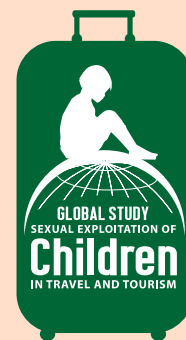


GLOBAL STUDY ON SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM

COUNTRY-SPECIFIC REPORT

UKRAINE

2015



The country-specific research report on SECTT was written by Bochkor, N., Kovalchuk, L., candidate of pedagogical science, Konchenkova, I., Levchenko, K., doctor of law, Mudrik, V., Semikop, T., Stepaniuk, Y., Shwed, O., candidate of sociological studies. The overall editing was done by Levchenko, K. doctor of law & Kovalchuk, L., candidate of pedagogical studies. Compilation by Lunchenko, N. and Mudrik, V.



La Strada Ukraine, member of ECPAT coalition in Ukraine

The research was conducted in the framework of the Global Study on Sexual Exploitation of Children in Travel and Tourism. More information on the Global Study can be found on www.globalstudysectt.org

The views expressed in this report are those of the author(s) and do not necessarily reflect those of the donors.

June 2015

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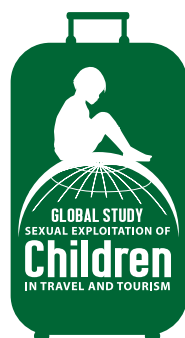
The publication contains the results of the study on sexual exploitation and child abuse in Ukraine with special focus on child sex-tourism. The study was conducted by "La Strada-Ukraine" in cooperation with other members of All-Ukrainian network against CSEC in Ukraine. The publication contains analysis of the national and international legislation, the results of the current situation with sexual exploitation of children in tourism, pornography, prostitution, child trafficking and early marriages and includes national and international practices to prevent these problems. The publication is appointed to researchers, scientists, representatives of law enforcement, non-governmental and international organizations, government agencies and other interested readers.

The Global Study has been made possible with the financial support from the Ministry of Foreign Affairs of the Netherlands through Defence for Children - ECPAT Netherlands.



Ministry of Foreign Affairs of the
Netherlands





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INTRODUCTION

How did Ukraine appear in the list of countries where commercial sexual exploitation of children (CSEC) is common? It is difficult to answer, because the problem is hidden and its reasons are comprehensive. Ukraine does not have a chance to solve the problem before it is thoroughly studied.

The study “Sexual exploitation of children in Ukraine: situation and counteraction” was conducted by the authors of International Women’s Rights Center “La Strada-Ukraine”. This work is a part of a global study on sexual exploitation of children in travel and tourism in 15 countries within the framework of the project initiated by ECPAT – Netherlands.

The aim of the study is to analyze the current situation with sexual exploitation and violence against children, especially in tourism, pornography, prostitution, trafficking and early marriages, and also develop recommendations to improve it. The study used a variety of methods, such as statistical, sociological, comparative and legal study, empirical methods.

One of the basic principles of the study is the respect to children’s rights according to the requirements of the UN Convention on the Rights of the Child. Despite the fact that children at first sight often seem to provide sex-services voluntarily, the responsibility lies on the adult who exploits a child by engaging in sexual activities and violates child rights. Other important principles of the study are non-discrimination, equality, human rights approach, and child and youth participation.

The research uses the following sources of information: content analysis of the web sites, analysis of legislation and administrative documents of state authorities, secondary analysis of information, desk-research of the related studies conducted in Ukraine. For example, data used for the content analysis consists of different texts obtained online by establishing specific searching parameters. The sample included texts that are topically related to combinations of the following key words: “Ukraine,” “sex,” “tourism,” “women,” “dating,” “tour,” “children,” “girls.” Furthermore, snowball sampling was used to obtain relevant texts; hypertext links provided access to related articles and comments. The vast majority of studied texts are in English.

Publications and reports which were prepared in Ukraine during the last five years were analyzed. Among them – Annual Human Rights Report “Human rights in Ukraine” in 2009, 2010, 2011, 2012, 2013 prepared by non-governmental organizations; researches conducted by different institutions on the request of UNICEF Ukraine; reports of the Ombudsman for Children under the President of Ukraine etc. Special attention was paid to the desk research of the materials and texts of sociological and criminological studies such as “Child sex tourism in Ukraine: attempt of situational analysis”, “Where and how can be assisted victims of domestic abuse? Results of the monitoring of special institutions”, “Legal Study to identify inconsistencies between Ukraine national legislation and provisions of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography to the UN Convention on the Rights of the Child”, publications of ECPAT International etc.

The research uses findings of the following publications: “Scientific and practical comment to the Law of Ukraine on Combating Trafficking in Human Beings”, “Correspondence of Ukrainian legislation to the provisions of the Council of Europe Convention on Action against Trafficking in Human Beings”. Moreover, the research analyzes anti-trafficking legislation and experience of its implementation, as well as the legislation against sexual exploitation of children and experience of its practical implementation. Analysis also focused at activities against sexual exploitation of children and assistance to them initiated by civil society and international organizations.

The study was conducted when Ukraine was facing the difficult times. Hostile aggression against Ukraine took place immediately after the Revolution of Dignity, and the East of the country is in the state of undeclared war

actively supported by the Russian Federation. The deterioration of the social and economic status, activity of illegal armed groups, destroyed system of social protection in Donetsk and Luhansk oblasts, including protection of children, lead to the increasing problem with sexual exploitation of children. The survey among experts allows assuming that in current social and political situation CSEC might become more urgent, and estimating the impact of the military conflict and its consequences.

At the end, there are some recommendations to legislation, activities of related state agencies and local authorities, international and civil society organizations.

Specialists of International Women's Rights Centre "La Strada-Ukraine", International NGO "School of Equal Opportunities", the Public Movement "Faith, Hope, Love", and other members-organizations of the All-Ukrainian network against commercial sexual exploitation of children, ECPAT International, Academy of Labour, Social Relations and Tourism of Ukraine, Kharkiv National University of Internal Affairs of Ukraine participated in the research.

The authors are grateful to everyone who contributed to this study. We hope, that the publication will be interesting not only to the researchers of law and criminology, representatives of state institutions, child rights NGOs and international organizations, but to all readers.

Please send your comments and remarks to the following address: International Women's Rights Center "La Strada-Ukraine", PO. Box 26, 03113 Kyiv, Ukraine; or e-mail them to info@la-strada.org.ua.

CHAPTER 1

CURRENT SITUATION IN UKRAINE

Ukraine is a country of Eastern Europe, situated in the southwestern part of the East European plain. It has an area of 603,628 km², making it the largest country entirely within Europe, the second largest on the European continent after Russia. It borders Russia to the east and northeast, Belarus to the north, Poland, Slovakia and Hungary to the west, Romania and Moldova to the southwest, and is washed by the Black Sea and Azov sea to the south and southwest correspondingly.

The modern Ukraine became the sovereign, independent state after the Soviet Union collapsed and Ukrainian nation voted for independence at the referendum on December 1, 1991.

Ukraine is the unitary republic. It consists of 24 oblasts,¹ Autonomous Republic of Crimea and two cities with special legal status – Kyiv, the capital and the biggest city, and Sevastopol. In March 2014 Autonomous Republic of Crimea and Sevastopol were annexed to Russian Federation as a result of open aggression. Ukraine lost control over these territories.

Ukraine is a semi-presidential republic with separate powers: legislative, executive and judicial branches. The highest state body is Verkhovna Rada of Ukraine;² and the President of Ukraine is the head of the state.

Ukrainian census of 2001 has shown that Ukraine has population of 48.8 million people. However, since 1993 due to the mortality rates higher than birth rates, and high emigration rates, including labour emigration, the population has been gradually declining.

According to the World Tourist Organization, Ukraine takes 8th place in Europe by the number of tourists. Ukraine is a country that stands at the crossroads between Central and Eastern Europe between North and South. It has borders with Russia, and is situated close to the Turkey and Transcaucasia.

Carpathians highlands, picturesque Carpathian and Transcarpathians foothills, coastlines of Black and Azov seas are popular places for tourism and vacation among Ukrainians and foreign guests. Ukraine has unique sorts of wine, pieces of architecture and art, old castles, historical parks, Orthodox and Catholic churches, several mosques and synagogues. Kyiv, the capital of Ukraine, has many unique monuments and historical places. Odessa seaport, ancient Lviv and Lutsk on the west, and Chernihiv and Poltava on the east, as well as other big and small corners of Ukrainian history and spirit, are well known to the tourists. Every year many tourists come to Ukraine to see these attractions.

The study "Sexual exploitation of children in Ukraine: situation and counteraction" was conducted in May-September 2013, when the country was facing the difficult times. Since November 2013 Ukraine has been going through difficult, important and tragic transformations. From the very beginning a large part of the society opposed the situation when the freedom and human rights were threatened by the abuse of power, when the interests of Ukrainian people were betrayed by the highest state authorities, including the former President of the country. After resignation of the President in 2014, Ukraine faced the new unexpected challenge – military aggression of Russian Federation and annexation of Crimea. All these factors badly influenced all the areas of social life.

The analysis of the calls to the National Child Hotline and the National Toll Free Hotline against domestic violence, trafficking in persons and gender discrimination run by "La Strada - Ukraine" shows a high level of anxiety in the society, growing feelings of insecurity, fatigue, instability causing aggression and hostility in relations between people. The analysis allows assuming that the majority of Ukrainians participated in the events. Apart from direct participation people have been experiencing a wide range of emotions. Aggravated and terminated relations among families and friends

1. *Translator's note (TN).* Administrative unit of Ukraine

2. *TN.* Ukrainian Parliament

due to different views and estimations of the events, as well as different political views became very common. In some cases this led to hostile relations and big conflicts. These all affects the system of child protection in the country.

Ukraine sees a growing number of internally displaced persons and forced migrants. First of all, these are Crimean residents who had to leave their hometowns because of the threat to their lives and security due to Russian occupation. People travelled to other regions of Ukraine, where they faced numerous domestic, social, medical, educational, economic and other difficulties. Soon thousands of displaced people from Donetsk and Luhansk began to move to other regions of Ukraine. Ukrainian citizens remaining in the Crimea or in the zone of anti-terrorist operations, or near it, also face a lot of challenges.

Other countries with experience of military conflicts reported significant increase of violence in the places of confrontation – domestic violence, violence against women and children during the conflict and upon its completion, sexual exploitation and trafficking, including trafficking of children.

The difficult economic situation in Ukraine, the consequences of the conflict might lead to the increased number of cases of child exploitation, including sexual exploitation. Risks of being trafficked increased highly. The most vulnerable groups are women and children,

families whose family members died or were injured in the tragic events, in particular, widowed women who now became the only providers for the family, families of military personnel and residents of Eastern Ukraine, who became internal migrants. They are unemployed, and thus have problems with job, and means, and livings, which push them to illegal activity, increase the risk of committing the offence and becoming victims of the crime. It concerns children most of all. We receive information and complaints from Donetsk and Luhansk oblasts controlled by terrorists about cases of trafficking and sexual exploitation, which might also mean crimes against children. Nowadays, it is impossible to verify or respond the reports. There are also cases of the involvement of children in military assistance to the terrorists.

In general, today the situation is complicated by the crisis, military conflict and confrontations, the ending time and way of which is difficult to predict. This increases anxiety, fears, causes social tensions, increased number of offences and crimes. Law enforcement agencies are unable to adequately respond to these crimes, as the significant proportion of the staff is involved in the ensuring public order or participates in anti-terrorist operation.

Identified current challenges, caused by the military conflict, require adequate respond from the state and society, including civil society organizations in developing new relevant action plans.

CHAPTER 2

SEXUAL EXPLOITATION OF CHILDREN IN UKRAINE

Commercial sexual exploitation of children (CSEC) is sexual abuse of a child by the adult for remuneration in cash or kind to the child or the third persons. The child is treated as a sexual and commercial object. International documents, documents of ECPAT International in particular, describe 5 main forms of commercial sexual exploitation of children: prostitution of children, child pornography, sexual exploitation of children in travel and tourism, trafficking of children for sexual purposes, and early marriages.

Stockholm Declaration and Agenda for Action declared at 1st World Congress against Commercial Sexual Exploitation of Children (27-31 August, 1996) first defines commercial sexual exploitation of children as a fundamental violation of children's rights. It comprises sexual exploitation of a child by the adult and remuneration in cash or kind to the child or third persons while the child is treated as a commercial object. Remuneration in cash or kind (e.g. food, toys, clothes, entertainment) distinguishes commercial sexual exploitation of children from sexual exploitation.

Art. 34 of UN Convention on the Rights of the Child, ratified by Ukraine on 27/2/1991,³ abolishes all forms of sexual exploitation and sexual abuse, particularly, inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of children in prostitution or other unlawful sexual practices; the exploitative use of children in pornographic performances and materials.

Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (Optional Protocol) supports provisions of the UN Convention on the Rights of the Child. It was ratified by Ukraine on 3/4/2003⁴ and signed by 120 countries as a sign of recognition of the importance to protect children from sexual exploitation and abuse.

Art. 3 of the Optional Protocol defines actions related to the sale of children, child prostitution and child pornography, which for the purpose of effective protection of children are the subject to criminalization in national laws.

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour N 182, ratified by Ukraine on 5/10/2000,⁵ classifies all forms of slavery or practices similar to slavery, such as the sale and trafficking of children; use, procuring or offering the child for prostitution, for the production of pornography or pornographic performances as the worst forms of child labour.

