



# Global Monitoring

status of action against commercial sexual exploitation of children

## KYRGYZSTAN



2<sup>nd</sup> EDITION

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# GLOSSARY OF TERMS AND ACRONYMS

- **IWPR:** Institute for War and Peace Reporting
- **UPR:** Universal Periodic Review
- **AIDS:** Acquired Immune Deficiency Syndrome
- **CIS:** Commonwealth of Independent States
- **CPC:** The Centre for the Protection of Children
- **CPD:** Child Protection Department
- **CRC:** United Nations Convention on the Rights of the Child
- **CSE:** Commercial sexual exploitation
- **CSEC:** The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.
- **CST:** Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.
- **ECPAT:** End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
- **EI:** ECPAT International
- **Grooming:** Preparing a child for sexual abuse and exploitation
- **HIV:** Human Immunodeficiency Virus
- **IDP:** Internally Displaced Persons
- **ILO:** International Labour Organization
- **ILO/IPEC:** International Labour Organization/International Programme on the Elimination of Child Labour
- **IO:** International organisation
- **IOM:** International Organization for Migration
- **NGO:** Non-governmental organisation
- **NPA:** National Plan of Action
- **OSCE:** Organisation on Security and Cooperation in Europe
- **UAE:** United Arab Emirates
- **UN:** United Nations
- **UNDP:** United Nations Development Programme
- **UNICEF:** United Nations Children's Fund
- **UNODC:** United Nations Office on Drugs and Crime
- **WHO:** World Health Organization

# FOREWORD

At the First World Congress against Commercial Sexual Exploitation of Children (CSEC) held in Stockholm in 1996, governments from around the world first gave recognition that commercial sexual exploitation of children is a global crime of epidemic proportions. The Stockholm Declaration and Agenda for Action - a strategic framework for actions against CSEC - was adopted by the 122 governments participating in the Congress in order to guide a systematic global response against the sexual exploitation of children.

The outcome document of the First World Congress was soon followed by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC). Adopted in 2000 as a legally binding treaty of the United Nations, the Optional Protocol (and other relevant international treaties) reaffirms the urgent need for political will and concrete actions from governments to ensure that children in their countries can live free from all forms of commercial sexual exploitation.

In 2001, high-level delegates from 136 governments, local and international non-governmental organisations and children and young people, convened in Yokohama for the Second World Congress to review the achievements and challenges in combating CSEC as well as to identify new priorities needed to bolster and enhance action. Seven

years later, the World Congress III in Rio de Janeiro provided the largest global platform to date for delegates from 137 governments to renew their state's commitment to protect children from commercial sexual exploitation. The Rio Declaration and Call for Action strongly urges all stakeholders, including the private sector, to continue their due diligence in taking the necessary follow-up actions to eliminate CSEC. The Rio Call for Action emphasises the obligation to uphold the rights of the child as identified in existing international human rights and child rights instruments. It also offers a framework for the accountability of all duty-bearers of children's rights, particularly governments, in the fight against sexual exploitation of children and re-affirms the continuing relevance of the Agenda for Action, first agreed to in Stockholm twelve years earlier.

This report, as part of the Second Edition series of country monitoring reports produced by ECPAT International, provides a comprehensive baseline of information on all manifestations of CSEC in the country and an assessment of achievements and challenges in implementing counteractions (including the participation of children and young people themselves) to eliminate CSEC. The report, which follows the framework of the Stockholm Agenda for Action, serves as an instrument for the sharing of information and experiences among various stakeholders and duty-bearers within the country as well as internationally. It also suggests

concrete priority actions urgently needed to proactively advance the national fight against CSEC. Furthermore, this report enables the monitoring of the implementation of international instruments on child rights, related to commercial sexual exploitation that have been ratified by the concerned state.

The production of this report is achieved through extensive collaboration within the ECPAT global network. ECPAT International would like to thank ECPAT member groups in the countries assessed, local and global experts and other

organisations for their invaluable inputs to this report. ECPAT International would also like to express its profound appreciation of all the hard work of its dedicated team from within the Secretariat and for the generous support of its donors that helped make the finalisation of this report possible. The contributions of all involved have greatly strengthened the monitoring of the Agenda for Action and the heightened collaboration needed to fight the new and evolving complex manifestations of commercial sexual exploitation of children.

# METHODOLOGY

At the First World Congress against Commercial Sexual Exploitation of Children (CSEC) held in Stockholm in 1996, governments from around the world first gave recognition that commercial sexual exploitation of children is a global pandemic that requires the urgent and concerted efforts of all duty-bearers (from local, national to global levels) to eliminate this heinous crime. The Stockholm Declaration and Agenda for Action - a strategic framework for actions against CSEC - was adopted by the 122 governments participating in the Congress so as to guide a systematic global response against the sexual exploitation of children.

The outcome document of the First World Congress was soon followed by the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) which was adopted in 2000 as a legally binding treaty of the United Nations. The adoption of the Optional Protocol (and other relevant international treaties) reaffirms the urgent need for political will and concrete actions from governments to ensure that children in their countries can live free from all forms of commercial sexual exploitation.

In 2001, high-level delegates from 136 governments, local and international non-governmental organisations and children and young people, came together at the Second World Congress held in Yokohama to review the achievements and challenges in combating CSEC as well as to identify new priorities needed to bolster and enhance action. Seven years later, the World Congress

III held in Rio de Janeiro in 2008 provided the largest global platform to date for delegates from 137 governments to renew their state's commitment to protect children from commercial sexual exploitation. The Rio Declaration and Call for Action strongly urges all stakeholders, including the private sector, to continue their due diligence in taking the necessary follow-up actions to eliminate CSEC. The Rio Call for Action emphasises the obligation to uphold the rights of the child as identified in existing human rights and child rights international instruments. It also offers a framework for the accountability of all duty bearers of children's rights, in particular governments, in their responsibilities to address all forms of sexual exploitation of children and re-affirms the continuing relevance of the Agenda for Action, first agreed to in Stockholm twelve years earlier.

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proactively advance the fight against CSEC at the national level. Furthermore, this report enables the monitoring of the implementation of existing international instruments on child rights, related to actions against commercial sexual exploitation, as ratified by the concerned state.

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# KYRGYZSTAN

## INTRODUCTION

Kyrgyzstan is situated in a mountainous region and is divided into seven provinces. Bishkek (the capital) and Osh are the two largest cities in the country. Kyrgyzstan borders Kazakhstan, China, Tajikistan and Uzbekistan.<sup>1</sup> Kyrgyzstan is a democratic republic which gained independence in 1991, following the dissolution of the Soviet Union. Its population of 5.5 million is composed of a majority of Kyrgyz (70%), Russians and Uzbeks (15%), who comprise the main ethnic and linguistic minorities.<sup>2</sup> Other minorities residing in Kyrgyzstan include Dungans (Chinese Muslims) and Ukrainians. The largest part of the population is Muslim (75%), followed by the Russian Orthodox community and Christians.<sup>3</sup> Recent social fragmentation within the country has caused communal violence and inter-ethnic clashes in the south of the country.

Children and adolescents form a large section of the country's population. Children below 14 years of age comprise nearly 30 percent of the inhabitants.<sup>4</sup> Like other countries that gained independence after the fall of the Soviet Union, Kyrgyzstan went through a difficult economic transition and children have been amongst those who suffered the adverse consequences.<sup>5</sup> Today more than half a million children are in need of special protection.<sup>6</sup> Kyrgyzstan is a poor country, with an average income per capita of less than 3,000 dollars per year. Furthermore, the Human Development Index ranks the country at 108 out of the 169 states listed.<sup>7</sup> These difficulties reflect on the status of

children with 43.3 percent of children living in poverty and 7.7 percent of these children residing in extreme poverty. Severe poverty particularly affects families living in rural areas and in the mountainous regions.<sup>8</sup> One of the negative effects of the widespread poverty is that children and adolescents suffer from violence, abuse and desperation.<sup>9</sup> Even though accurate figures are unavailable, the number of children living and working in the streets is increasing, as well as the number of children living in institutions, despite the fact that many of these children have living parents or relatives.<sup>10</sup>

The literacy rate of the Kyrgyzstan population is high (99%).<sup>11</sup> Enrollment in primary and secondary school extends to nearly the entire child population.<sup>12</sup> However, UNICEF's sources indicate that at least 50,000 children, who represent 4 percent of school-age children, do not attend school.<sup>13</sup> Additionally, the right of the Uzbek minority to have access to education in their mother tongue is not fulfilled, the school curricula does not reflect the cultural diversity of the country and part of the population remains excluded from accessing quality education.<sup>14</sup>

Women represent a vulnerable group in Kyrgyz society. The prevalence of domestic violence against women is high and underreported. The society tends to downplay physical aggression against women; consequently, children's development is also affected.<sup>15</sup> According to recent statistics, 38 percent of girls and women aged 15 to 49

view domestic violence as a justifiable measure to punish women.<sup>16</sup> The Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment of children at home and in public institutions such as schools and foster care institutions has not been outlawed.<sup>17</sup> According to non-governmental organizations working in the country, in the majority of institutions supporting children deprived of family care, various forms of cruel treatment and punishment are widespread.<sup>18</sup>

