



# Global Monitoring

status of action against commercial  
sexual exploitation of children

## UKRAINE

2<sup>nd</sup> EDITION

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# GLOSSARY OF TERMS AND ACRONYMS

- **CIS** Commonwealth of Independent States
- **CoE** Council of Europe
- **CRC** Convention on the Rights of the Child
- **CSEC** Commercial Sexual Exploitation of Children
- **EC** European Commission
- **ECPAT** End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
- **ICT** Information and Communications Technologies
- **ICMPD** International Centre for Migration Policy Development
- **ILO** International Labour Organization
- **IOM** International Organization for Migration
- **ISNASU** Institute of Sociology of the National Academy of Science of Ukraine
- **MOFYS** Ministry of Family, Youth and Sport
- **NPA** National Plan of Action
- **NAC** National Adoption Centre
- **Oblasts:** An administrative division comparable to a province
- **OPSC** The Optional Protocol on the sale of children, child prostitution and child pornography
- **OSCE** Organization for Security and Co-operation in Europe
- **SECI** Southeast European Cooperative Initiative
- **UAH** Ukrainian Hryvnia (Ukrainian national currency)
- **UNAIDS** Joint United Nations Programme on HIV/AIDS
- **UNICEF** United Nations Children's Fund
- **UNFPA** United Nations Population Fund
- **YPP** Youth Partnership Project

# FOREWORD

The 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (CSEC) represents a broad societal alliance that builds on more than twenty years of global action. The First World Congress against Commercial Sexual Exploitation of Children was held in 1996 in Stockholm, Sweden. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to an Agenda for Action adopted by 122 governments.

Since 1996, many actors around the world have focused their efforts around this common agenda, and more government and non-government entities have joined in to advance positive change for children and to protect their right to live free from sexual exploitation.

However, the increasing sophistication of resources available to those who seek to exploit children has grown in equal measure. Responding to these challenges, and particularly to new CSEC manifestations such as exploitation using the Internet and mobile technologies, requires new partnerships, and more coordinated and targeted efforts to address a borderless crime.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection determines the nature, quantity and quality of what the country achieves overall for its children. Unfortunately, country actions have not been uniform, and far more urgent work must be done. In particular, the Rio Declaration highlights the increased vulnerability of children in a less stable world.

This is why I welcome the publication of second editions of ECPAT International's Agenda for Action (A4A) Country Reports Monitoring the Status of Action against the Commercial Sexual Exploitation of Children.

We are confident these unique publications will support governments to take prescribed actions to protect children from such heinous violations, which are still perpetrated with impunity in many countries. They also have the potential to stimulate the exchange of experience and knowledge among different actors to create a dialogue that can enhance our collective efforts against CSEC.

Over the years, ECPAT's A4A reports have become a baseline of information on actions taken and a roadmap for addressing gaps in each country based on the framework of the Stockholm Agenda. The reports succeeded in their goal of providing a basis for more systematic assessment of progress on implementation of country commitments. Moreover, we know they provide an important support to the implementation of other international mechanisms that exist to protect children's rights, such as the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*. Today, 193 countries have ratified the CRC, and 143 the OPSC.

Production of such comprehensive publications requires global collaboration. ECPAT International would like to thank all those who participated in the work and contributed their inputs. This includes ECPAT member groups, local experts and organisations, as well as the dedicated staff and interns in the Secretariat of ECPAT International. We acknowledge the generous support of donors who back these efforts. The A4A reports would not have been realised without their support and solidarity.



Kathleen Speake  
Executive Director, ECPAT International

# METHODOLOGY

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2<sup>nd</sup> Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of

information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2<sup>nd</sup> Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on

specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and

validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2<sup>nd</sup> Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see [www.ecpat.net](http://www.ecpat.net) for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.

# UKRAINE



## INTRODUCTION

The republic of Ukraine, with a population of 45.7 million, is the second largest country in Eastern Europe. Ukraine is composed of 24 provinces plus the autonomous republic of Crimea, which has independent status. Although the majority of the population belongs to Ukrainian and Russian ethnic groups, there are sizable minority groups, such as Belarussians, Crimean Tatars, Moldavians and others.<sup>1</sup>

Following the breakdown of the Soviet Union, the country has faced major economic difficulties related to the economic transition from a planned to a market economy. This drastic change resulted in widespread unemployment and the total collapse of the social security system. After the government opened the market in 1991, Ukraine experienced slow economic growth, recently interrupted by the global economic crisis of 2008-2009.<sup>2</sup> After obtaining World Trade Organization (WTO) membership status in 2008, Ukraine is now negotiating free trade agreements with the European Union, which could trigger improvement of the national economy. Ukraine's HDI (Human Development Index) is 0.710, which gives the country a rank of 69 out of 169 countries with comparable data. Less than 2% of the population live below the poverty line (below \$1.25 per day, as measured in 2008).<sup>3</sup>

Ukraine possesses significant natural resources, including agricultural lands, as well as developed industries. Oil and gas exports from Russia to Western Europe also

pass through Ukraine. The global economic crisis beginning in 2008 pushed Ukraine into a deep recession, with GDP contracting by 15 percent in 2009. Corruption is a substantial problem, affecting all levels of government and economic activity, impeding foreign investment. Low salaries for civil servants spur corruption in local entities, such as police, tax collection, and education. Ukraine ranked 146 out of 180 countries in Transparency International's Corruption Perceptions Index for 2009, dropping for the second year in a row.<sup>4</sup>

The Government of Ukraine affirmed its commitment to increase the country's social standards through legal and institutional reforms and by increasing social aid payment to families.<sup>5</sup> Nevertheless, the reforms along with an increased financing for health and education systems did not turn into the expected improvement of the service quality and availability.<sup>6</sup>

In 2010 there were fundamental changes in the Ukrainian political elite, political parties, the vectors of socio-political development of the country, its values and goals. These changes also influenced the country's development and the protection of human rights. Work in the sector of social services became unpopular because of wage cuts for employees and underfunding of the sector of education and public health. Citizens reported a low level of perceived safety. On December 9, 2010, the President of Ukraine issued a Decree on administrative reform.