Art. 18 of the *Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse*, ratified by Ukraine on 20/6/2012,⁶ defines sexual abuse of children as engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities; same actions where use is made of coercion, force or threats, or a recognized position of trust, authority or influence over the child, including within the family; or a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

Sexual exploitation and sexual abuse of children according to the Convention comprises:

- Sexual abuse (Art.18, 22)
- Offences concerning child prostitution (Art.19)
- Offences concerning child pornography (Art. 20)
- Offences concerning the participation of a child in pornographic performances (Art. 21)
- Solicitation of children for sexual purposes (Art. 23)

3. See <http://zakon3.rada.gov.ua/laws/show/995_021>

4. See <http://zakon4.rada.gov.ua/laws/show/995_b09>

5. See <http://zakon4.rada.gov.ua/laws/show/993_166>

6. See <http://zakon2.rada.gov.ua/laws/show/994_927>

Art. 22 of the Convention criminalizes the intentional causing, for sexual purposes, of a child who has not reached the age set in application of Article 18, paragraph 2, to witness sexual abuse or sexual activities, even without having to participate.

Art. 52 of *the Constitution of Ukraine* declares that children have equal rights irrespective to whether they are born in marriage or not. Any kind of abuse or exploitation of a child is illegal.

Art. 10 of *the Law of Ukraine On Protection of Childhood*, adopted on 26/4/2001,⁷ decrees that the state protects a child from all forms of physical and psychological violence, offence, neglect or abuse of a child, exploitation, including sexual abuse, use of a child in production and dissemination of pornographic materials, forcing into prostitution. Art. 21 abolishes engaging children to the worst forms of child labour, particularly, use, procuring or offering the child for prostitution, for the production of pornography or pornographic performances.

In order to protect moral and physical life of children the *Law of Ukraine on Protection of Public Morality*, adopted on 20/9/2003,⁸ among other things abolishes dissemination of sexual and erotic pornographic materials, providing services or conducting public events of sexual or erotic nature among children; using child images in any kind of sexual or erotic materials or public events of sexual or erotic nature.

According to the Art. 156 of the *Criminal Code of Ukraine* (CC), Ukrainian legislation defines corruption of children as indecent activities against a person under sixteen. *Plenum Resolution of the Supreme Court of Ukraine on Court Practice in Cases of Crimes against Sexual Autonomy and Sexual Integrity of a Person* # 5 dated from 30/5/2008 clarifies that indecent activities which are criminalized by the Art.156 of the CC should be of sexual nature and could have physical or mental form of corruption. These actions might aim at gratification of sexual desire of the offender or at sexual stimulation of a minor.

Physical indecent activities comprise exposure of genitals of the offender or the victim, inappropriate

touching of genitals causing sexual arousal, teaching sexual deviations, imitation of sexual act, engaging or coercion of the victims to sexual acts between them, performing sexual act or masturbation in the presence of the victim etc. Mental indecent activities comprise introducing the victim with the pornographic images, films, cynical discussions with a victim on the topics of sex etc.

Minimum age of consent needs special attention.

§ 2, Art. 18 of the Council of Europe Convention # 201 mentioned above, demands national legislations to ensure the age of consent until which engaging children into sexual activities is prohibited. Ukrainian legislation however has not yet determined the minimum age of a child for engaging in sexual activity. Instead it has notion of sexual maturity. Sexual maturity is examined according to the "Regulations on forensic medical examinations regarding sexual state in bureau of forensic medical examination" adopted by the Ministry of Health of Ukraine (order #6 dated from 17/1/1995, registered in the Ministry of Justice on July 26 1995 (#253/789). Both female and male individuals under 14 are considered as those who did not reach sexual maturity. Sexual maturity of individuals of 14 till 18 years old should be estimated. Sexual maturity is estimated based on the results of forensic medical examination. Practical experience knows mistakes of forensic medical examinations and cases of biased conclusions. The UN Committee on the Rights of the Child on its 56th session recommended Ukraine to determine the minimum age of consent to engage in sexual activities as one of the international obligations of Ukraine in the area of protecting children from sexual abuse.

Sexual abuse of a child for remuneration or commercial sexual exploitation of a child has such forms as exploitation in prostitution, pornography, tourism, trafficking of children and early marriages.

Facts and numbers. Numerous media reports, like "Donetsk police distracted 13 years old prostitute from

7. See <<http://zakon1.rada.gov.ua/laws/show/2402-14> >

8. See <<http://zakon4.rada.gov.ua/laws/show/1296-15> >

her work”⁹, “I’m 12, and I sell my body. What damage does it make?”¹⁰ “Underage prostitute was arrested in Rivne”¹¹ etc., statistical data of law enforcement, reports of non-governmental organizations allow to recognize the problem of sexual exploitation in Ukraine exists and needs solution.¹² In 2009-2011 the Ministry of Interior of Ukraine registered 43 crimes of engaging children into prostitution. For the same period, law enforcement identified 479 individuals at the age of 16-18 working in prostitution.¹³ In 2012 this number equaled 61, for 9 months of 2013 it reached 30. Since 2014 Prosecutor General Office of Ukraine does not collect these data.

Though, due to the latent nature of the problem this statistics does not reflect the real situation. Sociologists of Ukrainian Institute of Sociological Research after Oleksandr Yaremenko¹⁴ estimate that every 6-7th prostitute in Ukraine is a minor.

The estimated number of women/girls providing commercial sexual services in Ukraine is 70.000 individuals, 15.000 of them are at the age of 14-19.¹⁵ These numbers only cover women/girls who are permanent workers of commercial sex. Number of girls who have casual sexual contacts with foreigners for remuneration has never been estimated in Ukraine.

Offer always depends on demand on the market of sex services, which means there is a demand for sex with Ukrainian girls. Results of polling women who work in commercial sex conducted in 2011 shown that for the last 12 months 48.2% of women polled provided sex services to foreigners, 15.4% had regular foreign clients, and 28.8% had casual sexual relations with foreigners, but did not receive any remuneration.

Specific focus is required to the attitude of children and youth to the problem and their participation in

fighting sexual exploitation and abuse. According to the Art.12 of the UN Convention of the Rights of the Child, participation is a mental and legal right of every child, it should be practiced voluntary and ensured by the state.

Unfortunately, Ukrainian public and state agencies lack understanding of the phenomenon, importance and need for child participation in social life. Children are not engaged in the process of decision and policy making, first of all concerning their own status.

According to the national polling of children at the age of 10-17 conducted within the project “Child Rights in Ukraine: reality and challenges of 20 years of independence” by the Ukrainian Institute of Sociological Research after O. Yaremenko on the request of Ombudsman for Children under the President of Ukraine,¹⁶ 48% of polled children believe that the right of a child to freely express its opinion is violated; every 3rd child said this right is violated by the parents; every 4th - by a teacher.

Child participation in social life is often limited to student governance; no attention is paid to child and youth NGOs. Though, student governments and child organizations are not the same. Moreover, Ukraine has a number of active child NGOs, both local and national, which advocate for child rights, use peer-to-peer education, lobby social policy etc. Among them, Zhytomyr city child non-governmental organization “We do it all by ourselves”¹⁷ - member of All-Ukrainian network against commercial sexual exploitation of children which celebrated its 10th anniversary in 2013.

Hence sexual exploitation of children remains urgent for Ukraine; it needs appropriate measures from the state and society in general.

9. Donetsk police distracted 13 years old prostitute from her work. Magnolia-TV, 12 Apr. 2013 <<http://magnolia-tv.com/text-news/2013-04-12/23282-na-donechchin-m-l-ts-ya-v-dvol-kla-v-d-roboti-13-r-chnu-prostitutku>>
10. I'm 12, and I sell my body. What damage does it make? Komsomolska Pravda in Ukraine, 7 Dec. 2011 <<http://kp.ua/daily/071211/314508/>>
11. Underage prostitute was arrested in Rivne. Rivne 1-TV, <<http://rivne1.tv/Info/?id=17965>>
12. Draft law on some amendments to Ukrainian legislation to protect children from sexual abuse and sexual exploitation <http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=51366>
13. Yevsyukova, M., Levchenko, K., Mudrik, V., Shwed, O. *Дитяча проституція – це комерційна сексуальна експлуатація дитини. Про що варто знати* [Child prostitution is the commercial sexual exploitation of children. What do we need to know], Kyiv: La Strada-Ukraine, UNICEF Ukraine, 2012. Print.
14. UNIAN media agency <<http://www.unian.ua/news/497616-v-ukrajini-kojna-shosta-poviya-nepovnolitnya.html>>
15. Bandurka, I. Bochkor, N., Yevsyukova, M. and others; Bandurka, O. & Levchenko, K., eds.. *Дитячий сексуальний туризм в Україні: спроба ситуаційного аналізу* [Child sex-tourism to Ukraine: attempt of situational analyses], Kyiv, 2012. Print.
16. Child Rights Ombudsman at the President Administration of Ukraine. *Analytical overview of polling children at age of 10-17 within the project “Child rights in Ukraine: reality and challenges of 20 years of independence”*, 2011
17. See <<http://vserobsam.at.ua>>

CHAPTER 3

SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM

Sexual exploitation of children in travel and tourism, or SECTT, is one of the fundamental violations of children's rights, and a form of commercial sexual exploitation of children.

Sexual exploitation of children in tourism is the commercial sexual exploitation of children by people who travel from one location to another and there engage in sexual acts with minors. Often, they travel from a richer country to one that is less developed, but child sex travelers may also be travelers within their own countries or region.¹⁸

Art. 2 of *the Optional Protocol on the sale of children, child prostitution and child pornography* (Optional Protocol) defines three main forms of commercial sexual exploitation – trafficking of children, child prostitution and child pornography, which are closely related to sexual exploitation of children in travel and tourism. It is important that the Optional Protocol obliges the State Parties to make punishable not only offering and delivering children for sexual exploitation, but also accepting sexual services from them. It means criminalization of the clients, among whom child sex tourists happen very often.

Ukrainian legislation has no such term as “sexual exploitation of children in travel and tourism”. Punishment for sexual abuse of children and exploitation is foreseen in the corresponding articles of the Criminal Code of Ukraine, which has punishment for crimes against sexual autonomy and integrity of individual, and crimes against public order and morality. The most severe punishment for sexual abuse of children is foreseen in articles 152, 153 of the Criminal Code of Ukraine (CC).

Efforts to counteract sexual exploitation of children in tourism are being taken within the last 20 years, since ECPAT and other non-governmental organizations started campaigning and increased awareness of

sexual exploitation of children in travel and tourism. Different areas were covered with activities involving actors from different areas of social life, including development and setting international standards and national mechanisms for protecting children from this offence.

Since the sexual exploitation of children in travel and tourism is a transnational problem, it is extremely important that the international community has set general standards of counteracting this fundamental violation of children's rights. It should create the grounds for the development and/or improvement of the effective national legislation in the countries of origin of sex tourists and the countries of destination.

Latent nature of the problem causes lack of understanding the urgency of sexual exploitation of children in travel and tourism in Ukraine. First of all, the term “sexual exploitation of children in travel and tourism” is often misinterpreted as a sexual exploitation of children at the age of 5-10, while in practice the most often victims of sexual exploitation are children at the age of 15-17, when it is difficult to understand their age as they look older. Legally, they are children; engaging in sexual industry affects their mental health; but the society sees them as adults and rarely relates such cases to child abuse. Secondly, cases of sexual services provided by children at the age of 5-10 are rarely exposed to the public due to low identification of these crimes, corruption and for the purpose to protect interests of the victim.

Hence, the problem is only obvious to the specialists, and others take such facts as an entertainment for tourists. While no direct proofs for sexual exploitation of children in travel and tourism in Ukraine exist, content-analyses of forums and web-sites shows available interest to the sex with Ukrainian minors. Virtual discussions have diverse purpose: ask or advise, discuss prices, girls and agencies.

18. ECPAT International. Questions and answers about the commercial sexual exploitation of children. 4th ed. Thailand: Saladaeng Printing Co.Ltd, 2008 <http://ecpat.net/sites/default/files/faq_rus_2008.pdf>

Overview of Ukrainian legislation

Art. 152 of the CC foresees criminal liability for rape. Raping a child is an aggravating circumstance of this crime. Violent unnatural gratification of sexual desire combined with physical violence, or threats of violence, or committed by taking advantage of the victim's helpless condition, committed in regard of a minor shall be punished by imprisonment for a term of three to seven years, in regard to a young child – ten to fifteen years. Any of these provisions do not foresee special criminal offender, therefore any sane person who reached the age of 14 shall be criminally liable.

However, the practice shows that sex tourists rarely use force and violence to gratify their sexual desire with a child. It is more often that they motivate a child by offering remuneration.

Art. 155 of the CC foresees liability for consented sexual contact with a sexually immature person. The victim could be both, male and female. Consented sexual contact is a crime if the alleged person knew or suspected that the victim is sexually immature, and also if this could be expected. Such evaluation of the sex status of the victim shall ground on objective circumstances, as: appearance, knowledge of the age, medical indications etc. If the victim due to its development or age did not understand the nature or consequences of actions against it, the crime should be qualified as the rape committed by taking advantage of the victim's helpless condition according to § 3, art. 152 of the CC. Conclusion on such a state shall ground on the results of forensic medical examination.

Art. 156 of the Criminal Code of Ukraine (CC) defines corruption of minors as indecent activities against a person under sixteen. While protecting the person under 16 from indecent sexual activities, physical and mental corruption, the law at the same time does not protect such a child from sexual intercourse against it. Thereby, children at the age of 14 have not its sexual integrity fully protected against actions committed by adults. Children at the age of 16-18 are not protected by these legal provisions at all.