The number of street children in Kyrgyzstan is high, particularly in the southern regions.<sup>19</sup> According to UNICEF, the number of children living and working in the streets is increasing, but there is limited data available due to the absence of an official structure responsible for collecting data in this domain.<sup>20</sup> Some statistics suggest there are an estimated 2,000 children living and/or working in the streets in Bishkek and 1,000 in Osh.<sup>21</sup> Street children are particularly vulnerable to prostitution, physical abuse, as well as extreme poverty.<sup>22</sup> Their vulnerability is a result of socio-economic difficulties including poverty, labor migration and parental alcoholism or drug addiction. At times, children are the only income earners of the family and feel responsible to provide for the needs of the entire family, not only for food and money but also alcohol.<sup>23</sup>

There is limited specific information available on the extent of commercial sexual exploitation in Kyrgyzstan. However, there is evidence of sexual violence of children in its different forms. Some traditional practices facilitate the exposure of children to sexual abuse. A concern is the practice of child marriage in the country. According to the State of the World's Children latest report, 14% of girls in rural areas marry before they reach the age of 18.<sup>24</sup>

Every year there is an average of 11 officially recorded marriages where the bride is under 16 years and approximately 300 cases where brides are under 17 years of age.<sup>25</sup> Labrys, a Kyrgyz organization for the rights of lesbian,

gay, bisexual and transgender people (LGBT), together with the Sexual Rights Initiative reported that 0.3 percent of Kyrgyz girls between the age of 15 to 19 reported getting married before the age of 15.<sup>26</sup> However, this data probably does not reflect the scale of the problem because the number of traditional Muslim marriages (unregistered) is increasing and the number of brides and their respective ages stays unreported. Furthermore, the fact that since 2005 there has been a steady rise in births among underage girls (15-17 years) may reflect the prevalence of child marriages.<sup>27</sup> In 2008, the average birthrate was 4.5 children per 1,000 women in this age group, totalling 1,600 new babies born annually from underage mothers. The highest rates of underage mothers are found in the Chui region (9.4 children per 1,000 women in this age group). Additionally, in recent years, the number of abortions performed on youth has been very high. In 2008, 1,815 abortions (8.6 % of the total number of abortions) were performed on girls aged 12 to 19 and more than 200 abortions are performed annually on girls younger than 14.<sup>28</sup> The government does not have a program to tackle the problem of child marriage.<sup>29</sup> Additionally the practices of bride kidnapping, bride payment, polygamy and arranged marriages are supposedly increasing<sup>30</sup> and a recently conducted survey highlighted the fact that many youth do not necessarily condemn these practices. While 66.7% of the youth interviewed condemned the practice of bride kidnapping, the remaining youth did not, claiming not to have a clear opinion about the subject.<sup>31</sup>

During the last UPR session held in 2010, the government of Jordan suggested to Kyrgyzstan that they increase of the minimum age for marriage for girls.<sup>32</sup> Currently, the Kyrgyz Family Code has established the legal age of marriage at 18 years for both men and women. However, the law envisages exceptions and the minimum age of marriage can be legally reduced by 2 years.<sup>33</sup>

## Bride-kidnapping and Forced Marriages

“Ala kachuu” is the act of abducting a woman with the intent of forcefully marrying her. Forced marriages and child marriages are common practices which increased within the Kyrgyz community after the fall of the Soviet Union.<sup>34</sup> The practice of bride kidnapping appears in two different forms: there are cases of mock kidnapping, in which the groom performs the abduction of the bride who previously agreed to marry him. The other form of “ala kachuu”, which is the most common, is a real kidnapping, where a girl is abducted and forced to marry a man despite her protest, often under the threat of rape. Girls are usually kidnapped by groups of men, often drunk, and kept in captivity in the groom’s house for long days until they agree to wear the marriage scarf symbolizing their agreement to marry.<sup>35</sup> The young girl is eventually convinced to marry the man by the female relatives of the groom and sometimes by her own relatives, afraid of the fact that once kidnapped the girl would be perceived as “spoiled” and would not receive other proposals in the future. The kidnapped brides are always younger than 25 and in some cases, minors. Human Rights Watch reports cases of minors kidnapped and forced to marry to complete strangers or to men they previously refused, sometimes after having been sexually abused. Young girls may find themselves married to much older men.<sup>36</sup> “Ala kachuu” is not a sporadic practice but is apparently gaining momentum year by year and is widespread in rural, as well as urban areas. Figures show that bride kidnapping is a pervasive practice, with as high as 40 percent of married women living in cities being victims of forced marriages. The percentage rises to 60-80 percent when looking at women living in rural districts.<sup>37</sup>

During the last Universal Periodic Review (UPR) the government of Kyrgyzstan accepted Japan’s suggestion to continue its efforts to develop effective measures against the practice of bride-kidnapping and protect children from domestic violence, child abuse and the sale of children.<sup>38</sup>

The eruption of violence which broke out in June 2010 deeply affected the people living in southern Kyrgyzstan, particularly in Osh and Jalal-Abad. The violence reportedly started with clashes between Kyrgyz and Uzbek as a result of ethnic tension in the region. The violence rapidly escalated, resulting in hundreds of deaths and thousands of refugees and people injured and internally displaced. According to Amnesty International, 1,500 homes were destroyed in Osh and 500 in Jalal-Abad.<sup>39</sup> Nearly 375,000 people were forced to flee their homes and remain in need of humanitarian assistance; at least 75,000 were obliged to leave the country after their villages had been attacked and destroyed

and 300,000 were internally displaced.<sup>40</sup> According to the UNICEF Representative in Uzbekistan, 95% of displaced people were women and children.<sup>41</sup> 40 refugee camps were set up in Andijan, Namangan and Ferghana regions in Uzbekistan.<sup>42</sup> Human Rights Watch reported that Kyrgyz military forces were guilty of humanitarian violations committed during the sweep operations and in the aftermath of the disorders.<sup>43</sup>

Although the situation has partially stabilized, the risks for children remain high, as human rights violations, such as harassment and arbitrary arrest and detention persist.<sup>44</sup> Unaccompanied children and children on the move, as well as separated children, are extremely vulnerable to sexual exploitation and sexual violence.<sup>45</sup> Additionally, experiences from many refugee camps in the world suggest that women and children living in refugee camps are particularly at risk of sexual harassment and sexual exploitation.

## Child prostitution

In Kyrgyzstan, there is a general lack of specific information regarding children involved in prostitution. The lack of statistical data and research on the problem has been highlighted by the Committee of the Rights of the Child in the Concluding Observations on the implementation of the OPSC submitted by the state.<sup>46</sup>

The most updated data available dates back to 2004 and is collected by civil society organizations such as the Institute for War and Peace Reporting (IWPR) which conducted research on commercial sexual exploitation of children in the region of Central Asia and the Centre for the Study of Public Opinion El Pikir, the ECPAT group in the country.<sup>47</sup> Although now outdated, the findings unveil a problem that is deeply rooted in the Kyrgyz society, despite not always being visible.

Adolescent girls engage in or are forced into prostitution for various reasons. One of the most impelling is poverty. Street children and children of migrants are at particular risk of being exploited into prostitution, as they often lack any kind of identification documents.<sup>48</sup>

The State estimates that 10% of prostitutes are minors.<sup>49</sup> According to non-government organizations the problem is larger than reported by the state: e.g. 20% of prostitutes working in the capital city are reportedly underage.<sup>50</sup> The violence they endure is not limited to exploitation in prostitution but comprises physical violence and threats as well. Child prostitution in Kyrgyzstan may not be visible, especially in big cities where exploited children are kept in private homes used as hidden brothels; however, it is a widespread phenomenon.<sup>51</sup> The majority of children involved in prostitution are between

11 and 16 years of age and include both boys and girls.<sup>52</sup> Different sources report the growing trend of family members selling girls or handing over girls for forced marriages.<sup>53</sup> Deprived of family protection, these girls are particularly vulnerable to sexual abuse in early marriage and to prostitution and trafficking for sexual purposes. Research has revealed that boys from poor families are sometimes “given” by their families to wealthier villagers as field and pasture workers and often end up sexually exploited.<sup>54</sup>

Children involved in prostitution are found in the streets, market areas, saunas or hotels.<sup>55</sup> Some children are exploited by pimps; while others, for example street children, are reported to work independently and are more vulnerable to disease (as pimps may provide medical care and food for the children they manage, aware of the monetary value of having “clean prostitutes”).<sup>56</sup> Various organizations have reported the fact that there is a demand for virgins in the sex industry, and habitual clients are provided by pimps with very young children if requested.<sup>57</sup> Preference for virgins also stems from the perception that they are less likely to carry sexually transmitted diseases.

