

Nasimiyu

Born in Kakamega. Completes her primary and secondary education and goes into University. She graduates but is not able to get a job, starts a business in Kisumu which is not doing well. She falls pregnant but the child's father refuses to take responsibility. She is approached by an acquaintance for a job in Mombasa. Part of this job is entertaining local but majorly foreign guests as a singer at the club. Her boss tells her she can keep her job if she also provides sex to the foreign guests.

Gender inequality is a constant

Women and girls end up in the sex trade in many ways. They are:

- Sold into prostitution because of poverty;
- Deceived into signing contracts for jobs and ending up in sex trade;
- Tricked by "lover boys" and trapped in prostitution;
- Trafficked into temporary marriages for sex;

- Abducted as sex slaves during times of conflict;
- Sold into child marriages and trafficked during natural disasters;
- Advertised and sold on the internet through venues like “Backpage;”
- Trafficked in organized virginity sales.

This speaks to the reality of majority of women and girls in the sex trade. Studies have shown that whilst there are a few who enter prostitution by their free choice, the majority are compelled by factors such as poverty, lack of viable income, and demand. Varying and complex paths lead women and girls to sex trafficking and prostitution – poverty, inequality, violence, discrimination, and manipulation by others. Esther’s case for example.

Prostitution is a manifestation and cause of gender inequality. Women and girls hold lower status, are viewed as commodities that can be bought or sold, and men’s entitlement makes it ok to purchase another human being for sex.

The use of another human being’s body as a commodity is violent, the act of prostitution is violent, and women and girls experience mental, physical, psychological harm and stigma as a result of being a “prostitute”. The same harm and stigma does not affect the buyers and those who profit – the pimps and brothel keepers.

Pimps and brothel owners are usually in control and profit from women’s exploitation.

Many women and girls in prostitution today have been failed as children – child sexual abuse, domestic violence, failure of welfare systems precursor to women entering the sex trade. A woman in prostitution is more likely to have been born into a disenfranchised community, experienced early trauma as a child, and lives in a social system that takes advantage of her vulnerability, punishes her rather than protects her from violence at an early age, and does not help her heal as she grows or to reach her full potential.

The majority of women in prostitution want to exit, according to Dr Melissa Farley, in a study of 850 women across nine countries. Whilst the “empowered sex worker” may exist, many more prostituted women are coerced into the industry by their desperate need for money and basic needs, and/or very often by a damaged sense of their own worth brought about by years of abuse, discrimination and or exploitation. Yet, the fact is that no one gets out of poverty through prostitution.

More or less the same factors above apply in cases of trafficking. The factors that make women and girls vulnerable to sex trafficking are much the same as those that lead women to enter prostitution. Gender inequality and discrimination are at the heart of it.

The SDGs and vulnerability to sexual exploitation

SDG 1: 1 in 5 girls are growing up in extreme poverty; more women than men live on less than \$1.90/day. SDG 2: In more than two thirds of the world’s countries, women are more likely than men to face food insecurity. SDG 4: 15 million primary school aged girls are out of school worldwide compared to 10 million boys. SDG 5: 71% of trafficking victims are women and girls, trafficked mainly for purposed of sexual exploitation; 98% of victims of sex trafficking are women and girls. SDG 8: Women are more likely than men to be unemployed or to be contributing as family workers, which usually implies that they have no access to monetary income. SDG 10: Gender discrimination can intersect with other types, such as age, disability, ethnicity, economic status, and migration status, multiplying the burden of inequalities many times over. SDG 16: According to the UNODC, 20% of trafficking victims are girls. Conflict, population movements, and breakdown of social controls increase women and girls’ vulnerability to child marriage, rape, and prostitution.

The Gender Inequality Index is a composite measure reflecting inequality between women and men in three different dimensions: reproductive health (maternal mortality ratio and adolescent birth rate), empowerment (share of parliamentary seats held by women and share of population with at least some secondary education), and labour market participation (labour force participation rate). The Gender Inequality Index for Kenya is 35%. Source: United Nations Development Programme, Human Development Report 2016. The Global Gender Gap Index benchmarks national gender gaps on economic, political, education and health criteria. Source: World Economic Forum, the Global Gender Gap Report 2016.