Indecent activities against a person who has not reached sixteen could be committed both with a consent of the child or with the use of force. Prior

behavior of the victim (in particular, its sexual experience) does not influence qualification of the crime by alleged person according to the art. 156 of the CC.

Indecent activities against a person who has not reached sixteen committed prior to the rape, violent unnatural gratification of sexual desire or in attempt to these crimes is fully criminalized in the articles 152, 153 of the CC, as in these cases corruption of minors considering the intent of the convicted is viewed as a stage of the other sexual crimes.

The Law of Ukraine about Prevention of the Family Violence dated from 15/10/2001 defines sexual abuse in the family as illegal act against sexual integrity of one family member by the other family member, and sexual activities against the underage family member.

Abstract from Bandurka, I. Bochkor, N., Yevsyukova, M. and others; Bandurka, O. & Levchenko, K., eds. Дитячий сексуальний-туризм в Україні: спроба ситуаційного аналізу [Child sex-tourism to Ukraine: attempt of situational analyses], Kyiv, 2012. Print.

Root causes of sex tourism

As any other social phenomenon, sexual exploitation of children in travel and tourism has factors which combined provide grounds for the development of the phenomenon and create the background for attracting sex tourists to Ukraine, making it the country of origin for child sex services. Low living standards, neglected children, corruption, consumerism, these all contribute to the development of the market of child sex services. Moreover, reputation of the country of beautiful and “easy-to-get” women; big economical gap between the home countries of the sex tourists and Ukraine, which influences prices; no visa regime; location on the European continent with white-skinned children; low prices for alcohol; reputation of a corrupted country; and confidence of escaping punishment contribute to sexual exploitation of children in travel and tourism in Ukraine. Despite the efforts to differentiate factors which influence the offer for sex services, it is hardly manageable. Lack of money pushes people to provide sex services, as 26% of families with one child, 39% with two children in Ukraine are living below the poverty line, which makes it 4.4 and 6.6 million families correspondingly.¹⁹

19. According to the State Committee of Statistics 17 050 000 families lived in Ukraine in 2010.

Big income gap between hosting country and home countries of sex tourists, between Ukrainians and foreign guests, allows foreigners to feel comfortable and impress Ukrainian teenagers, who see them as “royal princes” capable of making all their dreams for “fabulous life” (dinner at the restraint, expensive clothes etc.) come true. For some children a dinner paid by an “older guy” might be the only meal for the day. In such case the decision to provide sex services is caused by a will, or sometimes a need to earn money for living.

“We shouldn’t blame the girls who accept support, we should blame the government that doesn’t support women and don’t give them enough chance...” Quote from the Internet forum on sex tourism

In case of the sex tourism inside the country, economical is the main factor: the difference of incomes in different regions of Ukraine. Possibility to satisfy ones sexual desires confidentially is also the factor.

“To switch to Ukraine, one has to see it with one’s own eyes when the chestnut trees are blooming in Kyiv. And women are taking off their clothes in Ukrainian cities. It’s incredible to see this beauty”

Quote from the speech of V. Yanukovych, the former President of Ukraine, in Davos ²⁰

The number of minors providing commercial sex services in Ukraine is estimated to 15.000 individuals. It is probable, that children engaged in commercial sex are often influenced by one or several of the following factors: poor financial situation, neglect and poor moral values, or neglect and poor moral values with a satisfying financial situation. In both cases the situation is influenced by flourishing corruption and strong belief of organizers of child sex services to escape punishment.

Experts believe that one of the main causes of sexual exploitation of children in travel and tourism in Ukraine is corruption and no punishment for offenders. Participants of the sex tourism forums compare legal systems and legislation on commercial sex in different countries. The main cause of the sex tourism as seen by forums participants is escaping criminal responsibility in their home countries.

In practice provisions and norms of legislation in Ukraine often are not applied. Lawlessness and corruption in the country lead to the situation when actors of illegal sex

activities are not afraid of punishment. A foreigner will not break the law in his own country by engaging in illegal activities, but in Ukraine, where, he/she thinks, the law is not working, there is nothing to be afraid of: there is no control over his/her activity and as a result it’s impossible to bring him/her to justice. If a foreigner even caught by law enforcement, there is always a chance to pay off.

“It’s simpler here, if a police noticed something, they ask for big money and you can go on.”

Quote from the interview with the commercial sex worker, Kyiv

Experts also report that law enforcement representatives are often engaged to commercial sex business either being a client or receiving some income.

“The area is considered to be non-applicable to the law. To be easily accessed. To have sex services almost covered and supported by the state. All the police earn money from the business. It seems we have everything organized. Due to the police involvement, it is safe entertainment for the tourist.” Quote from the interview with NGO, Odessa

It is also important to mention that women of commercial sex are not able to exercise their rights. If a client abuses a woman, practices physical, moral, psychological abuse, in most of the cases he/she will not be punished. Naturally, women do not report such cases to the police, because prostitution is an offense in Ukraine. It is even less likely that the child will report the case. In many other countries such activities would be seriously punished.

Forms and types of sex tourism

Experts divide sex tourism into domestic and international. Besides, they define 3 types of sex tourists who exploit children:

- preferential child sex tourists;
- pedophiles;
- situational sex tourists.

Situational sex tourists make the biggest group. These are people who had unplanned sexual contacts with minors due to no knowledge about their age or its illegal nature.

20. See <<http://www.kyivpost.ua/ukraine/news/yanukovich-reklamuvav-ukrayinskihzhinok-v-davosi.html>>

International sex tourism means crossing the borders. Therefore, foreigners coming to Ukraine to buy sex services are international sex tourists. Experts describe two types of tourists: 1) tourists coming on organized tours with a specific target to buy sex services (read on below); and 2) situational sex tourists who come on business or vacation, and decide on buying sex services on the spot – “with no prior plan”, “situational”. Experts believe the majority of sex tourists are of the second type. There are cases when the foreigner comes to Ukraine for a long-term work, finds a “permanent” sex partner.

Sex tourists come from different countries; however, majority of them can be identified as citizens of the developed (“first-world”) countries. Most often they are citizens of the European Union (or E.U. candidate members, e.g., Turkey), U.S., and Canada. Some forum participants are from the Middle East, e.g., Israel, Syria, etc.

Domestic sex tourism means travelling from one region to another to get sex services. Domestic sex travelers just as international ones might be of two types. Among Ukrainians there are also: 1) tourists coming to another locality with the target to buy sex services or entertainment; and 2) situational sex tourists.

Targeted domestic sex tourism manifests in: 1) travel from small towns to big cities, where there are more possibilities for confidentiality and more diversified offer; 2) travel from big cities to rural areas with the more tolerable prices; 3) travel to a specific place to get a specific, often prior ordered service.

Sex tourists, who prefer contacts with young people, often travel to cities with many educational establishments. Such cities also have good entertainment infrastructure. It is also possible to find among students those who are willing or have to earn for living by offering sex services. Poll results of 2011 show that 8.5% of female commercial sex workers are university or high school students.²¹ It is possible to find both, female and male students.

“...among them there are those who earn for education. I know one chick in our Lviv University. She is a 5-year student of law school, but she is a prostitute. You see, she has no one to help her and she has to pay for education.” Quote from the interview with the taxi-driver in Lviv

Experts report that homosexual services are at most demand among targeted domestic sex tourists. They look for such services, make arrangements with a partner in the other city (e.g. via Internet). These relations allow hiding one's sexual needs from possible disapproval of relatives and friends.

Situational domestic sex tourism happens the same way as international: when at place, the tourist decides “to have a good time” with a confidentiality and better prices than at home.

Just as international tourists, Ukrainians prefer such travel on summer. Odessa and Crimea with its resorts are the most popular destinations.

If sex services are the only reason for travel, the tourists choose big cities with a better infrastructure of commercial sex. Experts named Kyiv and Odessa as the most common destinations for sex tourists.

Content-analysis shown, that online communities actively discuss the best time to visit Ukraine. Sex tourism forum participants agree that summer is the best time to visit Ukraine for the purpose of looking at women's bodies. As one forum participant put it ‘I'd like to see their bodies, not just their eyes,’ meaning that in cold seasons women wear layers of clothes. Most of the participants discuss Kyiv as the city of destination, with Odessa being the second most often mentioned city.

If the tourist is a situational customer of sex services, most probably his needs are trivial. These tourists are believed to rarely have the aim to buy sex services from a minor and often do not think they are facing a child if he/she looks like an adult.

If a tourist specifically looks for the sex services, he/she might have certain target. Experts believe some tourists of this type in Ukraine are engaged in pornography production, child pornography in particular.

“Most often they come to film it, everything – sexual intercourse... they come with their own equipment, show photo-books for kids not to be afraid to participate. I know that many like to come, film and take these materials out of the country.” Quote from the interview with a girl working in commercial sex, Kyiv

Some travel agencies consider Crimea to be attractive for foreign tourists because of girls who easily agree to

21. Kyiv International Institute of Sociology. *Monitoring of behavior and HIV incidence among commercial sex workers as an epidemiology control of second generation HIV*, 2011

have sex. During the poll in 2012, a travel agent from Crimea, who preferred to stay anonymous, mentioned that it was not about commercial sex workers, but girls who do not take money for sexual services. It is most common for Southern Crimea, where many rich foreign tourists come. Locals have comparatively low income, which makes local girls craving for the same “fabulous life” that tourists have. Spending the night or a weekend with the foreigner, who often is already aware of the “free bonuses” of Crimean holidays, seems to be the easiest way. As to the situation in Crimea since it was annexed to Russian Federation, the local activists who continue living in Crimea report increased number of erotic and sexualized street advertisements.

Foreigners report that about 95% of young Ukrainian women who do not even work in commercial sex often agree to have sex on a first date after a dinner in a restaurant or night in a dance club.

Experts describe the following algorithm of sex tourism in Ukraine: 50-60 foreigners find each other in some online community, plan and order a sex tour in the agency with the only aim to buy sex services in Ukraine. The group books a charter flight, hotel rooms, transfer from the airport etc. Upon arrival a meeting with the group of girls offering commercial sexual services is organized. One Ukrainian website reports that Ukrainian girls take over 1000 USD per 12 hours of work for a group of sex tourists. Sex services ordered in bulk and for several days could be discounted, when services on weekends often cost more.

Sexual exploitation of children in travel and tourism is more hidden problem. Thus, often only a limited number of people know about the problem:

“It’s a limited number of people who know that it [sexual relations with a minor] is prosecuted in every country. You have to know where and who..., they have their groups, meetings, websites with the limited access..., it is difficult to register there and find the information. They have their logins, passwords, everything is encrypted.” Quote from the interview with the representative of the organized crime investigation unit, Kyiv

Organization of sex tour by the sex tourism agencies.

The following economic practices are common among agencies:

- Packaging (combining “erotic date” with other tourist activities). For example, packages of GiA agency include “2 day tour in cottage,” “Dinner date,” “Visiting opera,” “Sauna date,” “Nightlife.”
- VIP services (defined as corporate events, gift reservations).
- Advance reservations.
- Discounting (requires multiple orders). For instance, in order to get a 5% lifetime discount at GiA, 10 offers are required.
- Economic incentives – wide choice, special offers, fixed price.
- Possibility to cancel an order.
- Confidentiality assurance.
- Legal disclaimers.

Disclaimers protect agencies from prosecution for breaking the law. Since the website is open and accessible for everyone, the agency can take off the responsibility and give it to the client. The disclaimers often specify that the services provided include time and companionship only, and entering the site is only allowed if the visitor is legally entitled to access and as defined by the laws of his/her home country. It is also empathized that anything implied or inferred on the web site is not to be taken as inducement for services other than time and companionship.

“Money exchanged for our legal services is for time and companionship. Anything implied or inferred on this web site is not to be taken as inducement for services other than this.”
Abstract from the disclaimer example

However, the language that the agencies use to describe their services often contradicts the disclaimer’s statement about their alleged non-sexual (“time and companionship” only) services. For example, the “dates” are described as arranged with women “who love sex”, who are “real geishas in bed,” and who are “even bisexual.” The advertisements are often illustrated with pictures of naked women.

Experts reported in their interviews that specialized sex services agencies if engaged in sexual exploitation of children in travel and tourism hide it very thoroughly. All the experts believe that agencies would not benefit from offering sex services from minors as the existing demand for adult sex workers is larger than for children. Anyway, if those services even exist, sex

22. Sex tourism and sex tourists in Ukraine. Forlove.com.ua, 12 Feb. 2009 <http://www.forlove.com.ua/poslednie_novosti_sex_turizma_ukraina_stanovitsya_centrom_sexurisma_dlya_ekonomnyh_inostrannyh_eks_turistov>

tourist agencies often provide a special assurance to the customers that all of the women who provide services are adults.

For example, Kiev Escort Angels website states in its FAQ section:

Q: Is all this legal? Am I breaking the law? A: Yes it is legal, and, no, you're definitely not breaking the law. We are simply representing freelance individuals who take payment in exchange for spending their time with you. Lots of agencies do that, to provide temporary office staff, supply teachers and babysitters. We do it for escorts. What the girls do when they are with you is their business and yours - it's nothing to do with us. As for you, as long as you don't pay anyone under the age of 18 to be an escort for yourself, you're fine. All our escorts are well over age and have provided us with proof of that.

Specialized sex tours, according to the experts, becoming more popular. They are convenient due to the possibility to order the whole package of services, "all inclusive" so to say. The package can include air ticket, hotel room, meetings with girls and/or escort, i.e. one girl for the all period of stay, or parties in the dance clubs where it is possible to look for girls and entertainment on your own. The most organized trips of this type are from Turkey. These are not individual sex travelers; this is organized sex tourism. Yalta and Odessa are the most popular among citizens of Turkey.