This decree eliminated the Ministry on Family, Youth and Sports Affairs, which was a coordinating body for prevention of domestic violence, counteraction to trafficking in human beings, promotion of gender equality and protection of child rights. Until April 2011 there was no official information about which institution will be in charge of these issues. Then, several new Presidential Decrees were issued and the functions of coordinating activities in the sphere of prevention of domestic violence, protecting children and promotion of gender equality were assigned to the Ministry of Social Policy. However, as of August 2011 the Ministry of Social Policy had not yet established who within the departments will be in charge of these issues. Furthermore, the problem of trafficking in human beings disappeared from the agenda, and there is no single state body responsible for coordination of anti-trafficking activities. Even the new Decree on the Ministry of Internal Affairs doesn't foresee special functions to combat human trafficking.<sup>7</sup>

While education is free, universal, and compulsory until age 15, the public education system continues to suffer from chronic underfunding. According to a recent report written by a coalition of 14 children's rights NGOs, lack of schooling remains a significant problem among the rural population. In some cases rural schools were closed due to the small number of school-age children, forcing children to travel long distances, often at personal expense, to attend schools in other villages.<sup>8</sup>

Although the international community recognises the government's efforts to integrate marginalised ethnic groups, more attention should be paid to the integration of the Roma community. Children belonging to the Roma minority suffer from stigmatisation and isolation and are often denied access to quality education. Romani families denounced that their children are excluded from the mainstream schools or

confined in special classes, such as classes for children with mental disabilities.<sup>9</sup>

According to the Ministry for Family, Youth and Sport, 32,505 preventive raids were carried out in 2009, during which 22,781 children were found (on streets, in computer clubs, entertainment facilities, slot machine halls, etc.); this number was a small decrease from 31,001 children in 2008. Data from 2009 continued to show an annual decrease of children rescued from the street. 58,000 children were taken away from the streets in 2001, 42,000 in 2005, 38,000 in 2006, 37,000 in 2007, 31,000 in 2008, and 23,000 children in 2009. Sixty-six percent of the children withdrawn in preventive raids in 2009 were returned to their families; 7% sent back to educational institutions; 19% placed in orphanages and socio-psychological rehabilitation centres for children; and 8% referred to health care facilities. In 2009 assistance to neglected and homeless children was rendered in 90 orphanages, housing 14,242 children as well as in 30 socio-psychological rehabilitation centres housing 3,585 children.<sup>10</sup> Children in state institutions often escape and end up living on the streets where they can become involved in begging, petty crime and sexual exploitation.<sup>11</sup>

After years of growing numbers of child orphans, in 2010 the number finally began dropping due to more active adoption and stronger social protection of children living in difficult circumstances. The number of orphans and children deprived of parental care decreased from 103,542 children in 2009 to 100,787 in 2010.<sup>12</sup>

Children who run the greatest risk of abuse are those belonging to poor families, those belonging to a single-parent family, orphans or homeless children. These categories of children, especially those living on the streets without protection or access to any care or referral system, are the most vulnerable to sexual exploitation.<sup>13</sup>

Ukraine is the country most affected by HIV/AIDS in Europe. UNICEF's Ukraine country factsheet on their website states that the number of reported cases has increased 13 times in the past five years, with 1.46 % of the adult population now infected with HIV. About 80% of this group are young people. While the sharing of needles by injecting drug users is the leading cause of transmission, HIV is now spreading fast among the broader young population through unprotected sex.

Ukraine has been an important source country for migration. After the collapse of the Soviet Union, millions of people escaped

from the country for a range of reasons, such as ethnicity, escaping persecution, and to seek better opportunities in Western Europe. Presently, Ukraine is one of the main transit countries for migration. The 2004 enlargement of the E.U. to include Hungary, Slovakia and Poland, left Ukraine at the border with Western Europe. Its strategic position made the country one of the main doors between Central Asia and Western Europe. The eastern border of Ukraine is considered particularly easy to cross because of a lack of infrastructure and border controls.<sup>14</sup> Insufficient border checks and state capacity facilitate smuggling and human trafficking, including child trafficking.