Civil society organizations denounce the fact that children older than 16 who are victims of prostitution may be criminalized because they reach the age of sexual consent.<sup>58</sup> The Committee on the Rights of the Child recognized the fact that child victims of prostitution in Kyrgyzstan are often victims of strong stigmatization and that they run the risk of re-victimization. In fact, child victims of prostitution may be held responsible and jailed.<sup>59</sup>

## The HIV emergency amongst commercial sexual workers

The Kyrgyz Republic has a high prevalence of HIV/AIDS infections. According to a study conducted by UNAIDS, since 2001, the number of officially registered HIV cases has increased by more than 25 percent.<sup>60</sup> The World Health Organization estimates that the number of people living with HIV is at least 4,500 and might reach 9,600 by 2012.<sup>61</sup> The secondary cause of HIV infection in the country is sexual transmission, which accounts for 22% of HIV cases. Sex-industry workers are particularly at risk of contracting the virus.<sup>62</sup> Children exploited in prostitution may not have knowledge of protected sex, preventive information and life skills to cope with the risk. Additionally they are unlikely to have access to medical care. HIV carriers in Kyrgyzstan are largely stigmatized which renders the rehabilitation and reintegration of children victims of CSEC even more difficult. The prevention and treatment of HIV/AIDS amongst children involved in prostitution are compelling challenges in contemporary Kyrgyzstan.

## Child trafficking

The Kyrgyz Republic has been identified as a source, transit, and to a lesser degree, destination country for trafficking in human beings.<sup>63</sup> Despite the fact that trafficking in children has been recognized as a problem well-rooted in the country, there is limited statistical data or updated information on child trafficking.<sup>64</sup> Some international and national organizations, such as Save the Children, IWPR and El-Pikir (in collaboration with ECPAT), studied the phenomenon in the past but the most updated information dates back to 2003/2004. The studies conducted by the above mentioned organizations confirm the fact that Kyrgyzstan is largely involved in the trafficking of underage children for sexual purposes. Although no child-specific statistics have been released on the prevalence of child sex trafficking in Kyrgyzstan, according to the 2011 US Trafficking in Persons Report, over 60,000 Kyrgyz citizens are victims of trafficking. This statistic includes men, women and children, and represents trafficking in general (i.e. labor and sex trafficking).<sup>65</sup>

Men are primarily victims of trafficking for the purpose of forced labor<sup>66</sup> while women and girls are mainly trafficked into forced prostitution. Kyrgyz women and girls are trafficked to neighboring countries such as Kazakhstan, Uzbekistan and Russia. Other destinations where Kyrgyz women have been found include the United Arab Emirates (UAE) and European and Middle East countries such as Cyprus, Turkey, Greece, Germany and Syria, as well as China, Thailand and South Korea. The majority of the girls trafficked to Russia are underage.<sup>67</sup> The country is also known to be a transit point for the migration of Uzbek, Tajik and Turkmen victims of prostitution to Russia, the UAE and Turkey.<sup>68</sup>

In 2008, a study conducted by UNICEF in Kyrgyzstan identified the manifestation of commercial sexual exploitation in the forms of bride kidnapping, early marriage and sexual exploitation by relatives.<sup>69</sup> Children are also trafficked as a result of debt bondage. Also, children have been reported to be trafficked to China in order to pay their family's debts to Chinese businessmen.<sup>70</sup> It can be difficult to distinguish labour trafficking from commercial sexual exploitation (as sexual exploitation is often not the primary reason for trafficking), however it nevertheless manifests due to the vulnerability of unaccompanied minors to pressure and threats from adults.

The Kyrgyz Ministry of Gender Equality indicates that the majority of trafficked victims are females aged 15 to 30, belonging to the Kyrgyz ethnic group.<sup>71</sup> In 2008, the International Organization for Migration (IOM) reported that at least 4,000 Kyrgyz women are sold annually, 10 percent of who are minors.<sup>72</sup> In Istanbul, Turkey, there are roughly 250 Kyrgyz girls working in the sex industry.<sup>73</sup> Data on the prevalence of trafficking, as previously mentioned, fails to provide a disaggregated assessment, masking the true nature of CSEC in Kyrgyzstan.

Internal trafficking is apparently increasing and remains underreported. Men and women are trafficked within the state for the purposes of forced labor and commercial sexual exploitation.<sup>74</sup> Personnel of non-governmental organizations report that children are trafficked to the south of the country to work and live in semi-slavery conditions.<sup>75</sup> Children have also been reported to be trafficked from rural areas to Bishkek and Osh for the purpose of sexual exploitation.<sup>76</sup> Particularly worrisome is the fact that parents have been reported to be directly involved in the selling of their children to pimps or force their children to leave the family home due to extreme poverty.<sup>77</sup> These children often find themselves in a situation of total abandonment, living as social orphans in the street or in institutions, rendering them vulnerable prey to CSEC.

The lack of reliable data may be caused by a multitude of reasons. Real figures are often not available because victims rarely

denounce the offence in order to avoid further stigmatization. In other cases victims find themselves in a position of uncertainty since they enter a country illegally, fearing detention or public shame. Mistrust of police officers could also be a reason for not denouncing the crime. The Committee on the Rights of the Child expressed its concern about the fact that corrupt police officers have been accused of facilitating trafficking in human beings.<sup>78</sup> Another factor contributing to shortage of information on child trafficking could be the absence of media coverage of the issue. Trafficking of children for sexual purposes is generally acknowledged within the Kyrgyz society but it is considered taboo and excluded from public discourse.<sup>79</sup>

Within the government, combating human trafficking is a shared responsibility. The agencies responsible for combating trafficking in persons are the State Committee for National Security; the Committee for Migration and Employment; various state ministries and agencies; and the State Border Service. Despite these departments' commitment to suppressing human trafficking, victims and NGOs representatives have accused State Border Service and officials from the Ministry of Internal Affairs of acting complicitly with traffickers.<sup>80</sup> According to the United States' Department of Labor, law enforcement in Kyrgyzstan is jeopardized by corruption; victims of trafficking have reported the facilitation of trafficking operation by government officials.<sup>81</sup>

The US Department of State annually releases a *Trafficking in Persons Report* which categorises countries into different "tiers" based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the *Trafficking Victims Protection Act's* minimum standards for the elimination of trafficking are placed in **Tier 1**. Those that have made "significant efforts" to meet the standards are placed in **Tier 2** and countries that are not making significant efforts to combat human trafficking are placed in **Tier 3**.

Kyrgyzstan was placed in **Tier 2** in the US Department of State Trafficking in Persons Report 2011.<sup>82</sup>



## Child pornography / child abuse images

Child abuse images and child pornography in Kyrgyzstan receive very little attention. The lack of official statistics on cases involving child pornography reported by the authority obstructs the study about the issue.<sup>83</sup> However, the Committee on the Rights of the Child noticed the problem and expressed its concern that Kyrgyzstan should strengthen its data collection system as well as carry out research and investigations on the issue.<sup>84</sup> According to ECPAT research conducted in 2004 and later in 2007, there have been no reports of the domestic production of child pornography. The explanation could be drawn from a low demand for child pornography in the local market as available pornographic materials such as CDs and DVDs are imported from foreign countries such as Russia.<sup>85</sup> However, the lack of reports on the production does not imply non-existence of child pornography in the country. As such, the authorities should be aware of problems

surrounding child abusive images and child pornography and allocate sufficient resources to investigate the issue. Furthermore, due to the expansion of internet usage in the country, combatting online child sexual exploitation should be a government priority.

A 2011 study conducted by ECPAT International in collaboration with El-Pikir to understand the use of ICT among children and young people in Kyrgyzstan suggests that there is a large number of websites that are accessible to Kyrgyz people that contain child abuse images. Currently there are no deterrence measures in place to prevent individuals from accessing pornographic material (both adult and children) and almost 61% of the 100 sites identified as containing pornography content also hosted child abuse images.<sup>86</sup>

## Sexual exploitation of children in travel and tourism

Despite being identified as the country's priority for development, the tourism industry in Kyrgyzstan accounts only 4 percent of the country's GDP.<sup>87</sup> The main source countries of foreign tourists coming into Kyrgyzstan are its neighbours such as Kazakhstan and Russia. Tourists mostly visit the capital, Bishkek or Lake Issyk-Kul regions. There is very little data on the issue of child sex tourism in Kyrgyzstan as there has not been any specific research or data collection on the

crime. From what is known, adult prostitutes are accessible by foreign tourists in big cities, while underage prostitutes are kept in hidden rooms, almost invisible to foreign visitors. Foreign clients must therefore have made special arrangements prior to their visit. In the case of boy prostitution, some of them are reported to be prepared to pay premium prices.<sup>88</sup> Additionally, there are no official records of Kyrgyz tourists sexually abusing children in foreign countries.