Individual sex tours are also popular. In this case the clients can even come without services of an agency. The tourists find women on online dating services; they write to each other and agree on the form of "cooperation". The woman meets a client in the airport, provides a sight-seeing tour, and escorts him everywhere. The services of these women cost more than sex services. Such an individual tour, according to the respondents of the research, is the system which is used by night clubs, taxi-services, hotels etc., when the woman gets "pay off" for bringing him to the particular club or using particular taxi.

Marriage tour is another form of sex tourism when the main aim is hidden behind "the noble intentions". This is organized by special so called marriage agencies which advertise their activity via different dating web sites and newspaper ads.

Social and demographic portrait of a child engaged to sexual exploitation of children in travel and tourism.

There are two groups of children engaged to providing sex services for tourists: 1) permanent workers of commercial sex, when the sex services provide the main income; and 2) children who are situational sex workers. The main difference, besides social and demographic characteristics of children, is factor which motivates children to provide sex services and which creates possibilities for this.

According to the experts, the street remains the most popular place to find child sex services. Research conducted among clients of commercial sex workers in 2009 shows that 53% of polled individuals looked for sex service providers on the street.²³ Though, results of polling women working in commercial sex mentioned above show that the proportion of minors among commercial sex workers is 3% only, the client always has a chance to find a minor sex worker through experienced sex workers.

However, according to the reports of the respondents of the research mentioned above, foreigners, especially those looking for child services, are rarely interested in professionals. Therefore, search for "young body" is often done in the street. It is a proper place to get in contact with the most-at-risk children, e.g. street and neglected children.

Hence, the providers of child sex services could be among those who have access to socially vulnerable group of children.

The research conducted by La Strada-Ukraine in 2012²⁴ has shown that social services are failing to protect these children from abuse even if they were adopted by Ukrainian citizens.

The key role in child sex services according to the experts is played by pimps. Tourists coming for such services would need mediators to ensure everything goes well. The role of intermediaries can be performed by those who are strangers to children, and even parents or relatives of children. Respondents reported cases of sexual exploitation of children by their parents. Children in this case provide services in their hometown. When the parents play the role of the pimp, children often have to work for a bottle of alcohol. A child makes no use of providing such services and therefore leaves

23. Bandurka, I. Bochkor, N., Yevsyukova, M. and others; Bandurka, O. & Levchenko, K., eds.. *Дитячий сексуальний-туризм в Україні: спроба ситуаційного аналізу* [Child sex-tourism to Ukraine: attempt of situational analyses], Kyiv, 2012. Print.

24. Ibid.

the family and goes to the street, where sex services are provided for remuneration, often food only. The youngest child sexually exploited by the parents known to the experts was 5 years old.

If a child is engaged to the sex services by a person who is not related to a child, the transfer of a child both within the country and abroad is possible. Below is the quote from the interview with the law enforcement officer about the algorithm of engaging child to sex services.

"There are mediators in Ukraine: men and women who look for children. The main demand is for minors. It's easier with minors; they don't understand the damage and the consequences. These are minors from socially unprotected families and families with many children. A foreigner, for example, says he needs two 14-15 years old girls and two 15-16 years old boys. They look for the match near stores where children beg for money." Quote from the interview with the law enforcement, Kyiv

"On August 27, Crimean law enforcement arrested German citizen alleged in corruption

of minor boys in Stcholkino (Crimea). Law enforcement received a report about a suspicious man who has been living in the village for 4 months and was seen to engage boys to sexual activities with him which he filmed. The man appeared to be a German citizen who travelled to Crime for several times. According to police, local boy molested by the man earlier was helping him to find sexual partners. Each time the man paid boys 200 UAH. Law enforcement found camera and CDs with the pornographic materials filmed among the personal belongings of the man. 5 of 10 abused by the man children are official victims of the crime, as parents of other boys don't want their children to appear in the case. The criminal case according to the art. 301 of the Criminal Code (corruption of minors) has been filed. Besides, there might be filed another criminal case according to the art. 301 of the Criminal Code (import, production, sale and dissemination of pornographic materials)".²⁵

Example mentioned above illustrates typical situation of sex tourism in Ukraine involving mediators, and demonstrates a link between sexual exploitation of children in tourism and in pornography, which is described in the next chapter.

CHAPTER 4

CHILD PORNOGRAPHY

Exploitation of a child in pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes (see art. 2 of the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography – Optional Protocol*).

Art. 1 of the Law of Ukraine on Protection of Public Morality dated from 20/10/2003²⁶ defines child pornography in correspondence with the provisions of the Optional Protocol as *"any representation, by whatever means, of a child or a person appearing to be a child engaged in real or simulated explicit sexual*

activities or any representation of the sexual parts of a child for sexual purposes." It means pornography might exploit both – a real child, or an image of a child.

Art. 3 of the *Optional Protocol* criminalizes producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography. Similar provisions shall apply to the attempts to these activities, and to the aiding and abetting in these offences.

§2 of art. 9 of the *Convention on Cybercrimes* which came into force in Ukraine on 1/07/2006²⁷ defines child pornography as pornographic material that visually

25. German perv arrested in Crimea. *Segodnya.ua*, 1Sept. 2009 <<http://www.segodnya.ua/news/14075240.html>>

26. See <<http://zakon2.rada.gov.ua/laws/show/1296-15>>

depicts a minor engaged in sexually explicit conduct; or a person appearing to be a minor engaged in sexually explicit conduct; realistic images representing minor engaged in sexually explicit conduct.

§1 of art. 9 of this Convention attribute the following conduct to the offences related to child pornography:

- Producing child pornography for the purpose of its distribution through a computer system
- Offering or making available child pornography through a computer system
- Distributing or transmitting child pornography through a computer system
- Procuring child pornography through a computer system for oneself or for another person
- Possessing child pornography in a computer system or on a computer-data storage medium

§2 of art. 20 of the *Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse*,²⁷ ratified by Ukraine on 20/6/2012,²⁸ defines child pornography as any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child's sexual organs for primarily sexual purposes. §2 of art. 20 of the Convention criminalizes the same offences as §1 of art. 9 of the Convention on Cybercrimes, however adds criminalization of knowingly obtaining access, through information and communication technologies, to child pornography.

Art. 21 of the Convention criminalizes the following conducts concerning participation of the child in pornographic performances as “recruiting a child into participating in pornographic performances or causing a child to participate in such performances; coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes; knowingly attending pornographic performances involving the participation of children.”

Child pornography in Ukraine is illegal. Art. 301 of the Criminal Code of Ukraine (CC) criminalizes import to Ukraine for sale or distribution purposes, or making, transportation or other movement for the same purposes, or sale or distribution of child pornography materials or other items, and also compelling children to participate in their making. Person over 16 is criminally liable to these activities.

Use and production of child pornography for one's own purposes and storage of it, as well as engaging children to production of pornographic materials with their consent remains not criminalized. In this regard Ukrainian legislation does not correspond to international standards. However, national legislation is developing: new legislations adopted, new international treaties signed. Therefore, it is important to follow the changes and use documents from official sources, e.g. web site of Verkhovna Rada of Ukraine. (See Appendix 1. Useful links # 3).

The Law of Ukraine on Protection of Public Morality abolishes dissemination of sexual and erotic pornographic materials, providing services or conducting public events of sexual or erotic nature among children; using child images in any kind of sexual or erotic materials or public events of sexual or erotic nature.

Exploitation of a child in pornography is closely related to the modern information technologies. Internet is used by many criminals to disseminate pornography. Child pornography in the Internet is a big problem since it is easier, less expensive and more quickly to distribute it via Internet than via traditional channels (video and printed materials). Unofficial data suggest that proportion of child pornography from Russia, Belarus and Ukraine on paid web sites of world Internet today is 1/3 of the total world content of the kind. Income from such business makes 10s and 100s thousands of dollars a month.

Information and communication technologies can be also used for making contact with children for further sexual exploitation. Art. 23 of *the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse* defines grooming, or solicitation of children for sexual purposes means the intentional proposal, through information and communication technologies, of an adult to meet a child for the purpose of committing sexual abuse or sexual exploitation, particularly child pornography, where this proposal has been followed by material acts leading to such a meeting. Usually, such proposals are made at social networking sites, chat-rooms and forums. While communicating an offender may introduce himself as a peer to earn trust. When a child trusts him, he can find out personal information about a child, e.g. address, phone number, and ask for a photo or web-talk provoking for indecent activities.

27. See <http://zakon4.rada.gov.ua/laws/show/994_575>

28. See <http://zakon1.rada.gov.ua/laws/show/994_927>

Results of the poll in Thailand have shown that 92% of children who communicated via chat-rooms received an invitation to talk about sex. 20% of 7-11 years old children with experience of chat communication reported traumatic experience of facing rough language (34%) and request to be sent materials about abuse or sex (66%). 58% of meetings with a “friend” were bad surprises when a child understood that the online friend lied about himself.

Television and Internet with its propaganda for easy sexual relations and sexualized behavior have big influence over children and youth. Lacking understanding the reasons of such behavior, children and young people become more vulnerable for soliciting them to sexual activity.

For instance, mass media reported Ukrainian citizen being arrested for photographing 10-15 years old boys for several years. Photos were hosted at Canadian server and not accessible from Ukraine and Russia. Using contacts on the web site,

foreigners could order photo shoot or meeting with Ukrainian children for sexual purposes (in Crimea). Victims confessed they were filmed naked in exchange for toys, ice cream and entertainment. Elder boys, who realized the man makes earning of this, were paid 500-700 USD for a photo shoot.

Media also reported cases of people having access to children, like school and pre-school teachers, engaged children into pornography.

Analysis of this information confirms that law enforcement and courts mistakenly qualify crimes against children. For example, judges apply art. 156 of the Criminal Code of Ukraine “Corruption of minors” to crimes of exploitation of children for child pornography.

Countering child pornography needs consolidated actions of state actors, non-governmental organizations, and business. Ministry of Interior of Ukraine is responsible for countering child pornography. Civic society organizations play important role in prevention of this phenomenon.

CHAPTER 5

CHILD PROSTITUTION

Child prostitution (exploitation of children in prostitution) is a form of commercial sexual exploitation of children which violates their fundamental rights for life, freedom, sexual integrity etc.

Art. 2 of *the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* defines child prostitution as “the use of a child in sexual activities for remuneration or any other form of consideration”. Art. 3 of the Optional Protocol criminalizes offering, obtaining, procuring or providing a child for child prostitution. Similar provisions shall apply to the attempts to these activities, and to the aiding and abetting in these offences.

§2 of the Art. 19 of the *Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse* defines child prostitution as “the fact

of using a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment, regardless if this payment, promise or consideration is made to the child or to a third person”. The Convention criminalizes recruiting a child into prostitution or causing a child to participate in prostitution; coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes; having recourse to child prostitution.

Ukrainian legislation does not define “prostitution” and “child prostitution”. Though, these terms are defined by international documents ratified by Ukraine (Optional Protocol in particular), therefore it is reasonable to define the term in the Law of Ukraine on Protection of Childhood.

Art. 303 of *the Criminal Code of Ukraine* abolishes prostitution and forcing into prostitution using deceit,

blackmailing or using vulnerable situation of the person, or by coercion or violent actions.

Criminal Case Court Chamber of the Supreme Court of Ukraine provides clarifications on court practice in cases of crimes by minors and engaging them into criminal activities: engaging a minor into criminal activity by adult means psychological and physical impact at minor related to direct psychological or physical influence over minor; and active behavior related to impacting a minor with the aim to engage him/her into the crime, using persuasion, threat, bribery, deceit, inciting revenge, jealousy etc., proposal to commit a crime, promise to buy or sell the stolen property, advice on place and methods of committing a crime, or hiding it, using alcohol with a minor aiming at engaging him/her to committing a crime etc.

Prostitution is an administrative offence which implies children over 16 are liable to administrative punishment according to the art. 181-1 of *the Code of Ukraine on Administrative Offences*. It contradicts international standards which emphasize that children exploited in prostitution shall be provided a corresponding assistance, and not prosecuted as offenders.

*Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) ratified by Ukraine on 4/02/2004,*²⁹ acknowledges that the consent of a child-victims of trafficking to the intended exploitation shall be irrelevant and the child shall not bear the burden of proof. Palermo protocol calls states to take all measures to diminish demand for child prostitution.

Ukrainian legislation requires improvements on responsibility of adult clients who buy child sex services. Partially, such offences are criminalized by Art. 156 of the CC of Ukraine, which foresees liability for corruption of a person under sixteen, and Art. 155, which foresees liability for sexual activities with a person who has not reached sexual maturity. At the same time, buying sex services from a child over sixteen or a child who has reached sexual maturity is not a crime.

In order to improve Ukrainian legislation to protect children from sexual exploitation and abuse La Strada-Ukraine with financial support of UNICEF Ukraine and in cooperation with corresponding non-governmental organizations, state institutions

and independent experts in 2009-2014 organized the working group on amendments to legislation. As a result of this work the corresponding draft law was registered in Verhovna Rada of Ukraine.³⁰ The draft law proposes comprehensive approach to improvements to legislation in the area of protecting children from sexual exploitation and abuse. It proposes to strengthen responsibility for crimes against honor and dignity of children engaged to prostitution, receiving sex services from children engaged to prostitution; implement mandatory social rehabilitation of children engaged to prostitution.