## Child prostitution

Child Prostitution is a continuing reality in Ukraine and can be found most predominantly in the capital, Kiev, and other big cities such as Odessa, Kharkiv and Sevastopol.<sup>16</sup>

A study published by UNICEF in Ukraine and the Centre for Social Expertise of the Institute of Sociology of the National Academy of Science of Ukraine (ISNASU) in 2010 reveals the potential magnitude of the problem. The researchers sampled 1,000 children aged 14 to 18 years living in precarious economic situations, as well as socially excluded children. The research revealed that 11% of them had displayed their nude body; 10.4 % had let others touch their naked bodies ("feel them up"); 7.8% had had sex for a fee; and 3.6% had consented to be photographed or shot in a film while nude. Some of the interviewed children acknowledged receiving sexual propositions,

as well as some acceptance of those offers.<sup>17</sup>

The average age of entry into prostitution is not officially known, although surveys indicate that this figure is lowering. According to the Special Rapporteur on the sale of children, child prostitution, and child pornography, "this may be connected with the rapid expansion of communication technologies and the fact that young people receive mixed messages as the infiltration of Western consumer culture becomes stronger."<sup>18</sup>

The majority of child victims of prostitution are unaccompanied children coming to the cities from rural areas, in particular the small towns in the eastern and southern regions. The rate of unemployment in these areas is very high, and it can be difficult for families to feed and take care of their children. Moreover, the high unemployment often

The trial of two businessmen accused of molesting some 200 young girls aged 11-15 years began in 2011 in the district court of Mariupol. Most of the victims were girls from low-income or single parent families, as well as students of boarding schools and residents of nearby villages. During the raid police seized drugs, guns, grenades and pornographic discs. Videos of the simultaneous exploitation of groups of children were filmed in the office of local businesspeople. Reportedly the eldest of the men had been infected with hepatitis C and knowingly infected children.<sup>15</sup>

contributes to alcoholism within families, which leads to domestic violence and abuse. The reasons that push children to leave their homes and move to large urban areas are varied, with poverty and lack of opportunities being the most prevalent. Some reported to have fled voluntarily in order to escape domestic violence while others have been forced by their parents to leave.<sup>19</sup>

In recent years, the problem of prostitution of boys in Ukraine has significantly increased. While the number of boys providing sexual services in exchange for money was a rare phenomenon in 2002, it is now becoming a common reality,<sup>20</sup> and there have been several prominent cases reported by the media in the last year.<sup>21</sup>

## Child trafficking

Ukraine is a country of origin, transit and increasingly a destination for child trafficking,<sup>22</sup> which is a prevalent form of CSEC in Ukraine. Great concern over the increasing trafficking of children has been expressed by both the International Organization for Migration (IOM) and the Ukrainian State Counter-Trafficking Department.<sup>23</sup> The overall number of human trafficking cases, according to statistics of the Ministry of Internal Affairs, were 368 and 326 cases under consideration in 2009 and 2010 respectively. This includes 38 cases of child trafficking in 2010.<sup>24</sup>

From the year 2000 to the end of June 2011, 7,740 victims of trafficking have been provided assistance through the IOM mission in Kyiv. Of this total, 495 were minors (under 18 years of age), including 472 Ukrainians and 23 of foreign origin (Moldova, Russia, Kyrgyzstan, and Nigeria). Countries of destination were Russia (229 cases), within Ukraine (178), Turkey (27), Poland (25), UAE (21), and Moldova (4). There were 252 cases of minors trafficked for sexual exploitation since 2005, including 4 cases of involvement in child pornography production.<sup>25</sup>

Ukraine is also a destination country for children trafficked for sexual purposes, especially from neighbouring countries. Particularly during the summer season, children from the CIS region (including Moldova and Russia) are trafficked to Crimea and the Azov seacoast for

prostitution.<sup>26</sup> In this sense, child sex trafficking to Ukraine continues to be strongly connected to the demand for sex with children from both Ukrainian and foreign tourists.

Trafficked children are usually exploited in forced labour, illegal occupations (for example, as drug couriers or beggars) and for sexual purposes. The type of exploitation sometimes depends on the ethnic origin of the minors. Children from the Roma minority, especially those with physical disabilities, are often exploited as beggars. In certain cases their disabilities are accentuated by the traffickers in order to make a greater income. Romani minors are often hired out by their own families.<sup>27</sup>

Trafficking of children for illegal adoption is another increasing problem. International and national adoptions are seen by traffickers as an opportunity to become guardians of orphans and exploit them at will.<sup>28</sup> In particular, the process for national adoption is much easier than its international counterpart. In order to adopt Ukrainian children, foreigners have to go through a long process under the control of the National Adoption Centre (NAC). In contrast, Ukrainian citizens who want to adopt a Ukrainian child face a much less onerous process. Moreover, the right to confidentiality about the adoptive status of the children adopted internally might be an obstacle to appropriate checks on the child's subsequent wellbeing.<sup>29</sup>

Children who are most in danger of being trafficked are those living without parental custody, especially unaccompanied children living on the streets.<sup>30</sup> Because of a lack of adult supervision and monitoring of these children, they can easily disappear without anyone knowing.

Internal trafficking has significantly increased in recent years.<sup>31</sup> Many children and youth have been trafficked internally, from rural districts to the main cities, like Kiev and Odessa. Traffickers advertise job opportunities through local journals, wall posts and magazines; vulnerable children and their families often do not check the reliability of the information source. Sometimes children and youth get in touch with traffickers and pimps through the Internet. In some areas of the country, there are no secondary schools and students have to move to bigger cities to access this level

of education. These students are reported to sometimes sell sex for money to support themselves and are easy prey for traffickers.<sup>32</sup>

The number of children whose parents are living and working abroad is high. When both parents live abroad, the children are often left in the custody of elderly relatives. There have been numerous cases of children who have escaped from their foster families to search for their parents. These children can easily become victims of trafficking.<sup>33</sup>

Young girls are attracted by the traffickers' promise of a well-paid job and career opportunities.<sup>34</sup> The traffickers usually build a relation of trust with the victims, reinforced by a professional attitude and appearance. Once in the destination country, the victims are deprived of their documents and forced into prostitution under the threat of death or revenge against their family members.