Percentage of women in employment

Employment and Manufacturing sector 16%

Modern sector employment 34%

Source: 2016 Economic Survey

Prevalence data of violence against women

Lifetime Physical and/or Sexual Intimate Partner Violence: 39% Physical and/or Sexual Intimate Partner Violence in the last 12 months: 26% Lifetime Non-Partner Sexual Violence: Official National Statistics Not Available Child Marriage: 23% Female Genital Mutilation/Cutting: 21%

Source: Global database on Violence Against Women 2016

Prostitution as violence against women

The vast majority of prostituted persons have suffered from violence, often sexual, before entering prostitution. The vast majority of prostituted persons are victims of many forms of violence while in prostitution (physical, verbal, sexual, psychological violence). The repetition of sexual acts without physical desire, but instead experienced as a result of financial need, inequality and/or as exploitation of vulnerability, constitutes in itself a sexual violence.

Prostitution as exploitation of inequalities

Prostitution is a part of a long patriarchal tradition of making women's bodies available for men's benefit (*droit du seigneur*, rape, sexual harassment, "conjugal duties"...). Prostitution exploits multiple forms of inequality: men's domination over women, rich over poor, North over South, majority groups over minorities. Minority, discriminated and migrant groups are over-represented in prostitution all over the world.

Prostitution as a violation of human dignity

By placing the human body and sex into the realm of the marketplace, the system of prostitution reinforces the objectification of all women and their bodies. It is a direct violation of the physical and moral integrity of prostituted persons. Prostitution reinforces the domination of men over women, in particular the attitude that women's bodies are available and accessible, which is present in other forms of violence against women such as rape, sexual harassment and intimate-partner violence. Prostitution is an obstacle to establishing truly free, respectful and egalitarian sexuality in society.

The role of male entitlement and demand

The CEDAW Committee has described prostitution – the ideology that men "need", or even have a right to sex from women, the social norms of masculinity that include sexual dominance and virility, the way in which the sex market reinforces the notion of women as little more than sexual goods for male consumption, and the violence that women in prostitution regularly face, including at the hands of police, is often framed as deserved punishment for unacceptable female behaviour (while the behaviour of the male buyer is viewed as a natural entitlement).

The role of demand and prejudicial practice

The CEDAW Committee has also confirmed "gender-based violence against women as being rooted in gender related factors, such as the ideology of men's entitlement and privilege over women, social norms regarding masculinity, and the need to assert male control or power, enforce gender roles or prevent, discourage or punish what is considered to be unacceptable female behaviour."

Conclusion

Commercial Sexual Exploitation, as defined by *Equally Safe* strategy for Scotland, is "commercial sexual exploitation, including prostitution, lap dancing, stripping, pornography and trafficking". It is a deeply gendered phenomenon, rooted in gender inequality. Therefore, any solution must focus on gender equality. Intersecting inequalities based on systematic discrimination means people in the commercial sex trade are unlikely to be on equal footing with "customers", who have both money and choices. The commercial sex trade reinforces the notion of women and "deviants" as sexual goods for consumption. It works on the ideology that men "need", or even have a right to sex.

Way Forward?

- # Ensuring an approach based on gender equality
- # Decriminalizing women in the sex trade
- # Eco system approach – reduce vulnerability
- # Addressing needs of survivors
- # Shrinking the commercial sex trade (addressing demand)
- # Penalizing sex buyers in addition to traffickers, pimps
- # Curbing new ways of spreading the sex trade (ex. online)

Addressing sex tourism

Critical: political will

Eco System Approach:

Equality Now is calling for policy and law makers to acknowledge that it is not just trafficking and prostitution laws that need to change; other laws that discriminate against women and girls and contribute their vulnerability and entrench male entitlement also need to change. Thus appropriate legislation is enacted and enforced as follows:

Laws that have direct impact on sex trafficking and sexual exploitation (e.g. trafficking, prostitution, children protection, immigration, sexual offences, tourism)

Laws that address the social and structural inequalities and discrimination (e.g. rights to land, inheritance, employment, education etc.) This is at the core of *Equality Now's* work advocating for governments to repeal or amend sex discriminatory laws and to promote gender equality in areas such as nationality and marriage, and protection from FGM and sexual violence.

National laws should uphold international law and standards such as the Palermo Protocol, CEDAW and the SDGs.

This approach means that we are also engaging state actors throughout the ecosystem to develop a multisectoral approach to legal reform.