## NATIONAL PLANS OF ACTION AND POLICIES

The Kyrgyz Republic did not develop any specific plan of action to counteract CSEC, although it was repeatedly encouraged to adopt one by numerous civil society organizations and by the Committee on the Rights of the Child. However, national plans of action to tackle some forms of CSEC can be seen in the NPA regarding worst form of child labour or human trafficking.

Despite the absence of a Plan of Action tackling specifically CSEC, Kyrgyzstan adopted a national plan of action called the New Generation State Programme for the Realization of Children's Rights for the period 2001 – 2010. The Programme addressed child sexual exploitation by establishing a programme on child trafficking and commercial sexual exploitation of children.<sup>89</sup> The programme aims at strengthening coordination among relevant government bodies and NGOs working on advancing child welfare in the domains of legislation, education and public awareness. The target groups are at-risk groups of children, such as social orphans, children with parents below the age of 22, poor families and street children, and does not specifically refer to children who are victims or at risk of commercial sexual exploitation. The Programme therefore lacks a specific plan of action regarding the sale of children, child prostitution and child pornography. The Committee on the Rights of the Child also expressed concern about the limited budget allocated to CSEC and the poor cooperation existing between the bodies implementing the NPA.<sup>90</sup> “New Generation” originally foresaw 175 measures to be implemented between 2001-2010; however, due to limited funding, the implementation has been slow.<sup>91</sup> The Plan of Action had some provisions, listed under article 43, to monitor the effective implementation of programmes in place for the prevention of commercial sexual exploitation of children.<sup>92</sup> The plan stated that those who involve children in prostitution will face repercussions and stipulated the need for rehabilitative services for child victims of violence, a registration

network for children who have suffered abuse and adequate financing for these services.<sup>93</sup> Despite the outlined provisions, a 2007 report indicated no funds had been allocated specifically for the support of child victims of trafficking, prostitution or pornography. The only services provided to such victims were essential medical support, extended under the State Safeguards Programme.<sup>94</sup> In 2006, 10 percent of Kyrgyzstan's national budget was reportedly allocated to education, health and social welfare. The Ministry of Labor and Social Protection offered organizations working with vulnerable children the opportunity to apply for funding, however no specific budget was reserved for NGOs.<sup>95</sup> According to 2011 reports, “New Generation” fails to provide tangible measures to combat CSEC.<sup>96</sup>

In 2008, the government adopted the **State Program of Action of Social Partners for the Elimination of the Worst Forms of Child Labor in the Kyrgyz Republic (2008-2011)**, in conformity with its obligations under the ILO Convention 182.<sup>97</sup> The program aims to improve legislation, identify and access victims and prevent children from the worst forms of child labor. Though the plan is more focused on labor exploitation, it also addresses exploitation of children in prostitution. The plan for action includes activities to promote youth employment and public awareness about the worst forms of child labor.<sup>98</sup>

In 2009, the government planned a general protection and welfare reform called the “inter-agency action plan for the reform of the child protection system and the promotion of social services for the



population”.<sup>99</sup> The Vice-Premier-Minister of the Republic formed a working group for drafting a Child Protection System Reform National Plan 2009 - 2011. The Plan has been drafted with the support of UNICEF and aims to establish social support services for families at the local self-government level. The draft has to be approved by the Parliament.<sup>100</sup>

In 2008 the Government approved a National Action Plan against Human Trafficking. The plan increases the protection from trafficking providing a definition of trafficking and aims to improve public awareness on the problem.<sup>101</sup> However, the plan does not have a specific focus on CSEC.

## COORDINATION AND COOPERATION

Coordination and cooperation are crucial for an efficient and effective fight against CSEC. In accordance with the *Stockholm Declaration and Agenda for Action*, close interaction and

cooperation between government and non-government sectors is necessary to effectively plan, implement and evaluate measures to combat CSEC.

### Local and national levels

As noted by the Committee on the Rights of the Child, the coordination among government bodies is not fully effective.<sup>102</sup> Poor coordination is reflected in the limited impact of the programmes designed to prevent and protect children from CSEC.

The main state body which is in charge of children rights and receiving complaints is the Commission on Children's Affairs, which was also appointed as the State body responsible to coordinate and implement the OPSC.<sup>103</sup>

The coordination among state authorities regarding child protection is ineffective. According to leaders of several civil society organizations that work in relation to child protection system, reform is needed to improve the protection to the rights of children.<sup>104</sup> It was further noted that multiple departments and government agencies have shared responsibility towards child protection. Thus, poor coordination among them eventually leads to poor protection for children. The State Agency of Social Security, in particular, has been recognized as a body unable to ensure adequate protection to children because it does not have the appropriate status.<sup>105</sup> The head of Child Rights Defenders' League, Nazgul Turdubekova, believes that it is imperative to establish a Ministry for Social Policy and

Development to be the main government body being in charge of all functions protecting children.<sup>106</sup>

Despite poor coordination at the governmental level, coordination between local stakeholders and non governmental organizations is increasing. Since the establishment of the national network to combat Commercial Sexual Exploitation of Children, in 2005, 10 national NGOs have joined efforts to fight CSEC. The network includes the “Foundation Children at Risk”, the public association “Tais Plus”, the foundation “Shining Path”, the “Rehabilitation Centre for Street Children”, the public association “Caring for Rural Children”, women union “Umai-Ene”, the “Centre for Gender Equality”, the Association “Women leaders of Jalal-Abad”, Public Foundation “Ayalzat” and the Centre for Public Opinion Study “El-Pikir” (the ECPAT affiliate in Kyrgyzstan).<sup>107</sup>

## Regional and international levels

As part of the Commonwealth of Independent States (CIS),<sup>108</sup> Kyrgyzstan concluded a number of agreements with neighbouring countries in the CIS region as part of regional efforts to combat commercial sexual exploitation in children. Among other forms of CSEC, most of these CIS agreements are related to human trafficking with and without commercial sexual purposes. The Agreement of the States Parties of the CIS on the Struggle against Trade in People, Human Organs and Fabric is one of the efforts to set up common basic principles in the CIS region to combat human trafficking. The Agreement reflects principles enshrined in the Trafficking Protocol with the definition of children set at 18 years of age.<sup>109</sup>

In 2006, a CIS Programme of Co-operation to Combat Trafficking in Human Beings for 2007-2010 was approved in order to strengthen the cooperation within CIS countries as well as harmonization of national legislations. Moreover, with a special focus on children, the Agreement of the States Parties of the CIS on the Return of Minors to their State of Permanent Residence was signed with an aim to enhance regional cooperation and information sharing on the return of unaccompanied children. Though this Agreement made reference to the Convention on the Rights of the Child, a significant gap found in this agreement is the diverse age defining children by state parties.<sup>110</sup>

Additionally, under the framework of the OSCE, the OSCE Action Plan to Combat Trafficking in Human Beings was adopted in 2003 by 55 representatives from participating countries including Kyrgyzstan. The Plan was later supplemented by the Addendum Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance, which was prepared based upon experiences in addressing trafficking for sexual exploitation. However, the diverse national migration control regime hinders the

implementation of the Plan in the region.<sup>111</sup>

Kyrgyzstan (along with Uzbekistan and Kazakhstan), is part of the International Organization for Migration's (IOM) Central Asia Regional Anti-trafficking Programme. The programme was the result of a two-day forum on "Protection of victims of Trafficking: best Practices and Lessons Learned" held in Issyk-Kul in November 2010. The forum saw the participation of various NGOs as well as representatives from different institutions, mass media, international organizations and governments.<sup>112</sup> The regional cooperation was expanded to be a three-year programme under USAID funding with the IOM being in charge of the implementation. As a result, a number of projects and research initiatives to combat human trafficking were conducted. In addition, in 2010, a website of a network of NGOs countering trafficking ([www.traffikunet.kg](http://www.traffikunet.kg)) was launched in order to serve as a platform for knowledge and exchanging views.<sup>113</sup>

During 2006 – 2007, IOM Bishkek implemented a project entitled Combating Trafficking in Persons in Central Asia: Prevention, Protection, and Capacity Building in the regions of Kazakhstan, Kyrgyzstan, Uzbekistan, and Turkmenistan.<sup>114</sup> Programs supported in these regions include an NGO network, hotline, shelters, victim repatriation and prevention tactics. IOM Bishkek has also made available a manual on how to appropriately respond to victims of trafficking, entitled 'The manual on care, rehabilitation, recovery, and reintegration of victims of trafficking in human beings for the Kyrgyz Republic and the role of the NGO in counter trafficking in the Kyrgyz Republic'.<sup>115</sup>

In addition, the IOM works with a network of national and international organizations and agencies providing direct assistance to victims of trafficking. The network was

developed in consultation with NGOs and governmental actors, as well as with international experts on trafficking. The IOM also provides assistance in implementing preventive measures against human trafficking<sup>116</sup> as well as providing capacity building to law enforcers and care providers. Finally, the Kyrgyz government cooperated with UNICEF by signing a Programme of Cooperation for 2005-2010, to ensure that children's rights, as stipulated in the

Convention of the Rights of Children, are respected. Focal areas include developing activities in the domains of Health and Nutrition, Early Childhood Development and Education, and Child Protection. UNICEF supports the government in ensuring that children and families have access to social services, adequate medical and health care, pre-school programs and other fundamental needs for proper child development and protection.<sup>117</sup>

## PREVENTION

Effective prevention of CSEC requires multi-faceted strategies and policies that simultaneously address the different elements

of the problem. These strategies should target both vulnerable children and individuals who engage in sexual activities with children.