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**.<sup>35</sup>

In the 2011 report, Ukraine was placed in **Tier 2**.

## Child pornography/ child abuse images

Ukraine is mainly a producer of child pornographic material,<sup>36</sup> but there is also evidence of distribution and possession of child abuse materials.

The Ukrainian government handles a large number of pornography cases each year, investigating 1,007 in 2009 (with 772 cases solved), and 1,075 in 2010 (with 765 cases

solved).<sup>37</sup> In 2009, 16 of these involved child pornography; in 2010 this number dropped to 10; and during 6 months of 2011, there were three additional cases.<sup>38</sup>

The Acting Chief of the Cyber Crime Unit (Ruslan Pahomov) said in an interview in August 2011 that his officers work now in several regions of the country on

investigation of cases of child pornography. Comprehensive statistics will be available beginning in 2012.<sup>39</sup>

Methods of recruiting children into child pornography are varied. Unaccompanied children, particularly street children and orphans, are recruited to shoot pornographic movies and abusive images in exchange for money or other benefits. Other children are exploited domestically by their family members who create studios in their own houses. It is particularly difficult to tackle this type of abuse because children often do not understand that they are being exploited and do not denounce the abuse to avoid harming their parents.<sup>40</sup>

During the last years, numerous paedophile networks active in the production of child pornographic material have been identified within Ukraine. “Model Agencies” exploiting minors to produce pornographic material are common in the country. Complex criminal organisations are often behind the offer to turn a child into a ‘small celebrity’, providing money and future opportunities. Child Model Agencies use hidden cameras to shoot children while in toilets or showers, naked or in provocative poses. In other cases, the pictures are far more explicit. Again, it is difficult to know how many children have been caught in these situations, because

sometimes parents are totally unaware or feel uncomfortable denouncing the abuse because of fear of the resulting stigma directed at their children. In other cases the abusers threaten or pay the parents to avoid denunciation.<sup>41</sup>

Since 2006, the All-Ukrainian Network against CSEC, an ECPAT affiliate, has actively worked to prevent this violation of the child rights through peer-to-peer education, elaboration of training materials for teachers, work with teachers on the issue, organizing and supporting the work of the Internet hot line against child pornography, research and lobbying for changes in national legislation. Following the efforts of organisations such as the All-Ukrainian network and its partner, ECPAT International, other large NGOs and IGOs such as the International Organization for Migration have also expressed concern.<sup>42</sup>

Child pornography is closely linked to trafficking. There have been a number of cases of children trafficked from neighbouring countries in the CIS region to Ukraine for the production of child abuse images, demonstrating the increasing market.<sup>43</sup> Incidents of Ukrainian children trafficked to other countries for the purpose of child pornography production have also been investigated and prosecuted.<sup>44</sup>

## **International Cooperation Leads to the Prosecution of Foreign Child Abuser**

Ukraine’s Cyber Crime Unit has enhanced its ability to combat child trafficking and the dissemination of exploitative materials over the Internet, partially through expanding collaborative efforts with the UK’s Child Exploitation and Online Protection Centre and IOM Ukraine’s Counter Trafficking Programme. This collaboration was instrumental in securing the conviction, with life imprisonment, of a British paedophile who had trafficked two eleven year old Ukrainian girls to produce child pornography. IOM provides significant technical assistance to Ukrainian law enforcement dealing with trafficking related issues. Cooperation was also utilised in support services, whereby the Cyber Crime Unit referred the child victims and their parents to IOM for medical, psychosocial and social services.<sup>45</sup>

There has been a rapid growth in the use of information and communication technologies (ICTs) in Ukraine in recent years. In 2010, 33.7% of Ukrainians used the Internet.<sup>46</sup> At the same time, the Ukrainian government is developing policies to boost Internet use in the country, especially for educational purposes.<sup>47</sup> The increasing access to Internet is bringing a number of benefits but is also exposing children to online risks and threats. In this framework, the most vulnerable group appear to be adolescent

boys who are more involved in the use of ICTs and online games.<sup>48</sup> La Strada Ukraine together with the Ministry of Internal Affairs is working on development of Code of Conduct for IT providers.

Overview on Child Sexual Abuse Images through the Use of Information and Communication Technologies in Belarus, Moldova, Russia and Ukraine. 2008, p. 40. Accessed on 10 October 2011 from: <http://ecpat.net/EI/Publications/Journals/>

## Sexual exploitation of children in tourism

Sexual exploitation of children in tourism is especially prominent during the summer season in the Black Sea region, mostly in Odessa and Crimea, where children from other CIS countries, like Moldova and Russia, are trafficked and exploited to meet the demand of sex tourists, both Ukrainians and foreigners.