Children are engaged to prostitution not only by offering shelter, food or clothes, but also pocket money and goods which are not available for them.

Such wording as “child prostitute” or “child-worker of commercial sex” often misperceived as consented choice of a child to prostitute her/himself. The term “*sexual exploitation of a child in prostitution*” more clear reflects that a child is an object, not a subject of prostitution. A child in situation of sexual exploitation does not make a choice, rather acts according to the circumstances which push him/her to this, and obeys the will of an adult. Child prostitution is an abuse: a child does not have a right for abuse. A child has a right to be protected from abuse.

Children and young people see difference between prostitution of adults and teenagers. Adults more often engage into prostitution due to their financial situation, and they better understand the consequences. Young people believe that prostitution of minors is a result of appearing in difficult situation without their own will.

Young people believe that when teenagers involve in commercial sex, this is first of the responsibility of parents and community, then – teenagers themselves, then – school, teachers, education system and clients/partners.

Children and young people would gladly participate in events against engaging into prostitution, if they would be interesting and simple.

Results of the research project on commercial sexual exploitation of children and youth by the Nobody's Children Foundation. Research was conducted among children and youth in Poland and Ukraine in May-August 2011

29. See <http://zakon3.rada.gov.ua/laws/show/995_791>

30. See <http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=51366>

Two thirds of girls engaged to commercial sex had more than 5 commercial partners, half of them – more than 10 commercial partners for the last week.

According to the research of UNICEF on “Prevention of HIV infection among most-at-risk youth in Ukraine and South-East Europe”

Analysis of media reports has shown that parents rarely ask children about new money or things they get, which means the necessity to work with parents and inform them about sexual exploitation of children.

“The suspect saw the 16 years old girl from a low income family. The offender worked in taxi-service and once offered a girl a ride home. A bit later he proposed a girl to engage in prostitution, she refused. He then threatened her by imprisonment for a fabricated crime and thus forced her into prostitution.” Media reports

Unfortunately, when a child is seen as a good on a market of sex services, it is common to talk about laws of offer and demand. The difference from relations on the market is that a child does not offer any services, when the client uses it for his/her own purposes and the remuneration is irrelevant. Receiving sex services from a child over 16 or a child who has reached sexual maturity is not a crime in Ukraine. International standards prove that criminalization of buying sex services from a child can decrease demand for child prostitution, and correspondingly can decrease offer in the area, and the number of children-victims of sexual exploitation.

Despite international standards which criminalize clients of child sex services, national legislation sees a child prostitute over 16 as an administrative offender. It supports the negative approach to children engaged into prostitution from law enforcement and society in general.

CHAPTER 6

CHILD TRAFFICKING FOR SEXUAL PURPOSES

Commercial sexual exploitation of children is closely related to child sex trafficking. Trafficking of children often has a purpose of sexual exploitation, exploitation in prostitution and pornography, labour exploitation. UN Office on Drugs and Crime sees trafficking in persons as the third biggest organized crime after illegal trade of drugs and armor.

The above mentioned Palermo protocol approaches countering trafficking in persons as an organized crime. The Protocol was the first international document to have comprehensive approach to prevention, prosecution of criminals and assistance to victims of trafficking.

“Trafficking in human beings” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Council of Europe Convention on Action against Trafficking in Human Beings³¹

National legislation, Art. 149 of the CC and the Law of Ukraine against Trafficking in Persons dated 9/06/2012³² in particular, corresponds to the provisions of the Convention.

31. See <http://zakon2.rada.gov.ua/laws/show/994_858>

32. See <<http://zakon2.rada.gov.ua/laws/show/3739-17>>

Trafficking of children is the recruitment, transportation, transfer, harboring or receipt of a person under 18 with the purpose of exploitation or profit.³³

Ukraine criminalizes trafficking in persons and has criminal liability for the crime. Art. 149 of the Criminal Code of Ukraine defines trafficking in persons or other illegal agreement against a person as the recruitment, transportation, harboring, transfer or receipt of persons, by means of the deception, blackmailing or abuse of position of vulnerability of a person, an adult or a minor, for the purpose of exploitation.

The Law of Ukraine against Trafficking in Persons considers trafficking of children as a component of trafficking in persons problem or of a system of countering child abuse. Children make a specific category of victims of trafficking or other illegal agreement against a person and the least protected and most vulnerable part of the society.

Large proportion of cases of trafficking of children is not registered by law enforcement. The latent nature of these crimes has several factors. First of all, children often quickly adapt to the circumstances of exploitation, see them as natural, rarely resist the criminals and do not come for help to law enforcement or community. Secondly, victims often are not able to provide full and objective data evidence of the crimes due to their development (pre-school children, infants). Thirdly, transfer of a child for exploitation often looks legally from the side.³⁴

In 2012-2013 9 children in Ukraine received status of a trafficked person. At the same time in 2012 IOM Office in Ukraine and network of anti-trafficking NGOs identified 63 children-victims of trafficking, in 2013 – 23 children-victims of this crime.

International Organization for Migration in 2000-2012 assisted 604 children-victims of trafficking, 574 of them – citizens of Ukraine, and 30 – citizens of Moldova, Russia, Kyrgyzstan, Nigeria, and Afghanistan.

Changes in national legislation, which only allow transfer a child abroad with a permission of both parents or care givers, contributed to the decreased cases of trafficking of children. At the same time, a tendency of exploitation of a child by parents is still common.

“Mother of five children in Donetsk oblast sold her two daughters into sex slavery. Afterwards, she recruited for trafficking over 10 more girls over 13.” Media reports

“18 years old girl in Crimea sold her 13 years old sister to sex services for 100 UAH” Media reports

The Law of Ukraine against Trafficking in Persons (Art. 14) says “the person who considers oneself as a victim of trafficking has a right to apply for status of the victim of trafficking at local state administration”. Children-victims of trafficking can be placed in centers for social and psychological rehabilitation for children or shelters for children for receiving adequate psychological assistance and rehabilitation according to the law.³⁵ It means there are no specific rehabilitation programmes or specific institutions for assisting these children.

Today, there is one center in Ukraine for social and psychological rehabilitation of sexually abused girls and girls exploited in prostitution. It operates in Odessa. Though, it is funded by non-governmental organization and donors, and not from the state or local budget. Ukraine not only lacks center, but also specialists qualified to assist these children.³⁶

No skills of identification, work with children-victims of sexual exploitation and abuse, investigate cases and interview children-victims, no child-friendly interview rooms and specialization of investigators and judges – these and other problems remain outside of the attention of the state.

33. Kuts, V., Orlean, A. *Прокурорські засоби протидії торгівлі людьми* [Prosecution of trafficking in persons], Kyiv, 2007. Print.

34. Bezpalova, O., Bochkor, N., Buhaychuk, K. etc; Bandurka, O., Levchenko, K. & Lytyynov, O., eds. *Scientific and practical comment to the Law of Ukraine on Combating Trafficking in Human Beings*, Kyiv, 2013. Print.

35. See <<http://zakon4.rada.gov.ua/laws/show/3739-17>>

36. See <http://www.la-strada.org.ua/ucp_mod_library_showcategory_34.html>

CHAPTER 7

CHILD MARRIAGE

Child marriage, or early marriage, involves the marriage of children or adolescents below the age of 18. It can be considered as a form of commercial sexual exploitation if a child is used for sexual purposes in exchange for goods or payment in cash or kind. Typically in such cases, parents or a family marry off a child in order to gain benefit or to support a family.

Early marriage is not defined in Ukrainian legislation. Art. 22 of *the Family Code of Ukraine* fixes the legal age of marriage at 18, both for women and men.³⁷ At the same time a person who reached 16 can claim the marriage permit to the court, and it might be satisfied if the court finds it to the best interest of the applicant. The court investigates the circumstances of the case, such as age of both partners, possible pregnancy etc. Considering low number of early marriages in Ukraine, it is difficult to analyze court practice.

Early marriages threaten a child's human rights, including the right to education, good health and freedom of expression. In many cases, once married, an underage person can lose their status as a 'child' and whatever protection that affords nationally. Early marriage is often caused by early pregnancy which is a threat to child health. Besides, a child forced to marriage by relatives often suffers domestic abuse from a spouse. Both girls and boys could be forced to marriage, but girls are most commonly victims here. In some cases a woman forced to marry who suffered domestic violence from her husband, leaves the family. With no education or job, such women are vulnerable of being engaged to commercial sexual exploitation.³⁸

According to research of UNICEF Ukraine and State Committee of Statistics in 2012, the proportion of women at the age 20-49 who first got married before 18 was 11%. In urban areas this indicator was 10%,

in rural – 14.5%. The indicator also differ depending on the level of education of women: the proportion of women with medium education who married before 18 is 16.6%, women with higher education – 8.6%.³⁹

Specific attention should be paid to the situation with early marriages in Roma communities. It is traditional for Roma to marry early and then have early pregnancy. When Ukraine considered generally normal to marry off a girl as soon as she reaches her reproductive age (12-13) about 100-150 years ago, among Roma it is still normal and is approved by community.⁴⁰ It is still challenging to receive statistical data on early marriages among Roma children in Ukraine.

Early marriages rarely named among the main violations of children's rights in Ukraine. In our country, as in the majority of civilized world, the tradition of early marriages is already historical. However, reporting absolute lack of this form of CSEC means ignoring the problem, as early marriages remain a common practice among one of the big national minority in Ukraine – Roma. Official data report about 47 000 Roma people living in Ukraine. Unofficial data reveal 80 000 to 100 000 Roma people living in Transcarpathian oblast only. Though, Ukrainian society in general does not approve early marriages, Roma communities still have this tradition.

The problem was never studied thoroughly, but human rights organizations report it exists. Small poll conducted by Charitable Fund "Progress" in Transcarpathian oblast has shown that 43 of 108 polled young Roma women had their first baby before 15, 65 women – before 18.⁴¹

Results of the study of needs of Roma communities conducted in Transcarpathian and Cherkassy oblasts by International Renaissance Fund together with Kharkiv Institute of Sociological Studies conclude that early marriages among Roma (11-13 years) as well as related problems of domestic abuse, limited access

37. See <<http://zakon2.rada.gov.ua/laws/show/2947-14>>

38. ECPAT International. *Questions and answers about the commercial sexual exploitation of children*. 4th ed. Thailand: Saladaeng Printing Co.Ltd, 2008 <http://ecpat.net/sites/default/files/faq_rus_2008.pdf>

39. UNICEF Ukraine. Multi indicator cluster research, 2012 <http://www.unicef.org/ukraine/ukr/MICS_Preliminary_23Jul2013.pdf>

40. Kozyr, N. Early marriages in Roma communities: how to address. *Human rights in Ukraine*, 18 Feb. 2014 <<http://www.khpg.org/index.php?id=1392682921>>

41. See <<http://rozvitok.org>>

to education, are caused by difficult living standards, poverty and cultural traditions.⁴²

Having a child at a young age also often link to the possibilities of additional income a child provides to the family when engaged to begging, collecting metal wastes and small fraud as seen from the research of Renaissance Fund.⁴³ A certain role could be given to the possibility to receive social allowances and low awareness of contraception and reproductive health among Roma women.

However, the majority of experts believe traditions practiced for ages are the main factor. Some experts think that considering the closed nature of Roma

communities, the tradition of early marriage will not go away on its own⁴⁴. Growing up in the community where early marriage and pregnancy is a norm, girls won't question this custom. Besides, experience of organization protecting rights of Roma people shows that refusal to follow the tradition might end up badly for a girl – by a scandal or a public exile from the community.⁴⁵

Hence, countering CSEC, early marriages in particular, in Roma communities requires a consolidated measures to reduce poverty, raise awareness of human and child rights, reproductive health, consequences of early sex life and pregnancy, women's rights; to adapt state system of social services to the needs of Roma population.

CHAPTER 8

NATIONAL POLICY AGAINST SEXUAL EXPLOITATION OF CHILDREN IN UKRAINE

National policy against CSEC in Ukraine thoroughly described in the chapter 4.5 “Elimination of child trafficking, exploitation and other forms of child abuse” of the National Action Plan to implement the Law of Ukraine about State Programme “National Action Plan on implementation of the Convention on the Rights of the Child” till 2016”; the Law of Ukraine against Trafficking in Persons, specific chapter on Countering trafficking of children; state anti-trafficking programmes.

Three main areas of the activity of state authorities are: prevention, counteraction of crimes and protection and assistance to victims.

Prevention of trafficking of children and sexual exploitation comprise the following tasks:

- Education of children and parents in school institutions.

School institutions shall organize and conduct educational and prevention events for children and parents within the extracurricular activities. This work is regulated by the service decrees issued systematically by the Ministry of Education and Science of Ukraine.

Law enforcements also use school premises to raise awareness of parents about inappropriate violent action against children and child abuse. To protect children from all forms of abuse law enforcement officers raise awareness of children in schools about their rights to report abuse to law enforcement and other agencies, including to the e-mail of the Unit of criminal Police for Children: ditypolice@mvs.gov.ua. The Ministry of Interior agreed with the Ministry of Education and Science on placing contact information for a child to report abuse in schools.

According to the Decree of the Main Unit of Education and Science in Lviv oblast on

42. Studying legal needs of Roma people in Transcarpatian and Cherkassy oblasts, Kharkiv, 2012. Print.

43. Ibid.

44. Kozyr, N. Early marriages in Roma communities: how to address. *Human rights in Ukraine*, 18 Feb. 2014 <<http://www.khpg.org/index.php?id=1392682921>>

45. Ibid.

13/09/2013 # 705 about "organization of informational and prevention activity against trafficking in persons, exploitation and child abuse in 2012-2013" schools of the oblast conducted corresponding activities.