Although the efforts to prevent child abuse have increased during the last years, their impact is not yet sufficient to ensure that children in Kyrgyzstan are not victimized by CSEC. The preventive measures target primarily trafficking in human beings and in some cases trafficking in children. However, information on programs to prevent child prostitution and child pornography are not available.

On October 14th 2011, the Center for Public Opinion Research and Forecast "El-Pikir" (affiliate member of ECPAT) with the support of ECPAT International carried out a round table discussion titled "Child Pornography and other risks on Internet".

The event was held to determine the main directions for improving the coordination of Kyrgyz stakeholders from Internet services, government agencies and other organizations for counteraction with illegal content on the Internet. At the round table the following agencies actively participated: the Ministry of Internal Affairs, Ministry of Education, Department on Childrens Rights of the Ministry of Internal Affairs, State Agency on Communications under the Government, the General Prosecutor's Office and National Center for Maternal and Child Welfare Ministry of Health; IT operators: Kyrgyztelecom, AK Phone (brand

of Fonex); and the Association of Lawyers, public organizations, YPP youth and ECPAT International (totaling about 45 participants). During the meeting, the study conducted in Kyrgyzstan by ECPAT in collaboration with El-Pikir entitled "Child risk behavior online" was presented.<sup>118</sup>

According to the survey mentioned above, mobile phone usage and ownership is quite extensive among children and young people and only 6% said that is unusual to find mobile phones among their peers. Considering the fact that data charges for mobile Internet are relatively cheap (0.012\$ USD to 0.12\$ USD per minute), children who have a smartphone with Internet connectivity are constantly connected online. 75% of the children surveyed said that they browse the Internet daily through their mobile devices.

'Moi Mir' (Russian for My World) social network is the most popular social network among respondents. Eighty four percent of surveyed children use this network. Over half of the surveyed children (53%) are also registered on Facebook. Forty two percent are registered on 'Odnoklassniki' ('Classmates') and a quarter 'In Contact'. Almost all popular social networks are Russian-based with the exception of Facebook.

In spite of the popularity of the Internet applications among young people, there does not seem to be much resource material available in their local language to warn them about possible risks online. This is one area where more work needs to be done.

At the government level there are multiple actors responsible for the prevention of child abuse. In particular the Oblast based Prosecution Office may collaborate with the Guardianship Department under the city Mayor and with the Inspectorate on Minors' Affairs. The Prosecution Office is responsible for monitoring the activities conducted by the Inspectorate and the Guardianship Department is responsible for conducting inspections in institutions and schools. Every four months these bodies visit schools and provide lectures and register children paying particular attention to children at risk.<sup>119</sup>

Education is regarded as one of the fundamental tools to prevent CSEC from occurring. By providing children with adequate education, vulnerability to sexual exploitation is reduced. According to Kyrgyz law, children must attend an educational institution for the first 9 years of schooling, or until a child reaches the age of 14. In order to encourage school attendance, the government provided all Kyrgyz children with school books and free food at elementary schools. While the government ensures that education is free and accessible, concern remains for low income families who cannot afford school uniforms and school supplies for their children.<sup>120</sup> At the secondary level, the government tries to guarantee free education until children reach the age of 17 but due to insufficient finances allocated to education, not all children

residing in the country can benefit from this scheme. However, parents who fail to send their children to school may be legally pursued by the government, though such pursuance remains rare.<sup>121</sup>

The Ministry of Transport has been involved in raising awareness about the problem of trafficking. Posters and information have been distributed and affixed on local buses and transportation centers. The Department of Air Transportation has provided the arrivals and departures corridors of airports with anti-trafficking helplines.<sup>122</sup> A toll-free hotline (189) is accessible within the country.<sup>123</sup> This hotline is available to citizens wishing to check the validity of potential employment positions abroad; it assures anonymity of callers and is also child/youth friendly.

The Committee on the Rights of the Child expressed its appreciation toward the numerous trainings organized by the State, in collaboration with civil society organizations. Some of these trainings tackled the building of capacities of judges and police personnel mainly on anti-trafficking measures. In particular, the Committee highlighted the importance of training professional figures working directly with children at risk and child victims. Moreover, the Kyrgyz government has reached an agreement with the government of Sweden to support training and development for social work with children from high-risk groups.<sup>124</sup> However the Committee saw the number of these trainings as inadequate considering the extent of the problem.<sup>125</sup>

Youth in the Kyrgyz Republic have been recognized as the group which is most at risk

of trafficking. Consequently IOM carried out awareness raising activities tailored to reach a large number of youth. These activities included picture exhibitions, disco events and social videos on trafficking that have been broadcast on radio and TV as part of the “Stop Human Trafficking Project”.<sup>126</sup> IOM has also prepared fliers and anti-trafficking awareness material to be distributed by border guards to travelers leaving the

country. A number of NGOs (as part of the IOM Counter-Trafficking Network) hold preventive activities at the local level. These activities include seminars and trainings and awareness raising of the danger of illegal employment abroad.<sup>127</sup> Similar activities have also been carried out by the Ministry of Education which offers awareness raising activities and training on the subject matter to children.<sup>128</sup>

### ECPAT Youth Partnership Project in Kyrgyzstan

The ECPAT Youth Partnership Project for Child Survivors and Youth at Risk of Commercial Sexual Exploitation (Global YPP), funded by the European Commission (EC) has been implemented for three years (beginning in January 2009) by members of the ECPAT network in cooperation with local partners in 11 countries worldwide including Kyrgyzstan. ECPAT utilized four main strategies that promote child and youth participation in the fight against CSEC. These include: 1) promoting the substantive participation of children and young people, particularly those who have experienced CSEC and those who are vulnerable and at risk, in all facets of the project; 2) providing extensive training and capacity building for young people to maximise and enhance their participation; 3) forming strong partnerships with local institutions, both government and non-government, who are responsible for the care for these young people; and 4) offering the means and opportunity for young people to design and implement their own awareness-raising and advocacy activities and participate in national, regional and international meetings in the fight against CSEC. For example, through 21 youth-led micro-projects implemented over three years in Kyrgyzstan, over 5,000 children directly benefited from the activities and over 25,000 children and youth were reached through awareness raising initiatives (see section on child and youth participation for more details of this project).

OASIS is another organization working to educate at-risk youth on the dangers of human trafficking. In collaboration with UN Stop the Traffik, OASIS launched its awareness-raising campaign entitled START FREEDOM.<sup>129</sup> Launched in 2009, the project aims to access youth between 11 and 18 years old, using interactive techniques to engage youth in learning about the realities of human trafficking. Focus is placed on enabling children to recognize questionable job offers and resources are provided on where further assistance can be attained. OASIS material on trafficking is translated in Kyrgyz and a website is also accessible where resources can be found. The group has reached street children’s centers, orphanages, a youth prison, a children’s detention center and a

reform school in Bishkek, as well as public schools. Since 2009, OASIS has reached over 1000 youth. It also distributes information on hotlines, brochures on human trafficking, victim testimonials and has partnered with IOM.<sup>130</sup>

The Kyrgyz government has begun digitizing passport records, as a means of tracking its nationals who travel abroad.<sup>131</sup>

The NGO Network in Kyrgyzstan to eliminate commercial sexual exploitation of children (led by El Pikir) and ECPAT International has also been involved in activities of prevention. On the 19 November 2009, the World Day for Prevention of Child Abuse, the Network organized a press

conference that aimed to raise awareness on the problem of CSEC in the country during the public campaign “Childhood without violence and cruelty”.<sup>132</sup> In a country where some forms of CSEC fail to be acknowledged,

it is crucial to publicly address the issue.

No programs tackling the demand for child prostitution and pornography have been implemented in the country.

## PROTECTION

Comprehensive and effective legislation is essential to protect children from commercial sexual exploitation. Specific laws must be developed, implemented and/or strengthened to combat the various manifestations of CSEC. These laws must be reviewed and updated regularly to incorporate evolving forms of CSEC, such as grooming or

viewing and accessing child pornography online, as well as changes in the international legal framework. Not only must states enact legislation that is compliant with international standards and obligations, but such laws must be effectively enforced. Policies and procedures to protect child victims and/or witnesses are also essential.