Although there is no accurate information about the incidence of child sex tourism in the country, the phenomenon seems to be on the increase. Ukraine attracts a huge number of travelling sex offenders. Prostitution is illegal in the country but widespread due to light punishments. Once in the country, sex tourists may engage in sexual intercourse with children and adolescents even though they have no exclusive sexual preference for minors.<sup>49</sup>

In 2010, La Strada-Ukraine, with the financial support of UniCredit Foundation, initiated a study aimed at understanding the phenomenon of child sex tourism in Ukraine, schemes used by the offenders to reach children, and their motivation to come to Ukraine for sexual services from children. The methodology of the study included: interviewing experts working in the field, interviewing workers of the service sector (hotels, guards, taxi-drivers), content analyses of the Internet forums, and case studies of

the situation and criminal cases. The research showed that cyberspace plays a significant role in facilitating sex tourism to Ukraine. The main source of information for sex tourists are websites of sex tourist agencies that specifically cater to foreign clients. In addition, online sex tourism forums exist to get more “personalised” advice from more experienced sex tourists and expatriates, to get answers to specific questions, or to get referrals for services. The existence of such services contributes greatly to exploiters’ preference to come to the Ukraine. Final research results will be published at the end of 2011.<sup>50</sup>

Sex tourism appears to be facilitated by other factors, including the visa-free regime for US and EU citizens introduced in 2005, the advent of cheap flights from EU countries, and police corruption. NGOs have also raised concern about the risk of an increase in child sex tourism and child trafficking in connection with the 2012 UEFA European Football Cup, which will take place in Ukraine and Poland.<sup>51</sup>

To address these issues, the All-Ukrainian network against CSEC and La Strada-Ukraine, in particular, have worked to incorporate strong prevention efforts into the national National Euro 2012 outreach campaign. This campaign, entitled “Let’s Do



it Together,” was formally initiated by the Government in 2010 and aims at promoting healthy and responsible behaviours among children and youth, preventing violence and sexual exploitation, and combating human trafficking and racial discrimination. The campaign is being implemented by the State Service for Youth and Sport in cooperation with the United Nations office in Ukraine, the UN Children’s Fund (UNICEF), the Joint UN Programme on HIV/AIDS (UNAIDS), the UN Population Fund (UNFPA), La Strada-Ukraine and other

organisations operating in Ukraine. It will be implemented in all regions of Ukraine from May 2011 until the final match of the European Football Championship 2012. In this campaign, La Strada with support of UniCredit Foundation is leading on the issue of child sex tourism prevention. Within this campaign, events for children will be conducted in all regions, and information will disseminated to the media. Posters and billboards are planned to be used for informing tourists coming for Euro-2012 that sex with children (up to 18 years) is

Following the 1996 Stockholm and the 2001 Yokohama global forums on Commercial Sexual Exploitation of Children, the World Congress III against the Sexual Exploitation of Children and Adolescents, in November 2008 in Brazil renewed global commitment and galvanized international resolve to combat sexual exploitation of children and adolescents. Unfortunately, there was no official delegation from the Ukrainian government, and the Outcome Document and Call to Action from World Congress III have not been incorporated into national policy.

## NATIONAL PLAN OF ACTION

Ukraine has not adopted a specific NPA against CSEC to date. However, the *National Plan of Action for Children to Implement the UN Convention on the Rights of the Child for the period 2010-2016* was approved in 2009 and contains tailored provisions against the commercial sexual exploitation of children (CSEC). Furthermore, *Ukraine’s State Program on Counteracting Trafficking of People (2007-2010)* envisioned a number of measures to address human trafficking, including child trafficking for sexual purposes. Although efforts have been put into the realisation of activities under this Plan, the U.S. Department of State noted that the implementation of the national anti-trafficking plan remains weak due to inadequate funding and a lack of political commitment and understanding about trafficking.<sup>53</sup> Ukrainian groups report that there are no longer any programs in connection with this plan and no new trafficking plan has been adopted.<sup>54</sup>

After the expiration of the National Programme “Children of Ukraine” in 2005, several drafts of the *National Action Plan on the Implementation of the UN Convention on the Rights of the Child* for the period 2006-2016 were prepared, but none was adopted. As a result, there were no State programmes or policies for children for more than 3 years.<sup>55</sup> In March 2009, the Verkhovna Rada finally approved the “National Plan of Action for Children to Implement the UN Convention on the Rights of the Child till

2016.” The NPA includes a separate chapter with measures against child trafficking, sexual exploitation and other forms of child abuse. More specifically, the main objectives in this area are the improvement of procedures to identify children who suffered from sexual exploitation and other forms of child abuse; the creation of a rehabilitation and reintegration system for affected children; the effective functioning of the child protection system from child abuse and the implementation of preventive measures.<sup>56</sup>

The NPA was developed using a participatory and inclusive approach. In particular, there was significant involvement of non-governmental organisations like the All-Ukrainian Network against CSEC (the ECPAT affiliated group in Ukraine), domestic authorities and international agencies. These actors are also part of the Inter-agency Commission on Childhood Protection, which is led by the Ministry for Family, Youth and Sport, and is in charge of evaluating and monitoring the implementation of the NPA.<sup>57</sup> Children have unfortunately not been involved in the process of drafting the NPA. Although the adoption of the NPA is an essential achievement, the Committee on the Rights of the Child (CRC) critiques the plan for not offering a sufficiently specific overall plan for the elimination of CSEC and recommends developing such a plan as a matter of priority.<sup>58</sup> The plan also appears not to have been allocated a substantial budget to achieve implementation.<sup>59</sup>