Lviv Regional Institute for Further Pedagogical Education conducted a workshop on psychological and pedagogical aspects of abuse prevention among youth for specialists of district and city units of psychological service, as well as workshop on work of psychologists and social pedagogues against school violence.

Twice a year all schools conduct weeks of knowledge of human rights, where child abuse is also discussed.

Schools of Busky district conducted events on violence, safe Internet, gender equality, human rights, and child rights in 2012-2013. It comprised different events: briefings, human rights weeks, trainings, workshops, actions, contests, exhibitions etc.

Zolochiv oblast center for social services of local state administration conducted workshop for heads of student governments on April 3, 2013.

- Training of state specialists on CSEC.

This activity is implemented by the non-governmental and international organizations.

- Introduction of anti-trafficking courses to the curriculum of institutes of further pedagogical education.

Results of the monitoring of teaching anti-trafficking courses, topics in higher pedagogical institutions shows that introduction of trafficking issues differ in curriculums of different institutions. 25 of polled higher educational institutions included anti-trafficking topic in their curriculum. It is common that this topic is included in some discipline or as a part of certain topic of the discipline. However, only three universities have anti-trafficking courses, courses on child abuse and exploitation (Zhytomyr, Nizhyn Universities and National University "Kyiv Mohyla Academy". These universities use also specific topics of countering trafficking within the courses for social pedagogues.

Four higher educational institutions combine separate anti-trafficking disciplines and certain topics within other disciplines. Some universities use one way: either topics (9 universities), or issues within the topic (9 universities).

- Visiting families in difficult living situation.
- Visiting children with record at law enforcement at places of their living, studying, work with the aim of individual prevention measures and monitoring child abuse cases.

The state report says that law enforcement make systematical visitations of families in difficult living circumstances. In 2011 41.6 000 of parent were fined for neglecting children (Art. 184 of the Code of Ukraine on Administrative Offence (CUAO). More than 126 000 of individuals for domestic abuse (Art. 173-2 of CUAO).

1946 criminal cases filed against adults for engaging children into criminal activities (Art. 304 of the CC), including 138 cases of engaging to drinking alcohol, 51 cases of engaging into begging. 117 criminal cases filed against adults who engaged children to drug use (§2 of Art. 315 of the CC).

757 criminal cases filed against care givers for failing parental responsibilities (Art. 66 of CC), and 2317 files for removal of parental rights have been prepared, 1778 approved by the court.

Law enforcement housed 6085 children under 16 without adult supervision. 3307 of them placed into shelters, 231 – to transit detention centers for children, 952 – to medical institutions, others placed with parents or care givers.

In 2012 5193 children begging without adult supervision were taken from the street. 1722 of them placed in shelters, 789 to medical institutions, or with their parents.

- Informational activity aimed at increasing awareness of general public.

Campaign before Euro 2012 was the most memorable informational campaign in the last years. State institutions, non-governmental and international organizations published leaflets, billboards against child abuse, sexual exploitation and trafficking of children.

The Ministry of Education and Science supported the National Toll Free Hot Line of La Strada-Ukraine, instruction letters were sent to school institutions with the hotline number. Operation of the National Child Hotline was often highlighted at national workshops and meetings.

Countering commercial sexual exploitation is the responsibility of the law enforcement.

In 2014 Internet hotline against child pornography continued working at the Kharkiv University of Internal Affairs (KUIA). Child pornography is reported via specific web site <http://internetbezpeka.org.ua>. It is further analyzed and reported to law enforcement. The Hotline was set in 2009 and was transferred to KUIA for administrating.

With support of private foreign funds four child friendly interview rooms were equipped in Odessa, Kyiv, Kharkiv and educational room at Kharkiv University of Internal Affairs. Scientists and practitioners developed guidelines for equipping and using child friendly rooms, which was published and disseminated among criminal police for children and social workers.

Protection and assisting children-victims of sexual exploitation and trafficking often related to the need for effective *identification of victims of trafficking and sexual exploitation for further rehabilitation and reintegration*.

Ukraine has a diversified network of child institutions: shelters for children, center for social and psychological rehabilitation, social dorms for orphaned children and children without parental care. They differ by stay period, age and category of children they provide services. Victims of CSEC could appear in any of institutions listed, though they are not always identified. Results of the monitoring of institutions which assist victims of domestic abuse and trafficking conducted in 2012-2013 by La Strada-Ukraine and the Ministry for Social Policy has shown the big gaps in the state identification system of assisted children. For instance, 13 out of 18 institutions visited failed to name categories of children who stayed at the place for the last 6 months

of 2012.⁴⁶ Naturally, these data are not representative for Ukraine due to limited number of child institutions covered. But this problem needs focused attention as the lack of knowledge about categories of children who need protection and assistance from the state limits its capacities to provide these services, as well as develop programmes, plans, allocate funds to state and local budgets with regard to the real situation.

All of these institutions provide psychological counseling, but any of them can suggest rehabilitation services for children taken off prostitution. Numerous trainings on rehabilitation of victims of trafficking and CSEC conducted by non-governmental and international organizations are often neutralized by staff turnovers in state institutions. The only institution in Ukraine which provides specialized services to of social and psychological rehabilitation to children removed from prostitution is rehabilitation center "Sophia" ran by non-governmental movement "Faith. Hope. Love" in Odessa oblast.

In 2009-2010 expert working group organized by La Strada-Ukraine and supported by UNICEF Ukraine analyzed legislation of Ukraine in correspondence to the Optional Protocol to the UN Convention of the Rights of the Child.⁴⁷ The researches allowed identifying gaps in national legislation on protection of children from sexual exploitation and making recommendations on amendments. Gaps in legislation do not allow effective and comprehensive protection of children from engaging into prostitution, other forms of sexual abuse.

Lack of systematic state monitoring of the problem and official statistics of crimes complicate actions to counteract commercial sexual exploitation. Small number of staff and limited duties of criminal police for children also do not bring good results.

Yet, the most significant obstacle for protecting children from exploitation in prostitution is misunderstanding the phenomenon by the society. Therefore, it is crucially important to raise awareness on commercial sexual exploitation problem.

46. Bannikova, A., Bochkor, N., Bugayets, T., etc. *Де і як можуть отримати допомогу постраждалі від насильства в сімі? Звіт за результатами моніторингу спеціальних закладів* [Where and how can be assisted victims of domestic abuse? Results of the monitoring of special institutions], Kyiv, 2013. Print.

47. Yevsyukova, M., Orlean, A., Sancheno, A., etc; Bandurka, O. & Levchenko, K., eds. *Українське законодавство та Факультативний протокол до Конвенції ООН про права дитини щодо торгівлі дітьми, дитячої проституції і дитячої порнографії (порівняльно-правовий аналіз)* [Ukrainian legislation and the Optional Protocol to the CRC Convention on the sale of children, child prostitution and child pornography defines child prostitution (legal analyses)], Kyiv, 2010. Print.

CHAPTER 9

INITIATIVES OF CIVIL SOCIETY AND INTERNATIONAL ORGANIZATIONS IN UKRAINE

National Child Hotline



National Child Hotline has been run by International Women's Rights Center "La Strada-Ukraine" since 1 January 2013. Its number is 0 800 500 225 (free of charge from fixed and mobile phones). This is a national institution

which provides every child with an opportunity to be heard and taken seriously. Children here receive advice, psychological counseling, assistance in addressing corresponding state institutions etc. Adults can receive some advices from psychologist and legal consultation on child rights. In 2013 National Child Hotline received 18 575 calls, 92.9% of them – from children, 7.1% - from adults concerning children; 58.4% were calls from girls, 41.6% – from boys.⁴⁸

Child Hotline works in correspondence with international standards, documents, particularly, Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse. Art. 13 of this Convention is called "Helplines". "Each Party shall take the necessary legislative or other measures to encourage and support the setting up of information services, such as telephone or Internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity".

Main topics of consultations on the Child Hotline are the following: 1. Child abuse and violence (in school, at home, on the street, in public places) – physical, economical, psychological, sexual abuse, bullying, cyberbullying. 2. Children-witnesses of crimes. 3. Commercial sexual exploitation of children (sale of children for sexual purpose, kidnapping and blackmailing). 4. Child labour exploitation (forcing a child to work, including domestic work;

engaging children in criminal activity). 5. Discrimination of a child. 6. Family matters, analysis of family situation (drug, alcohol addicted parents, mentally ill parents). 7. Peers relations (conflicts with friends, partners). 8. Violation of children's rights in education (conflicts with teachers, tutors, school administration; refusal for social benefits etc.) 9. Psychological issues of a child. 10. Physical health of a child. 11. Alcohol and drug-addiction (information on addictions and consequences; counseling children who use alcohol and drugs). 12. Sexuality (sexual relations, pregnancy, contraception, sexual fantasies, masturbation etc.). 13. Runaway children (asylum seekers, dying on the street, orphaned children, resources and financial aid). 14. Custody over a child. 15. Place of living of a child. 16. Removal of parental rights (legal aspect – circumstances and possibilities of removal of parental rights; court peculiarities etc.). 17. Child support. 18. Social allowances upon childbirth. 19. Children in conflict with the law. 20. Early and forced marriages. 21. Safe Internet for children.

National Toll Free Hotline against domestic violence, trafficking in persons and gender discrimination



National Toll Free Hotline against domestic violence, trafficking in persons and gender discrimination operates in La Strada-Ukraine on working days from 10.00 to 16.00. Its number is 0 800 500 335 (free from fixed phones)

and 386 (from mobile phones). It has three channels which allow consulting three clients at the same time. The Hotline provides psychological, social, informational, legal counseling and referral. This allows clients to receive quick and free qualified psychological, legal and consultative services on domestic violence, trafficking in persons and gender discrimination.

48. Compare: in 2011 one hotline, which provided services both for children and adults (Hotline on domestic violence prevention and child rights protection), received only 12 162 calls, 6495 of them were from children (53.4% of the total number of calls).

Besides, the Hotline is an important step of referring clients to corresponding state services.

Internet Hotline against child pornography in the Internet



Internet Hotline against child pornography in the Internet is a web portal which allows every Internet user anonymously report cases of child pornography in the Net. It was initiated by La

Strada-Ukraine in 2009

and supported by the Ministry of Internal Affairs of Ukraine.

The founders aimed at collecting child pornography images, especially those hosted at Ukrainian servers, and block them.

During its operation in La Strada-Ukraine (the end of 2009-2013) the Hotline collected and processed 1492 reports. 279 cases of child pornography disseminated via Internet were identified. The processed reports were forwarded to law enforcement or similar hotline in other countries depending on the hosting of the illegal content.

In 2014 La Strada-Ukraine transferred administration of the Hotline web site to the Kharkiv University of Internal Affairs. Under signed agreement between the University and La Strada-Ukraine, the University is responsible for processing reports received to the Internet Hotline against child pornography in the Internet and forwarding them to the corresponding units of the Ministry of Interior. Moreover, the Hotline now extended its work to collecting information about sexual exploitation of children in travel and tourism in Ukraine and child abuse. The Hotline website is www.internetbezpeka.org.ua.

Rehabilitation center for sexually abused girls



In 2000 Public Movement "Faith.Hope.Love"⁴⁹ opened the first reintegration center in Ukraine for trafficked women "Assol", which worked till 2007. The center assisted more than 3000 women. In 2006-

2008 the organization ran transit center for trafficked women from CIS: Russia, Georgia, Moldova, Kyrgyzstan, Uzbekistan, and Tadzhikistan; the center assisted women in returning home and provided the first aid. About 360 victims were assisted by the center. Due to the decreased number of victims of trafficking in 2007 a new social and rehabilitation center for girls and young women in difficult living situation (including, domestic violence, sexual abuse, trafficking, engaging into commercial sex) was founded. For the 3 years of work the center assisted 283 clients.

The rehabilitation center has separate two-storey building and provides 15 places for clients. The center offers such courses: sewing courses, hair-dressing, computer courses. Specialists of the center developed and printed guidelines for social and psychological rehabilitation of abused girls and young women. The organization also runs the helpline for trafficked persons and the hotline against domestic violence.

Nowadays the organization has potential to continue working, has staff and resources, good contacts with all state institutions, law enforcement and medical institutions. The organization is a member of interdepartmental Council on countering trafficking in persons, promoting gender equality and demographic development of Odessa Oblast State Administration.

Code of Conduct to protect children from online abuse

On February 20, 2012 Kyivstar and MTS, the leading mobile Internet providers, signed Code of Conduct to protect children from online abuse. This became possible due to long work of International Women's Rights Center "La Strada-Ukraine" and the working group comprising representatives of Kyivstar, MTS, Ukrtelecom, non-governmental organizations from All-Ukrainian network against commercial sexual exploitation of children, and law enforcement. This initiative was supported by the Ombudsman for children by Ombudsman for Children under the President of Ukraine.

The Code is a policy document, which regulates company's policy on protecting child rights in the Internet. Signatories take obligation to respect the principals of protecting child rights and interest in its work.

The Code is open for signatures of Internet providers, hosting providers, software companies and other companies working on information and communication technologies.

49. See <<http://vnl.com.ua>>

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



In 2009 Ukraine joined international campaign to implement the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. La Strada-Ukraine became a local representative of the Code in Ukraine.

The Code⁵⁰ is a social initiative joining the tourism private sector and the child rights organizations aiming to prevent child sexual exploitation in tourism destinations and counteract sexual exploitation of children in travel and tourism. Any tourist company, tour operators, hotels, travel agencies, airlines etc., can sign the Code.