International instruments		
Human rights bodies related to child rights Charter-based bodies	Comments	
Working Group of the Universal Periodic Review – Human Rights Council	May 2010	
Special Rapporteur on the sale of children, child prostitution and child pornography	No visits so far	
Special Rapporteur on trafficking in persons, especially in women and children	No visit so far	
Treaty-based bodies		
Committee on the Rights of the Child		
Children’s rights instruments	Date of ratification	Date of submitted reports
<i>Convention on the Rights of the Child – 1989</i>	12 January 1994	29 July 2010
<i>Optional Protocol on the sale of children, child prostitution and child pornography – 2000</i>	2003	2007
<i>ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)</i>	2004	
<i>UN Convention against Transnational Organized Crime</i>	15 March 2003	
<i>Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children – 2000 (supplementing the UN Convention against Transnational Organized Crime)</i>	15 March 2003	



The Kyrgyz Republic guarantees the overall protection of children's rights. However, in order to be comprehensive, there remain areas in need of amendments. For example, the Global Initiative to End All Corporal Punishment of Children (GIEACPC) underlined the fact that corporal punishment is not outlawed in foster care and alternative care centers because the violation is not prohibited by the Criminal Code.<sup>133</sup> The failure to criminalize these acts in the Code exposes children to the risk of physical abuses. The Kyrgyz Republic has a number of laws which address both violence against children and child protection. Such provisions are found in the Child Code of the Kyrgyz Republic, the Family Code of the Kyrgyz Republic, the Law on Safeguarding and Protecting the Rights of Minors, the Law on Social and Legal Protection from Violence in the Family and the Criminal Code of the Kyrgyz Republic.

In 2006, the country adopted the Children's Code of the Kyrgyz Republic, which takes into specific consideration the particular needs of children, namely to ensure that children are safeguarded from physical and psychological abuse, and negligent treatment.<sup>134</sup> The

Committee on the Rights of the Child expressed its appreciation towards the enactment of the Code, however, it noted how the Code does not include specific provisions prohibiting the sale of children, child prostitution and child pornography.<sup>135</sup> Even though the OPSC takes precedence over the national law,<sup>136</sup> which is extremely positive, the national legislation should address the specific CSEC related crimes and indicate precise punishments.

The age of sexual consent in Kyrgyzstan is 16 years for girls and boys.<sup>137</sup> According to article 132 of the Kyrgyz Criminal Code, sexual relations between adults (persons older than 18), and persons younger than 16, are forbidden. Having sexual relations with children and youth under 16 is punishable with imprisonment of up to three years.

The Kyrgyz Republic did not participate in any of the three World Congresses against Sexual Exploitation of Children and Adolescents and therefore has not adopted the *Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*.

### PROSTITUTION OF CHILDREN

Article 157 of the Criminal Code criminalizes involving a child in prostitution or in "performing sexual acts". The provision carries a sanction of up to 5 years of imprisonment, if the above mentioned acts are with the use of violence, or with the threat of it. However, the provision does not contain a clear definition of child prostitution, an explanation of what would fall under "performing of sexual acts", nor does it address the issue of what constitutes remuneration for the purpose of prostitution. In addition, the law makes no attempt to curb the demand for prostitution

by targeting individuals who attempt to have sexual activity with child victims of prostitution.

Article 261 of the Criminal Code targets organizers of prostitution by prohibiting acts aimed at organizing prostitution, as well as maintaining and/or systematically providing premises for prostitution. The article further qualifies the conduct if these acts involve a person who has not attained the age of 14. In the latter case, the sanction envisages deprivation of liberty from 10 to 15 years with

the confiscation of property. The Committee on the Rights of the Child expressed a major concern regarding the fact that child victims of exploitation are easily criminalized. This fear extends to

child victims, as well as to child witnesses.<sup>138</sup> The CRC reported that child victims are often sanctioned or jailed whilst child witnesses receive little protection against physical and psychological pressure during

## TRAFFICKING IN CHILDREN FOR SEXUAL PURPOSES

The 1997 Criminal Code of the Kyrgyz Republic prohibits trafficking in human beings. Article 124.1 of the Criminal Code provides the definition of human trafficking describing it as “recruitment, transportation, harboring, receipt, transfer, sale-purchase of a human being or any other illegal transaction with or without that person’s consent... for the purpose of exploitation”. Such a definition is in line with relevant provisions of the Trafficking Protocol.

Articles 124.2.2 and 124.3.4 specifically target trafficking of children by qualifying the above mentioned trafficking acts if committed with regards to underage or minors respectively. The sanctions for trafficking underage and minors are up to 15 or 20 years of imprisonment. Article 124 also explains what is meant by “exploitation” in the language of the provision: “involving a person in criminal activities, engaging in prostitution or other forms of sexual exploitation”.

In line with the requirements of the Trafficking Protocol, articles 28 and 30 of the Criminal Code criminalize ‘complicity in trafficking acts’, also attempts to commit such acts, and directing/organizing of the trafficking acts. Overall, the present Criminal Code regulations seem to be in full compliance with the relevant provisions of the Protocol.

In addition to the prohibition in the Criminal Code, the 2005 Law on Prevention and Combating Trafficking in Persons criminalizes both sex and labor trafficking, providing penalties for these offences of 3 to

20 years of imprisonment.<sup>140</sup>

According to the provisions of the 1999 Kyrgyz Code of Criminal Procedure, the inability to identify the age of a victim of trafficking shall not impede the initiation of criminal proceedings. According to article 200 of the Code, when the age of a victim is in doubt, experts will be appointed to determine it.<sup>141</sup> In this way, when in doubt, victims are considered underage until the contrary is proven.

In accordance with article 3.1 and 3.2 of the Convention on the Rights of the Child, Kyrgyzstan law upholds provisions ensuring that the best interest of the child prevails over parental interests. Article 61 of the Family Code of the Kyrgyz Republic protects children from parental abuse and allows a child who believes his or her rights to be violated by his or her parents to request protection from the courts.<sup>142</sup> Furthermore, organizations and individuals aware of threat to a child’s well-being, have the legal responsibility of reporting their concerns to the body of guardianship and trusteeship. Article 70 of the Family Code states that when children’s interests are in conflict with parental interests, the best interest of the child prevails.<sup>143</sup> Parents who abuse, neglect or exploit their children will be held legally responsible. Such provisions, although not explicitly referring to trafficking, have strong implications for the prevention of child trafficking within the country.

The few successful prosecutions of traffickers in the country has increased the culture of



impunity toward the crime and consequently also the extent of human trafficking. During 2009, at least 113 victims of trafficking were identified in the country. However, only four alleged traffickers were prosecuted.<sup>144</sup> Three individuals were convicted for labour trafficking and only one for sex trafficking. All the traffickers were sentenced to 10 years imprisonment.<sup>145</sup> In 2010, the government conducted two sex trafficking and nine forced labor trafficking investigations. Only 1 convicted offender was sentenced to prison, a clear decline from 2009.<sup>146</sup>

In 2010, the state reported conviction of three trafficking offenders, with only one trafficking offender receiving a term of imprisonment.

The sentence imposed was 10 years in prison and the confiscation of property. 2010 saw an increase in the number of trafficking prosecutions compared to 2009, however a reduction in the number of offenders who received a term of imprisonment for their crime. No data was provided on whether children were involved in the trafficking or whether the offenders who were imprisoned were guilty of sex or labor trafficking.<sup>147</sup> The government did not report any efforts to investigate or prosecute government officials suspected of involvement in human trafficking.

## CHILD PORNOGRAPHY CHILD ABUSE IMAGES

The 1997 Criminal Code does not contain a definition of child pornography. It only provides in its Article 262 a general prohibition on manufacturing, distribution, or advertising of pornographic works, prints, images, or other items of a pornographic nature, as well as trading or possessing these materials with the intent to sell. Article 157 specifically prohibits involving an underage person in activities related to the manufacture of materials or articles of a pornographic character. The latter offense is sanctioned with imprisonment of up to 5 years if violence or the threat of it was used during commission of the act. Although the language of both provisions could be interpreted as to include most of the forms of pornography representation, it is unclear what kind of sexual activities would fall within its purview, in particular, whether simulated sexual acts or representation of the sexual parts of a child for sexual purpose would fall under the provision. A more precise legislative language would offer additional protection for children in that regard.

Although Kyrgyz legislation seems to cover most of the requirements of the Optional Protocol with regard to the criminalization of

child pornography, the Criminal Code does not provide for a comprehensive definition of child pornography which would include virtual child pornography (cartoons, drawings, videogames, etc. which depict children engaged in sexual activity) nor do they criminalize simple possession and knowingly accessing child pornography. In addition the laws do not address the process of soliciting children for sexual purposes (grooming). Introducing amendments addressing these issues would ensure a more robust protection of children from pornographic exploitation and from sexual exploitation online.<sup>148</sup>

Internet providers have systems to block online content as demonstrated in the blocking of the site *Ferghana.Ru*, the popular independent web-site that is critical of Central Asian governments. But there is very little data to show that they use such techniques to block known child abuse images as there is no law that compels ISPs to block illegal online content. As such it is recommended that the ISPs develop a code of conduct and work closely with the law enforcement and follow international standards and guidelines to prevent access to such sites.<sup>149 150</sup>

Article 5 of the 1997 Kyrgyz Criminal Code establishes territorial jurisdiction over CSEC offences committed by all persons in the territory of the Kyrgyz Republic, as required by article 4.1 of the OPSC. Article 6.1 of the Criminal Code establishes active nationality jurisdiction (extraterritorial jurisdiction) over criminal offences, including CSEC crimes, committed abroad by nationals or permanent residents of the Kyrgyz Republic. The Criminal Code does not envisage passive nationality, which would allow the Kyrgyz Republic to prosecute foreign CSEC offenders who have committed crimes against Kyrgyz nationals abroad.