On October 21, 2009, the Cabinet of Ministers issued Order N 1263-p “On Adoption Plan of Activities on implementation in 2010 of the National Action Plan on the Implementation of the UN Convention on the Rights of the Child.” This was followed by a similar order in April 2011, Order N 330-p, for implementation of the NPA in 2011.<sup>60</sup>

In 2010, implementation focused on “Elimination of trafficking, sale of children, sexual exploitation and other forms of violent treatment of children.” Activities concentrated on awareness raising among parents, teachers and students. In total 940,000 UAH were foreseen for this budget line. In 2011, in the same budget line there

were no activities aimed on prevention sexual exploitation and trafficking, as activities were aimed only on prevention of domestic violence. No funds were allocated to implementation of this part of the NPA.<sup>61</sup>

Ukraine’s *State Program on Counteracting Trafficking of People (2007–2010)* aimed, among others, to eliminate child prostitution, child pornography, and trafficking in children by serving as a guideline on strategies against child trafficking and enforcing mechanisms to eliminate child labour. Program activities included training courses, rehabilitation centres, and improvement of identification systems. It also requires the Department of Juvenile Affairs under the Ministry of Family, Youth, and Sport (MOFYS) and other agencies to allocate funding to help child victims of trafficking.<sup>62</sup> According to Government information, the budget allocation for this NPA was increased by four times in 2009, reaching around 10 million UAH.<sup>63</sup> In 2009, the Ministry of Ukraine on Family, Youth and Sports Affairs and the International Women’s Rights Centre “La Strada-Ukraine” published a report on the implementation of the NPA in 2007–2008. As required by the plan, a number of seminars and roundtables were organised to train civil servants on combating trafficking in children and the worst forms of child labour. Programs for the social and psychological rehabilitation of children affected by trafficking were also developed and implemented.<sup>64</sup>

In 2009, the Ukrainian government also approved the establishment of anti-trafficking action plans in the majority of *oblasts*. *Oblast* coordination councils, including NGOs, generally met quarterly to facilitate implementation of these plans.<sup>65</sup>



## COORDINATION AND COOPERATION

### Local and national level

During the last ten years most coordination efforts relevant to CSEC have revolved around human trafficking. A number of coordinating bodies that involve both government and non-governmental agencies have been set up at national and local levels. Cooperation to ensure referral of trafficking victims has also been informally established. Ukraine has not yet established a National Rapporteur on Human Trafficking but has made progress towards the creation of a functioning Ombudsman (the Commissioner) on Children's Rights, who reports to the President of Ukraine and is able to receive complaints on CSEC. It must also be noted that despite some good examples of collaboration between governmental authorities and NGOs for monitoring and reporting against CSEC, coordination to prevent and combat other forms of CSEC, such as child pornography and child sex tourism, remains generally weak.

There is no single body in Ukraine that is responsible for coordination activities in the field of CSEC counteraction. According to legislation, child rights protection is the domain of the Service on Child Affairs represented by the State Department on Adoption and Protection of Children. However, this division primarily focuses on adoption and homeless children, with limited attention to counteracting the sexual exploitation of children.<sup>66</sup>

In 2007 the Inter-agency Council on the Issues of Demographic Development, Family Policy, Gender Equality and Combating Trafficking in Human Beings replaced the Inter-agency Co-ordination Council on Combating Trafficking in Human Beings, established in 2002. This new Inter-agency Council, which is chaired by the Minister for Family, Youth and Sports, is supposed to be a standing consultative and advisory body established at the Cabinet of Ministers of Ukraine. Apart from representatives from government agencies, the Inter-agency Council can involve leading researchers, specialists, representatives of enterprises, institutions, NGOs, and foundations. The main tasks of the Inter-agency Council include, inter alia, the analysis of the drafts of state-targeted programmes and other

legal instruments related to the state policy as well as the development of strategies and recommendations in the social areas covered.<sup>67</sup>

In 2008 the Inter-agency Council was exposed to criticism by public and international organisations due to its limited legal competence, especially in the area of human trafficking. Consequently, the Ministry for Family, Youth, and Sport initiated the drafting of the Decree of the Cabinet of Ministers of Ukraine "On Establishment of Interagency Coordinating Council for Combating Trafficking in Human Beings." The purpose was to re-establish a multi-stakeholder body to improve coordination among the various structures responsible for addressing human trafficking. The draft Decree was, however, rejected by the Ministry of Justice.<sup>68</sup> Subsequently, the Inter-agency Council has been inactive—with only five meetings in 2009–2010<sup>69</sup> and none in 2011.

According to the Statute of the Ministry of Ukraine for Family, Youth and Sport approved by the Decree of the Cabinet of Ministers of November 2006, the Ministry takes part in actions aimed at coordinating projects against trafficking in human

beings organised by national and local executive authorities and is responsible for implementing information and education programmes. The Ministry is also in charge of coordinating the creation of centres for the rehabilitation of trafficked persons.<sup>70</sup> However, following administrative reform in December 2010, according to the Decree of the President the Ministry is eliminated.<sup>71</sup> Though many of its responsibilities have been transferred to the State Service for Youth and Sports under the Ministry of Education and Science, Youth and Sports, there is no clear plan for ensuring that child protection responsibilities are adequately accounted for, and there is now no single body responsible for anti-trafficking activities.<sup>72</sup> The CRC has recently expressed serious concerns about the possibility of child protection gaps as a result of coordination lags created by these administrative changes.<sup>73</sup>