There are no signatories among Ukrainian companies.

Gender Interactive Theatre



Gender Interactive Theatre was founded by the School of Equal Opportunities⁵¹ in 2002 as a volunteer organization. In the next years young actors have been communicating with

the big audiences and disseminating important social information, including information about CSEC, trafficking of children, Internet risks for children etc. With the youth's creativity and their natural calling to create, volunteers for the short period of time made the theatre one of the most favorite activity of the organization. It's a programme which attracts dozens of new talents to volunteer.

The Theatre allows covering big audiences with prevention; using bright theatrical images focus on the urgent social problems; answer questions from the audience in interactive way; and make a statement on urgent social phenomena. Performances are usually followed by the planned prevention programme which includes improvising, urges audience to be active participants of the performance, make their own civic position.

Theatrical form allows providing young people with information on commercial sexual exploitation, trafficking of children, and gender equality in a way that makes to understand the urgency of the problem for Ukraine and the world in general.

Theatre is the means of conducting prevention activities on trafficking in persons, illegal migration, problems of refugees, online risks, etc. in schools, shopping malls, squares and streets.

The Theatre has different forms of performances – from short miniatures to drama performances. For 8 years the theatre has been travelling around the world. There is no similar theatre in the whole world. Ukrainian, Polish and German media write about the Theatre. Most of the performances are translated into English and German. Today, experts of the organization are eager to share their experience with those who wish to found social theatres.

National Trainer's Network

National Trainer's Network (NTN) was founded by La Strada-Ukraine in 2000. It works to prevent trafficking in persons, domestic violence, and gender discrimination and to protect child rights. Qualified trainers in 13 regions of Ukraine provide interactive awareness-raising events for specialists, school and high school students, even for pre-school students. In the 14 years of work the Trainer's Network implemented about 18 000 awareness-raising activities (interactive lessons, lectures, trainings, workshops etc.) for more than 435 000 participants from the target group. Every year the trainers receive additional trainings on child rights, participate in the informational campaigns and public monitoring.

Two Little Girls campaign



Two Little Girls campaign started in Ukraine in 2013. The Two Little Girls is a three minute animated film spearheading an anti sex-trafficking campaign in East Europe that began in January 2009. Ukraine became 14th country for the campaign. The film follows the stories

50. See <<http://www.thecode.org/>>

51. See <<http://www.gender-ua.org/>>

of two young women who are cruelly deceived by people they know and trust. Their stories illustrate two the most common ways of young women being trafficked to exploitation in prostitution. The film was developed by British producers Ruth Beni and Maggie Baxter based on common image of real victims of sex trafficking who agreed to share their stories with the producers of the film. These were women from Eastern Europe trafficked to Great Britain.

La Strada-Ukraine translated the film into Ukrainian. The film and practical guidelines to the film received a certificate of Ukrainian scientific and methodical center for practical psychology and social work (CE # 2640138) which allows using it in secondary school for prevention of trafficking in persons.

The film is available on CDs for using on events. 5000 bookmarks with images from the film and useful advices for school children were published and disseminated within the campaign. The film and the bookmarks provide the number of the National Toll Free Hotline against Domestic Violence, Trafficking in Persons and Gender Discrimination. The film is also available on Facebook and YouTube.

Learn more at http://lastrada.org.ua/ucp_mod_news_list_show_411.html View the film in Ukrainian at <http://www.youtube.com/watch?v=qTtMWtXhS1g>.

“Don’t look away!” international campaign



The campaign is planned for three years – 2012-2015, the main period for the activities was June-July 2014, during the FIFA World Cup in Brazil.

The aim of the campaign is to prevent increase of sexual exploitation of children in travel and tourism in Brazil during the football World Championship in 2012-2015, and to further campaign against sexual exploitation of children in travel and tourism, as well as to develop and establish the international online sexual exploitation of children in travel and tourism reporting tool.

The campaign is implemented by ECPAT International (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) in 22

European and other countries. La Strada-Ukraine is a partner of the campaign in Ukraine.

Official launch of the campaign was on 24 September 2013. Creative informational materials with images of famous faces of professional football – Brazilian footballers Kaká and Juninho – were developed within the campaign. Universal reporting platform against sexual exploitation of children in travel and tourism <http://reportchildsextourism.eu/> established within the project. The main principal of its operation is reporting about suspected sexual exploitation of children in travel and tourism as easy as possible from every country. The homepage of the website provides link to the corresponding national website in the country where the sexual exploitation of children in travel and tourism was tracked.

Each country has its own mechanism of receiving and processing reports. Some countries have such forms at police websites; others created a specific webpages against sexual exploitation of children in travel and tourism. Reporting sexual exploitation of children in travel and tourism, child pornography and child abuse (films found online) in Ukraine is possible at www.internetbezpeka.org.ua. It is a joint initiative of La Strada-Ukraine which founded www.internetbezpeka.org.ua in 2009 to fight child pornography, and the Center against Cybercrimes at Kharkiv National University of Internal Affairs. Cases reported to the website are processed and further reported to the Anti-Trafficking Unit at the Ministry of Internal Affairs of Ukraine.

Youth Partnership Project against CSEC



Youth Partnership Project against CSEC is a part of the global project of ECPAT International. In 2009-2012 children and youth who participated in the project implemented several initiatives against sexual exploitation of children and child abuse in Ukraine. Particularly, children and young people developed a leaflet about sexual exploitation of children in tourism. The leaflet targets children and young people to explain reasons, consequences, challenges and safety rules. The leaflet is the first printed material of the kind in Ukraine, which targets children and young people.

CHAPTER 10

INTERNATIONAL EXPERIENCE OF COUNTERING THE PROBLEM

Acknowledging the problem of sexual exploitation and sexual abuse against children, different countries in the world establish and develop legislation to counter the phenomenon. While analyzing the examples of legislation against sexual exploitation of children in travel and tourism it is necessary to study the legislation of countries of origin of sex tourists, as well as countries of destination, where the child rights are violated.

The overview of international experience finds different approaches and forms of legal counteraction against sexual exploitation of children in travel and tourism. Unfortunately, provisions available in legislation do not always solve the problem, as both in Ukraine and in other countries there are always challenges of the implementation of the law. However, the specific comprehensive legislation is a first step to countering sexual exploitation of children in tourism.

One of the approaches to countering sexual exploitation of children in travel and tourism is influencing the demand side of the phenomenon, i.e. directly people who engage in sexual contact with a child or perform other sexual practices. For instance, in 1999 Sweden criminalized buying sexual services both, from children and adults. Thailand established criminal liability for buying sex services from a person under 18. Clients of child prostitution in Ireland, Norway, Hungary, Croatia, Finland and France could be sentenced for sexual relations with a person who did not reach the age of consent to engage in sexual activity.⁵²

On the other hand, acknowledging the global nature of sexual exploitation of children in travel and tourism and the fact that their citizens engage in sexual activities with children abroad, some countries of origin make efforts to strengthen national legislation by asserting extraterritorial jurisdiction or by enforcing the existing jurisdiction over crimes against children. In 2009, 44 countries in the world had at place legislation

authorizing to prosecute sexual abuse and exploitation of children outside their boundaries.⁵³

The comprehensive study of national legislation in several countries which implemented extraterritorial jurisdiction allowed distinguishing 3 main types of extraterritorial jurisdiction over crimes against a child committed abroad.⁵⁴ For instance, the Netherlands, Norway, Sweden, Switzerland, Japan exercise extraterritorial jurisdiction in general over crimes committed by their citizens or residents extraterritorially. The legislation of these countries has clear provisions that crimes committed abroad might be prosecuted by home countries. For example, Criminal Code of Sweden exercises extraterritorial principal over crimes committed in other countries by Swedish citizens and residents, as well as citizens of other Scandinavian countries as Denmark, Ireland, Norway, and Finland. According to Australian law, the person can't engage in sexual relations with a child under 16 outside the country. It can be punished by imprisonment up to 17 years.

In recent years countries who exercise general extraterritorial jurisdiction improved their legislation against sexual exploitation of children in travel and tourism and procedures of investigating and prosecuting these crimes. For instance, in 1994 Australia amended its criminal law adopted in 1914 and introduced provisions about countering sexual exploitation of children in travel and tourism and prosecuting citizens and nationals, who commit sexual abuse against children under 16 abroad.⁵⁵

Some countries decided to set so to say "higher bar" and criminalized even actions committed before the sexual crime against a child, like e.g. organizing a trip with this aim. This extends the extraterritorial jurisdiction and serves to strengthening prevention and stopping sex-tourists before they commit the crime against sexual integrity of a child.

52. Muireann O'Broain, Milena Grillo, Helia Barbosa: contribution of ECPAT International to the World Congress III against Sexual Exploitation of Children and Adolescents. *Sexual Exploitation of Children and Adolescents in Tourism*, 2008. p. 30.

53. ECPAT International. *Strengthening Laws addressing child sexual exploitation: practical guide*. Thailand, 2008. p. 103.

54. Ibid., p. 111.

55. ECPAT International. *Strengthening Laws addressing child sexual exploitation: practical guide*. Thailand, 2008. p. 112

In 2003 the United States of America adopted the Prosecuting Remedies and Tools against the Exploitation of Children Today Act of 2003 (PROTECT Act). It criminalizes not only sexual acts committed with children abroad, but also any illicit sexual contact. This law allows for prosecution based on evidence of intent to travel abroad with a purpose of having sexual intercourse with a child. Therefore, evidence of the misconduct actually took place is not an element of the offence. For these actions a person can be fined and imprisoned for not more than 30 years, or both. According to the law, the term “illicit sexual conduct” includes sexual acts with a person under 18 years of age that would be a crime under US law, as well as any commercial sex act (as defined in the law) with a person under 18 years of age.⁵⁶

Some countries, countries of destination mainly, took an approach of countering and prevention of sexual exploitation of children in travel and tourism by influencing tourism industry.

For instance, Colombia in its Law № 679/2001 establishes mechanisms of sexual exploitation of children in travel and tourism prevention and requires tourism companies to exercise the Code of Conduct as one of the ways to prevent sexual exploitation of children. The law authorizes the inspectors who control tour operators and tourism agencies to check them for advertising sexual exploitation of children in travel and tourism.

Gambia has a Law on crimes in tourism adopted in 2003. This law prohibits physical and legal tourism entities to offer any illegal services.

Some countries use laws of general application to prevent sexual exploitation of children in travel and tourism. Peru, for example, does not have a specific law on sex tourism, but the Law # 891 prohibits information in advertisements which promotes or motivates to illegal activity.

Italy implements an interesting model of control over companies working in tourism and travelling. The law # 38 (2006) prescribes imprisonment for 5 up to 12 years or significant fines for organizing or advertising travels which cause sexual exploitation of children. Sanctions might be more severe if the exploited child is younger than 14 years old. The Law obliges tour operators, tourism agencies, airlines to inform travelers about illegal nature of child prostitution and child pornography in Italy and responsibility prescribed for these actions even committed abroad through advertisements,

magazines, and by other means. Failure to comply with this provision might end up with the company fined for 1500 to 6000 Euros.

Many countries prohibit using certain places for prostitution. Laws which include such prohibition might be exercised against owners of hotels and apartments who rent their places for sexual exploitation of children and young people. The Tourism Department in Philippines prohibits hotels and other tourist places to provide rooms or apartments for a person if there is a suspicion that the person might be engaged to prostitution. Also, the Law # 7610 prescribes criminal liability of clients who use services of prostitutes. Regulation # 367/1996 in Brazil prohibits using hotels for sexual exploitation of children.

The legislation of Great Britain serves as the perfect model of effective control over people who committed sexual crimes. In 2003 Great Britain adopted the Sexual Offences Act which obliges to register all sex offenders in the Sex Offenders Register. People convicted for sexual offence against a child after their release from prison are obliged to inform police of intention to travel outside the UK for more than 3 days. Authorities of Great Britain might even deny child sex offender leaving the country if there is an evidence of possible child abuse abroad.

Court police of Italy collects all the corresponding information about the crimes related to sex tourism and summarizes information received from similar police agencies in other European countries which helps the police to track sex offenders.

Compensation to victims of assaults or physical abuse is a common practice of civil proceedings, and even of criminal proceedings in some countries. However, in proceedings of crimes related to sexual exploitation of children in tourism compensation for physical and moral damages is not a common practice. Most often compensation for damage to children-victims of sex tourists is advocated by NGOs which provide social assistance to these children or represent children-victims in courts to claim the compensation from the offender.

In the Netherlands in 2004 one of the local NGOs initiated a civil proceeding to claim compensation for damage caused to the child by sex-tourist who produced child pornography with the image of the child. The child was identified in the film by NGO from Philippines, and this information was sufficient evidence for receiving compensation for the damage caused to the child.

56. ECPAT International. *Strengthening Laws addressing child sexual exploitation: practical guide*. Thailand, 2008. p. 113

Regardless the fact that the actions against a child took place 9 years before the trial the court in the Netherlands awarded 3000 Euro of compensation to the child.

In the USA the law allows the victim to claim compensation from the offender and ask for 150 000 USD at the minimum. Therefore, a foreign child-victim can initiate the proceeding against an American sex tourist if he/she is identified and there is a lawyer who can represent a child in the court. In this case there is no need to initiate the criminal proceeding in order to succeed in civil proceeding. Civil and criminal proceedings are independent.

Severe sanctions are also important to counteract sexual exploitation of children in travel and tourism in destination countries. For example, in 2006 Belgian citizen was sentenced for 18 years in prison in Cambodia.