Regretfully, article 6.2 of the Criminal Code prohibits extradition of Kyrgyz nationals to foreign states for offenses committed abroad. Article 6.3 only envisages a possibility to extradite foreign citizens and stateless persons. If Kyrgyz nationals commit CSEC crimes abroad, these offenses may go unpunished unless the Kyrgyz Republic take steps to prosecute its own nationals. Relevant amendments should be made in the national legislation to ensure that CSEC offenders should be extradited or prosecuted, leaving no place for impunity.

## Child protection units

The Government of Kyrgyzstan has been improving the institutional mechanisms in place for the protection of children's rights. In 2006, with the passing of the Children's Code of the Kyrgyz Republic, a Child Protection Department (CPD) was established to coordinate directly with the Government and monitoring the implementation of the Children's Code. At the government level, the Child Protection Sector, under the Educational Department of the Government Administration, coordinates the work of the CPD.

At the local level, the Family and Child Support Department and the Commission on Children's Affairs are established in district state administrations and city mayor's offices. Concern has been raised surrounding the fact that the responsibilities of the bodies involved in child protection are not clearly outlined and there is minimal coordination between units.

Residential institutions are the primary form of responding to children from low income families or children whose parents have lost legal custody. Minimal effort is placed into

reintegrating a child back into the family or finding housing accommodations other than institutionalization. In 2007, 20,750 children were living in institutions.<sup>151</sup>

Refugee, migrant, noncitizen, and internally displaced children (due to gaps in residential registration), have difficulty accessing healthcare services. Internal migrants represent 80 percent of street children, who as earlier stated, are particularly at-risk for CSEC. Street children are consistently experiencing barriers to education and medical services. They are largely responded to by police who detain them, and either return them home, or, place them in residential institutions and orphanages. Resources in state orphanages are limited and often fall short of responding to children's needs.<sup>152</sup> In 2010, it was reported that older children were even being transferred to mental health facilities, despite an absence of mental health problems. 2008 statistics provided by the Presidential Administration highlighted 5,390 children housed in the 39 state shelters, 20 percent of whom were orphans.<sup>153</sup>

Kyrgyzstan has an Office of Ombudsman working for the protection of human rights. Though there is no specific Ombudsperson for children, the office has an ad-hoc team dealing with rights of minors. The office can collect and request information from other agencies and initiate investigations.<sup>154</sup> The Office has also been reported to have attempted to set up a juvenile justice institute.<sup>155</sup>

Presidential decree No. 94 of 21 April 2001 established a special unit to combat smuggling and trafficking in persons. The unit operates within the Kyrgyz Ministry of Internal Affairs but has no legal status and only operates by using available resources<sup>156</sup> which means that there is not a precise budget allocated. Additionally, the unit does not have a specific focus on child victims and no expertise on CSEC.

## Support services for children

Support services available for children in Kyrgyzstan focus mainly on trafficking victims and street children. The lack of services for child victims of CSEC is a serious gap within the Kyrgyz child protection system. The few available services are primarily operated by civil society organizations and focus on victims of trafficking. There are no services specifically designed to assist children victims of CSEC.

According to UNICEF the majority of support services for children available in the country targets only victims of trafficking which fails to offer specialized services for child victims.<sup>157</sup> There are some establishments such as shelters which address children at-risk, namely, migrant children, child workers and children in institutions,<sup>158</sup> however their services are not designed for the specific needs of child victims of commercial sexual exploitation.

According to the national plan for action “New Generation”, children at risk of trafficking are eligible to access services such as free education, free social security and free medical care.<sup>159</sup> However, an evaluation of the programme done in 2006 proved that not all the provisions contained in the plan for action were implemented due to lack of resources.<sup>160</sup> The government did not provide financial assistance to any NGO or organization offering assistance to victims in 2010.<sup>161</sup>

The problem of trafficking is also addressed by international agencies. The International Organization for Migration, in collaboration with partner NGOs, provides direct support

to victims of trafficking. This includes medical help as well as judicial and psychological counseling.<sup>162</sup> The services are accessible to adults and children but do not focus on victims of CSEC.

Victim identification has been improving, with 266 victims of trafficking (including two foreign victims identified in 2010), compared to 113 victims and no foreign victims identified in 2009.<sup>163</sup> Citizens of the Commonwealth of Independent States (CIS) who were victims of trafficking, were permitted in 2010, to remain in Kyrgyzstan without permission, while non-citizens of the CIS were allowed to remain in the country for the duration of the investigation and prosecution of their cases. Such instances required the permission of the investigator, granted by the immigration authorities. Victims were also reportedly encouraged to partake in trafficking investigations and prosecutions. However, in 2010 no victims participated in such a process.<sup>164</sup>

Child witnesses and victims under the age of 14 are entitled to special assistance during trials. In order to avoid trauma and

re-victimization a teacher is present during depositions.<sup>165</sup> Minors between 14 and 16 are entitled to the same assistance as per the discretion of the investigator.<sup>166</sup>

The Rehabilitation Center for Street Children in Bishkek operated under the Ministry of Internal Affairs provided 400 children with rehabilitation services and sheltered 70 children in 2007. However, resources are scarce and insufficient to meet the needs of Kyrgyz children. IOM, in 2008, extended financial aid from foreign government funding to help renovate a rehabilitation center for children in Osh. They provided the centre with staff from an NGO trained by IOM, along with food and supplies. In a period of only eight months, the Center assisted more than 500 children, providing shelter, rehabilitation, and psychological assistance. 253 of the children were victims of child labour and sexual exploitation.<sup>167</sup>

In 2009, an estimated 698 children received access to shelters, rehabilitation and psychological counselling. Amongst these 698 children, 65 were identified as victims of child labour or sexual exploitation.<sup>168</sup>

Nevertheless, children's institutions do not always comply with appropriate standards of security. Moreover, shelters are sometimes considered as safe havens for traffickers to use as recruiting platforms. In 2007 the government of Kyrgyzstan indicated that during a period of three years, 45 children had been abducted from children's homes and trafficked to other countries.<sup>169</sup>

In 2010 the network of ECPAT International in Kyrgyzstan along with its leading partner, the NGO "El-Pikir", provided humanitarian assistance to needy children institutions based in the regions of Chui and Issyk – Kul.<sup>170</sup>

## Training law enforcement personnel

Trainings on different forms of CSEC to law enforcement personnel have been carried out mainly by the cooperation between Kyrgyz government and foreign governments or international organizations.<sup>171</sup> One of the examples is an agreement concluded by the Kyrgyz government and the government of Sweden for the support on the training and development of social work concerning children from vulnerable groups during 2004 – 2007.<sup>172</sup>

Furthermore, the OSCE has been continuously providing trainings and assistance to Kyrgyz police, notably under the cooperation for the Police Reform Programme.<sup>173</sup> Trainings offered by the OSCE mostly focus on human rights protection. One of the examples of these

trainings was on treatment of victims for police trainers at Police Academy in October 2011. The training included courses on how to interview victims of trafficking and exploitation as well as case identification.<sup>174</sup>

Additionally, in 2010, the government reported having had its officials trained by IOM and NGOs specifically on anti-trafficking but no mention was made of whether the training included a chapter on child sex trafficking.<sup>175</sup>

The CRC noticed with concern that judges and prosecutors do not receive any training on CSEC.<sup>176</sup> Judges and lawyers in particular should be trained on child friendly measures when dealing with child victims of CSEC.

On 17 December 2010, the OSCE, in collaboration with Golden Goal, a Kyrgyz NGO, organized a seminar in Osh for border guards, transport police officers and civil society representatives. The seminar focused on the identification of victims of human trafficking. It did not specifically focus on child victims. Participants addressed different aspects of anti-trafficking measures such as victim identification and crime detection. Police officers discussed the existing inter-agency referral mechanism and shared models of good practice.<sup>177</sup>

## CHILD AND YOUTH PARTICIPATION

In October 2009, the national NGO “El Pikir” organized a forum on “Youth participation in combating violence and sexual exploitation of children in Kyrgyzstan”.<sup>178</sup> All participants agreed that it was necessary to sign the “The Council of Europe Convention

on the protection of children against sexual exploitation and sexual abuse” and the “The Council of Europe Convention on Cyber Crimes”. The participants prepared a petition for the Government of the Kyrgyz Republic in this regard and collected signatures.