At the beginning of 2009, the International Women's Rights Center, La Strada Ukraine, initiated monitoring of the Programme implementation of the State Programme against Human Trafficking in 2007-2008. That initiative became the first step towards independent monitoring and was supported by the Ministry of Ukraine for Family, Youth and Sports Affairs, interested in the identification and examination of problems in the field of countering human trafficking and the development of recommendations to strengthen relevant activities. The monitoring materials were published in a booklet and distributed among families, youth and sports department officers, law enforcement units related to human trafficking, state servants, public and international organisations, and released on La Strada-Ukraine's web site. Monitoring of implementation of the State Programme against Human Trafficking in 2010 largely followed the previous monitoring results, reviewing what had been changed and implemented. Along with monitoring on the national level, implementation of the State Programme

against Human Trafficking was monitored on the regional level.<sup>74</sup>

In August 2011, the President of Ukraine appointed a new post, the Commissioner on Children Rights, to serve under the President of Ukraine. The new post was filled by a former Minister in the Ministry Family, Youth and Sport, Mr. Pavlenko Yuriy.<sup>75</sup>

The *Expert Working Group on the Issues of Prevention of Domestic Violence and Combating Trafficking in Human Beings*, which was chaired by the Deputy Minister of Ukraine for Family, Youth, and Sport, was a multi-agency consultative and advisory body with the Inter-agency Co-ordination Council for Combating Trafficking in Human Beings (and since September 2007 – with the Inter-agency Council on the Issues of Family, Gender Equality, Demographic Development, and Combating Trafficking in Human Beings). It was comprised of representatives of governmental institutions, non-governmental organisations, civil society, international organisations and research institutions, which participate in the implementation of measures related to combating human trafficking and prevention of domestic violence. The Expert Working Group was created for the purpose of prompt co-ordination of implementation of measures aimed at the prevention of domestic violence and human trafficking.<sup>76</sup> However, though it did contribute to the draft law on counteracting human trafficking, the group is no longer active.<sup>77</sup>

Coordination against human trafficking has also been fostered at local level. *Oblast* coordinating councils on family matters, gender equality, demographic development and combating trafficking in persons were set up in almost all Ukraine's regions, and in the cities of Kyiv and Sevastopol;<sup>78</sup> however, the effectiveness of these efforts varies throughout regions.

Additionally, cooperation between government agencies and NGOs has been established, especially in the area of victims' assistance. Although agreements between state and non-state actors regulating the referral of trafficked persons to ensure their immediate treatment are, to a large extent, not formalised, in *oblasts* where anti-trafficking NGOs are operational, referrals between law enforcement and NGOs are usually functioning well.<sup>79</sup>

One example of strong cooperation between state actors and NGOs is the joint work of La Strada-Ukraine and the Committees of Verkhovna Rada and Legal Support of the Law Enforcement. Thus, since 2008 the constant monitoring of implementation international standards and national laws against CSEC, child trafficking and child labour has been established through collaboration between these actors and an annual roundtable in the Parliament of Ukraine. Since 2009, this activity is supported by UNICEF-Ukraine.<sup>80</sup>

The only significant coordinated effort against child pornography at the national level is the "Coalition for Child Safety Online," which includes 27 organisations. The main purpose of this network is to strengthen protection of children from online threats through awareness raising, capacity building and other preventive activities (see section on Prevention).<sup>81</sup>

The All-Ukrainian Network against CSEC (the ECPAT Affiliate group in that country) remains one of the best examples of cooperation among national and international NGOs. The Network is composed of 23 member organisations and two individuals and promotes projects for the protection, reintegration and rehabilitation of child victims using a child participatory approach. Led by the national NGO International Women Rights Centre "La Strada-Ukraine", the Network is involved

in awareness-raising on child sex trafficking, child pornography and child sex tourism among vulnerable groups, the private sector and the general population.

A Ukrainian delegation formed by NGOs participated at the World Congress III in Rio de Janeiro in 2008. The outcomes, Rio Declaration and Action Plan, were presented at a roundtable entitled "Perfection of legislation in the field of protection of the rights of the child against child trafficking, sexual violence and exploitation," co-organised by the Parliamentary Verkhovna Rada Committee for Legislative Support for Law-Enforcement Activity and International Women's Rights Center, La Strada Ukraine on November 11, 2009. The round table was attended by Members of Parliament of Ukraine, representatives of ministries and agencies dealing with the issues of protection of the rights of the child, international and public organisations, and scholars. The recommendations of this roundtable, which were endorsed by a decision of the Committee for Legislative Support for Law-Enforcement Activity of November 18, 2009 (Minutes No. 59), included a recommendation that the Cabinet work to implement the Outcome Document of the World Congress III against Sexual Exploitation of Children and Adolescents in Ukraine and to work out a relevant Action Plan for implementation of its provisions. Additionally, International Women's Rights Center, La Strada Ukraine, translated the text of the Rio Declaration and Action Plan into Ukrainian in 2009 and sent relevant letters to the Ukrainian Cabinet; the Ministry of Ukraine for Family, Youth and Sports Affairs; the Ministry of Internal Affairs of Ukraine; the Ministry of Education and Science of Ukraine for further consideration in their work. Unfortunately, due to changes in the leadership of those state bodies, the document has never been accepted for implementation.<sup>82</sup>