The USA as the sending country also has severe sanctions for the sexual crimes against children abroad. In 2005 the American tourist after the trip to Kenya was convicted for sexual crime against children and sentenced to 25 years of imprisonment.⁵⁷

Hence, the overview of the legislation against sexual exploitation and sexual abuse of children in tourism shows diverse legal strategies and forms of addressing the problem. However, it is obvious that successful results are only possible when the comprehensive approach is used, i.e. setting corresponding provisions in the law which aim at prevention of sexual exploitation of children in travel and tourism, effective prosecution and ensuring rights of children-victims. Cooperation between all world countries to fight sexual exploitation of children in travel and tourism is not less important.

One of the best examples of world practice of countering sexual exploitation of children in travel and tourism is strengthening the role of tourism and hotel business. Their role in this fight was discussed by international and non-governmental organizations, but recommendations of I, II and III World Congresses against commercial sexual exploitation of children reflected in Stockholm Declaration, Yokohama Global Commitment and Rio Declaration played the critical role in developing such initiative.

The role of tourism business in countering sexual exploitation of children is the comprehensive issue. Though, the tourism business is not responsible for sexual exploitation of children in travel and tourism, it

can take part in prevention of the phenomenon and fighting it, since its network and facilities are used for this purpose. On the other hand, the direct responsibility corresponds to those tourism companies which are aware that their premises or services are used for sexual exploitation of children.

Tourism industry provides transport, premises for entertainment and staying and other services to its customers. Therefore, it has a unique opportunity to identify and report cases of sexual exploitation of children, as well as raise awareness on the issue.

These are the principals to follow for the companies which joined the well-known world initiative of socially responsible business – Code of Conduct for the protection of children from sexual exploitation in travel and tourism. The Code aims at in-tie identification and countering of sexual exploitation of children in travel and tourism. Since 1998 over 1000 tour operators, travel agencies, hotels and other companies signed the Code. Among them: Accor Hotels, Regent, Park Inn, British Airways, Air France, tourism companies Lotus Travel, Freeway-Brazil, Apollo-Sweden etc. UNICEF, World Tourism Organization, UN and OSCE acknowledged the Code as the main international instrument of tourism business to prevent and counter sexual exploitation of children in travel and tourism. The Signatories of the Code were awarded with world prizes: in 2003 British Airways received Tourism for Tomorrow Award; in 2008 Ashoka Changemakers received the Ending Global Slavery Award. Since 2010 Ukraine joined this initiative. Local Code representative in Ukraine is International Women's Rights Center "La Strada-Ukraine". There are no signatories from Ukraine.

The Signatories took commitment to introduce six criteria:

1. To establish a policy and procedures against sexual exploitation of children.
2. Train employees in children's rights in origin and destination countries.
3. Include a clause in contracts through the value chain stating a common repudiation and zero tolerance policy of sexual exploitation of children.
4. Provide information to travelers in catalogues, leaflets, onboard films, tickets, webpages etc.
5. Support, collaborate and engage stakeholders at destination places.
6. Report annually on their implementation of the Code.

57. Based on information from Sexual Exploitation of Children and Adolescents in Tourism. Muireann O'Broain, Milena Grillo, Helia Barbosa: contribution of ECPAT International to the World Congress III against Sexual Exploitation of Children and Adolescents, 2008.

CONCLUSIONS

Though there is no big number of public facts of sexual exploitation of children, the problem remains urgent for Ukraine. The latent nature of the problem is linked to the difficulties of detecting such crimes and corruption. Young victims usually do not realize that they are the objects of criminal actions, or consider it a norm to make money by providing sex-services. Ukrainian society is tolerant to sexual exploitation of children, because for the majority of people the term “exploitation of children” means the involvement of young children to provide sex-services. Consequences of sexual exploitation are also severe for children who appear older, and the society shall censure sexual exploitation of teenagers the same way as child pornography or sexual activities with young children. Apart from psychological consequences, a lot of sexual partners increase the risk of infecting children with sexually transmitted diseases (including HIV infection).

Ukraine experiences both types of sex-tourism: international (from abroad) and domestic (within Ukraine). The majority of sex tourists are situational sex-tourists, who come to Ukraine/other region of Ukraine with another purpose, but accept available sex services. Sex-tourists coming with a purpose to have fun usually organize into groups. The tour agencies offer sex tourists the “all inclusive” package which includes charter flight, meetings with girls, night club parties. There no many facts about tourists ordering specific services, but considering the number of commercial sex workers in Ukraine, amount of information published in printed and online sources, Ukraine is attractive for foreigners due to accessible child sex service and possibility to avoid punishment.

Sex-tourism in Ukraine is caused both by factors which contributes to available offer, and those which attract foreigners to Ukraine. First group of factors include difficult financial situation, child neglect, lack of moral and ethical values among the youth, consumerism, alcoholism and drug abuse. The factors which make Ukraine attractive to sex-tourists are relatively cheap prices for flights, accommodation, food, alcohol and sex-service. Convenient geographical location, free visa regime for many countries, image of the country where sex with children is not punished: all these factors attract sex-tourists to Ukraine. Sex tourism

infrastructure is the most developed in the major cities of Ukraine such as Kiev, Odessa, Kharkov, Donetsk, Dnepropetrovsk and also in resorts area, especially in Yalta, and other cities on the coast of Crimea.

Child pornography in Ukraine is prohibited by law. Exploitation of children in pornography is often connected with modern information technologies (IT). Many criminal groups use the Internet for dissemination of pornography and grooming. Nowadays according to the unofficial data a part of child pornography from Russia, Belarus and Ukraine on the paid web sites is almost one third of the total volume of such products in the world, and the profit from such business is measured in dozens and hundreds of thousands of dollars per month. The cooperation of state bodies, NGOs, business is required to overcome child pornography. The Ministry of Internal Affairs of Ukraine is responsible for fighting child pornography. The civil society organizations play an important role in prevention of this problem.

There is no definition of child prostitution in Ukrainian law. Despite the international standards, which criminalizes actions of people who engaged a child to this activity and clients, national legislation allows bringing a child over 16 to administrative responsibility for the prostitution. This fact reinforces negative attitude towards children involved in prostitution both, by law enforcement and the society in general.

The amendments to national legislation, which now allows transfer of a child abroad only if there is a permission of both parents/guardians, decreased child trafficking from Ukraine. At the same time exploitation of a child by parents or guardians is still widespread. Amendments to national legislation require better social assistance to children-victims of human trafficking. At the same time there is no unified state system of rehabilitation for children-victims.

Early marriages rarely named among the main violations of children's rights in Ukraine. In our country, as in the majority of civilized world, the tradition of early marriages is already historical. However, reporting absolute lack of this form of CSEC means ignoring the problem, as early marriages remain a common practice

among one of the big national minority in Ukraine – Roma. The problem was never studied thoroughly, but human rights organizations report it exists. Hence, countering CSEC, early marriages in particular, in Roma communities requires the consolidated measures to reduce poverty, raise awareness of human and child rights, reproductive health, consequences of early sex life and pregnancy, women's rights; to adapt state system of social services to the needs of Roma population.

National legislation mostly meets the requirements of international standards; however improvement of legislation becomes more difficult every time. Parliamentarians do not see child rights as a priority.

Three main activities of state authorities are: prevention, counteraction of crimes and protection and assistance to victims.

Unfortunately, Ukrainian public and state agencies lack understanding of the phenomenon, importance and need for child participation in social life. Children are not engaged in the process of decision and policy making, first of all concerning their own status.

The monitoring of the state policy has shown that the state lacks understanding of the problem and, hence, allocates almost no funds for counteraction. At the same time non-governmental organizations are still active in the area.

RECOMMENDATIONS

Coordination and cooperation in fighting sexual exploitation and violence

- Ensure public participation in policy-making, in further activities on its implementation, including ensuring social order and independent monitoring.
- Allocate sufficient funding from the state and local budget to ensure implementation of all planned activities to counteract sexual exploitation of children
- Ensure sufficient qualified staff in the state services and local government to work in the field of protection of children rights; establish the coordination of their work at all levels.
- State agencies shall ensure, in cooperation with NGOs, development and active dissemination of social advertising which would attract attention of Ukrainians to the problem of sexual exploitation of children and influence attitude to this phenomenon.
- Study the issue and develop the concept of the responsibility of legal entities for child trafficking, child prostitution and child pornography.
- Develop effective method of monitoring of violation of children's rights in educational and boarding institutions; ensure an effective work to prosecute officials responsible for violation of children's rights.

Prevention

- Ensure in the legislation on education provision about informing children about children's right, training on prevention of children's rights violations, consequences, risks of sexual exploitation and sexual violence as well as safe behavior according to their age.
- Social service, service for children shall focus on the work with families in critical living conditions; with parents.
- Establish duty of the state to conduct systematic campaigns prevention of child trafficking, child prostitution, child pornography and early marriages.
- Through social advertising appeal to the social responsibility of citizens to report about crimes against children; provide them with the numbers of phone and online hotlines for counseling.
- Parents shall have better control communication of their children in the Internet and protect them from dangerous contacts.
- Stimulate tourism organizations and hotels to sign "The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism", signed by numerous organizations in the world and supported by the World Tourism Organization.

- To give training on appropriate subjects for tourism agencies and hotel staff (as required by “The Code”)
- Spread information about the procedure of granting the status of person suffered from human trafficking in the places which victims may visit (for example hospitals, employment centers, centers of social protection of the population, the Departments of Internal Affairs, etc.).
- Train the government officials of regional, city and district state administrations, which are responsible for procedure of granting the status of a victim of human trafficking
- Include provision on conducting prevention and education activities on the sexual exploitation of children in travel and tourism problem with children, parents and specialists of tourism industry into the annual action plans on realization the State Programme on Implementation of the UN Convention on the Rights of the Child’ till 2016, adopted by the Cabinet of Minister of Ukraine.
- Set the definition of “child prostitution” in the Law of Ukraine on Protection of Childhood.
- Develop amendments and additions in the Criminal Code of Ukraine, in particular concerning the following issues:
 - criminalize buying sex services from children (using services of child prostitution);
 - introduce responsibility of different degrees for engaging young children and minors to production and dissemination of child pornography;
 - criminalize production and storage of child pornography for all purposes;
 - criminalize engaging children in producing materials, images and films, computer programmes of pornographic nature;
 - confiscate the property and assets obtained through criminal activity.
- Develop amendments in the Code of Administrative Offences of Ukraine
 - introduce the responsibility of parents for taking not actions against engaging a child in prostitution or pornography production;
 - take off the responsibility for prostitution from children under 18 years old.

Protection of victims, improvement of legislation and its implementation

- Ratify all international legislation on protection of children’s rights, in particular the Hague Convention on Protection Children and Co-Operation in Respect Intercountry Adoption, the third Optional Protocol to the UN Convention on the Rights of the Child, the Council of Europe Convention on preventing and combating violence against women and domestic violence.
- Study the possibility of establishing the institute of Child Ombudsman and develop the corresponding draft law.
- Hear the draft law on harmonization of Ukrainian legislation with provisions of the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse. In particular, develop the provisions on comprehensive approach against child prostitution, child pornography; criminalize child corruption via IT; implement correction programs for child sex offenders; create database of child sex offenders; rehabilitation of children-victims of sexual violence and exploitation.
- Research the average age of reaching puberty in Ukraine and set the age of consent to engage in sexual activity in national legislation based on this data.
- Implement extraterritorial jurisdiction of the state over sexual crimes and crimes of engaging to sexual activity a person who did not reach the age of sexual maturity committed by foreign citizens, persons without citizenship, and non-residents.
- Establish responsibility of media for the disclosure of personal information about children-victims of trafficking, child prostitution, child pornography and other forms of sexual exploitation and violence.
- Develop new decrees of supreme specialized courts on applying legislation about responsibility for crimes against children
- Include to the state programme on development of tourism provisions about prevention of child sex-tourism, about development of effective strategies of counteracting this problem.

Rehabilitation of the victims

- Develop the state program of rehabilitation of children-victims of sexual violence and exploitation.

- Develop a strategy for identification and referral of children-victims of sexual violence and exploitation.
 - Create the state specialized centers for children-victim of human trafficking, sexual violence, including prostitution and pornography.
 - Continue equipping “child friendly interview rooms” for proceedings involving children to ensure the best interest of the child.
- Child and youth participation**
- Develop provisions about participation of leaders of child organizations and student governments in all advisory committees to government agencies, advisory board to child and youth organizations
- accountable to the local executive authorities.
 - Involve representatives of child organizations to advisory committees of the state authorities responsible for implementation of the state policy on protection of children’s rights.
 - Create the expert working group to study forms of child participation in social life and develop the strategies of implementation Art.12 of the UN Convention on the Rights of the Child.
 - Support child and civil society organizations through funding activities.
 - Promote the participation of children and youth in the media.
 - Ensure the opinion of a child-victim is considered in making decision concerning the future of a child.

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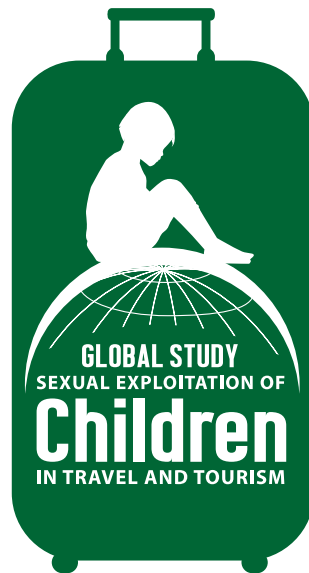
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