### ECPAT International’s Youth Partnership Project (YPP)

ECPAT’s Global Youth Partnership Programme for Child Survivors and Youth at Risk of Commercial Sexual Exploitation (YPP) acknowledges the important role children and youth can play in the fight against CSEC and encourages their engagement directly in the project as Youth Motivators, Peer Supporters and Youth Advocates. In Kyrgyzstan, the following outcomes were achieved from 2009 – 2012:

**Photo Gallery:** This project was organized as a “Photo Contest” among the YPP youth to expose the marginalization and vulnerabilities of YPP youth to CSEC around the Bishkek area. The YPP youth received a training on photography based on the ECPAT youth friendly guide “Six Steps to Improving your Photography” before they went out to take the pictures of the YPP children, their peers in children residential institutions and street children. Their photos were displayed in the corridors of the government house to increase awareness among the government officials and also to advocate for greater commitment to child protection among the policy makers.

**Children without Violence:** A 30-second video competition was organised to raise awareness about CSEC issues after providing training to the YPP youth using the ECPAT youth-friendly guide “Six Steps to Video Making.” During the competitions, 3 winning videos were selected by a panel. These videos dealt with early marriage and child sex trafficking. These were also shown among YPP local partner institutions in Kyrgyzstan followed by a discussion with the YPP Peer Supporters to raise awareness about this issue. This was also a very popular Micro Project among the YPP Youth as it allowed them to use creative mediums to raise awareness about serious issues affecting children in their local communities in an innovative way.

**Childhood without Violence:** Stop Trafficking in Children: YPP Kyrgyzstan organised an essay competition on the topics of child trafficking and Internet safety, with the participation of 304 children from 15 crises centres (residential institutions for children). The essays were very in-depth and

highlighted that the children were very much aware of the issue of child trafficking happening within their local communities but also exposed a lack of awareness among parents and families about child trafficking and the gaps in legal framework to protect children. The essays were compiled into a booklet and disseminated to all the centres.

**Comic Book to Raise Awareness about Trafficking and Sexual Exploitation:** YPP Kyrgyzstan also published a comic book about a girl from a small village that was trafficked for sexual purposes. The comic book was designed by children who also inputted into the story line and illustrations. 500 copies of the comic book were printed and distributed among child crises centres and schools in different cities in Kyrgyzstan.

**YPP Exhibition Booth at the Non-Profit Fair:** The YPP youth set up a booth to display materials and resources on commercial sexual exploitation of children in Kyrgyzstan during the non-profit fair of child rights NGOs and other organizations working on social issues. They also set up photos taken by the YPP youth during this event to highlight the problems experienced by street children, children living in the residential centres and the work of the YPP youth to prevent and protect children from CSEC. Many members of the public visited the YPP booth to learn about the issue and their work. The highlight of the event was when the Kyrgyz Labour Minister and a local pop singer visited the booth.

**Training on Career Goals and Youth Employment:** YPP youth organized a series of seminars and trainings to assist vulnerable youth in setting their career goals and discussing strategies on finding work after leaving their residential centres. This was proposed by the YPP youth who felt that many faced risks to exploitation and trafficking when they do not receive adequate support in job placements and training on independent living.

Organized by the NGO “Youth of Osh” with the support from UNICEF, Youth Clubs in Osh united youth and encouraged their voices in the peace building process following the recent civil and political unrest. Though there was no specific focus on CSEC issues, the Youth Clubs enhanced youth self-esteem and awareness on the importance

of community advocacy. In addition to creating youth centres in the south of the country where youth will focus and debate on conflict resolution, language learning and computer trainings will also be available.<sup>179</sup> These opportunities increase youth’s prospects for the future which is fundamental to the prevention of CSEC.



## PRIORITY ACTIONS REQUIRED



### National plan of action

- Kyrgyzstan should immediately adopt a National Plan for Action against CSEC addressing all its manifestations. The plan needs to have specific budget allocation;
- The government should take into particular consideration CSEC related offences during the evaluation of the recently concluded “New Generation” programme;
- National Plans should take into specific consideration the growing phenomenon of bride kidnapping in order to protect underage girls from this practice;
- Kyrgyzstan should adopt the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents;
- The government should stipulate within the NPA, prevention implement initiatives for high risk communities (especially in collaboration with the Ministry of Education in schools for curriculum for students and teachers), focusing on CSEC.

### Coordination and cooperation

- The Commission on Children’s Report should include a board of expertise responsible for coordinating, monitoring and evaluating all the programs and policies addressing CSEC;
- Collaboration between child protection experts and law enforcers (especially judges and lawyers) should be increased in order to provide law enforcers with capacity building on CSEC;
- Kyrgyzstan should enhance regional cooperation focusing on all forms of CSEC, not only child trafficking;
- The government should focus on international bilateral agreements to enhance victim identification and models of best practice in the field of CSEC.

## Prevention

- It is necessary to conduct specific research and data collection on the different manifestations of CSEC in order to gain better knowledge of the crimes in order to construct effective responses and to evaluate the efficacy of prevention programs;
- It is necessary to raise awareness on the scale of child trafficking and prostitution amongst disadvantaged families, especially in the city of Osh where the incidence is high;
- Social workers should identify at-risk families at the local level, in order to prevent parents from selling their own children. Additionally, they should campaign on parents' responsibility at community level. This entails increasing the financial means of child and family support units so that they can provide the necessary resources to vulnerable families;
- Special attention should be paid to monitoring the flux of IDPs, refugees and children into the country, especially considering the recent civil and political disorder;
- Prevention and awareness initiatives should be carried out in schools, involving all teachers, students and families to learn about CSEC;
- The government should actively encourage the private sector to support anti-CSEC initiatives.

## Protection

- Kyrgyzstan's Criminal Code should be amended to include clear legal definitions of child prostitution so that it is a different offence from adult prostitution. The definition of child trafficking should be changed, eliminating provisions about the use of coercive means;
- Kyrgyz's legislation must provide a comprehensive definition of child pornography, criminalize virtual child pornography, knowingly accessing child pornography and mere possession of child pornography;
- Legislation should incorporate the act of soliciting children online for sexual purposes (grooming);
- The law should make it mandatory for Internet Service Providers to block child abuse materials and to report such materials to law enforcement authorities;
- Kyrgyzstan should change its criminal procedures to guarantee child victims and witnesses the right to be assisted by professionals and psychologists during trials and depositions. Child victims should be guaranteed the right to seek compensation;
- Increased funding should be allocated to shelters servicing victims of CSEC and they should be staffed with trained personnel who can respond to the specific needs of CSEC victims;



- Enhanced efforts are needed in the area of victim reintegration. The government should ensure that street children involved in the sex trade are not automatically returned to their families, but rather offered alternative care when the option to return home is unsafe;
- Government and law enforcement officials should receive capacity building training on children's rights and how to implement child friendly services, including identifying potential victims and maintaining best interest of the child;
- All child institutions for orphans should develop and adopt a Child Safety Code for their personnel.

## Child participation

- The government should encourage the participation of children in policy making. Children's voices should be integrated into the provisions which affect them most. The government can use the YPP project as a model of good practice in child participation and advocacy.
- The state should establish participatory policies and practice in all settings/institutions involving children (schools, health centres, juvenile justice, care homes and shelters, local and national government, etc.)
- National government and civil society should support the formation and strengthening of inclusive child and youth-led groups, networks and forums for collective advocacy and representation at all levels.

# ANNEX

## The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents\*

*Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.*

### C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

#### I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter,

the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

#### II – Forms of Sexual Exploitation and its New Scenarios

*Child pornography/child abuse images*

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual

\* The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008), full text available at: [http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII\\_Outcome\\_Document\\_Final.pdf](http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII_Outcome_Document_Final.pdf)

images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.

- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
- (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
- (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
- (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and

implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.

- (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
- (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
- (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
- (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
- (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.

*Sexual exploitation of children and adolescents in prostitution*

- (14) Address the demand that leads to children being prostituted by making

the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.

- (15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

*Sexual exploitation of children and adolescents in travel and tourism.*

- (16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.
- (17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.
- (18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.
- (19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.

- (20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

- (21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

*Trafficking and the sexual exploitation of children and adolescents*

- (22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.
- (23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.
- (24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.

- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF

*Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).*

- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

### **III – Legal Frameworks and Enforcement of the Law**

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.
- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/ children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.
- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions

as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

#### **IV – Integrated Cross-Sectoral Policies and National Plans of Action General**

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.
- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising

awareness and preventing the sexual exploitation and trafficking of children and adolescents.

- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

#### *Prevention*

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.
- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability



to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

#### *Protection of the child*

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.
- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new

ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psychosocial support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with

due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

## V – International Cooperation

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime



in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

## **VI – Social Responsibility Initiatives**

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and

new technologies for the grooming of children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

## **VII – Monitoring**

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and

in ensuring, where necessary, that child victims have effective remedies and redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including

through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

## C. Call for Action

(1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

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