## Counteracting trafficking in human beings, especially women and children, through social inclusion and economic empowerment

This project was implemented by “La Strada-Ukraine” in 2008-2009 and was aimed at counteracting trafficking in human beings, especially children and women, through fostering their social inclusion and empowerment. In order to reach this objective, a great importance was placed on fostering collaboration and sharing experiences. Key components of the project included: training for specialists from governmental bodies and NGOs on anti-trafficking, promoting knowledge sharing, providing consultations and services through the National Toll-Free Hotline and Website, and strengthening cooperation with relevant governmental and non governmental actors involved in providing assistance to the victims.<sup>83</sup>

Since 2009, La Strada-Ukraine has initiated a legal project in collaboration with UNICEF to improve harmonisation of Ukrainian law with international children's rights treaties. This project has established a working group to improve legislation, including representatives of Verkhovna Rada, Institute of Legislation, Prosecutor's Office and universities. Collaboration was also

established with four MPs who participated in a study visit focused on learning from the child rights protection system in Estonia, conducted in May 2011. The project also aims to support and develop civil society monitoring mechanisms through active support of the All-Ukrainian Network against CSEC.<sup>84</sup>

## Regional and international level

Considerable regional and international coordination efforts have been undertaken in recent years by government and non-government actors with financial assistance from UN agencies and regional institutions (such as the European Union (EU), Council of Europe (CoE), and the Organization for Security and Cooperation in Europe (OSCE), especially to address human and child trafficking. Law enforcement cooperation has also been fostered against child pornography, leading to a number of successful international police operations. While some progress has been made, the recommendation to further enhance regional and international judicial, police and victim-oriented cooperation activities with other states on CSEC crimes, elaborated by the CRC Committee in 2007, remains valid.<sup>85</sup>

Ukraine has enhanced existing regional cooperation with the EU. The European Commission (EC) is providing assistance in the expansion of policies, particularly related to regional security. Although it has no specific focus on child sex trafficking, this close relationship is having beneficial effects, particularly in the development of anti-trafficking policies and capacities.<sup>86</sup>

As part of this cooperation, in 2007 the

EU and Ukraine adopted the *Revised EU-Ukraine Action Plan on Freedom, Security and Justice*, which includes provisions on human trafficking.<sup>87</sup> The Plan envisages measures against trafficking in minors by calling for a child sensitive approach to anti-trafficking work and the implementation of the UN Convention on the Rights of the Child and other relevant international instruments.<sup>88</sup>

During the years 2005-2008, Ukraine

has been involved in the *International Cooperation in Criminal Matters in Ukraine project (UPIC)*, co-funded by the EC and the CoE. The project aimed to foster international cooperation, at both police and judicial levels, especially by strengthening the legal system and promoting capacity building. In the framework of this initiative, a Human Trafficking Legislative Workshop was organized in Kyiv in May 2007 to discuss the *CoE Convention on Action against Trafficking in Human Beings*, and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Woman and Children to the UN Convention on Transnational Organized Crime*. The main objective was to review and update the Draft law on trafficking in human beings in view of the ratification of the CoE

Convention on Action against Trafficking in Human Beings by Ukraine.<sup>89</sup>

The border between Ukraine and Moldova is particularly weak and is one of the major crossing points in the region for traffickers in human beings. The European Commission funded a project, which lasted from 2006 to 2009, with the specific task of tackling the problem, addressing gaps in the national policies and providing the victims with social and financial assistance. The project saw the direct involvement of the ILO, the International Centre for Migration Policy Development (ICMPD), the Ministry of Labour and Social Policy in Ukraine and the Ministry of Economy and Trade in Moldova.<sup>90</sup>

### **Seminar on Cooperation of border police services and NGOs from Moldova, Belarus, Ukraine and Russia**

In 2008, the International Women's Rights Center, La Strada-Ukraine organized an international seminar entitled "Cooperation of border police services and NGOs from Moldova, Belarus, Ukraine and Russia." Representatives of border police services as well as militia from the above-mentioned countries, non governmental and international organizations (ECPAT and IOM) working in the field of prevention of trafficking in people in respective countries participated in this event. The seminar was supported by the Danish Ministry of Foreign Affairs.<sup>91</sup>

Ukraine's State Program on Counteracting Trafficking of People (2007-2010) details a number of measures to increase international cooperation against human trafficking that have been gradually implemented.<sup>92</sup> The programme envisaged, among others, participation in international events and trainings; enhanced cooperation with Interpol, Europol, the Regional Centre of South-eastern European Cooperation Initiative in the fight against transnational crime (SECI) and law enforcement agencies of other countries; the development of cooperation with non-governmental and international organisations to expand experience in preventing and

combating trafficking in human beings; and collaboration in the search for people who have disappeared abroad and for the protection, repatriation and rehabilitation of human trafficking victims.<sup>93</sup>

Ukraine has concluded bilateral and multilateral agreements with several countries (such as the UK, Czech Republic, Sweden, Turkey etc.) to promote law enforcement cooperation against human trafficking, especially child trafficking. The Ministry of Internal Affairs ensures a constant information exchange with police of other countries which has led to a number of successful operations against traffickers.<sup>94</sup>

## **Regional forum and workshops on the protection of children from sexual exploitation online in Ukraine**

On 8-10 September 2010, in Kiev, Ukraine, ECPAT International together with the All-Ukrainian network against CSEC held the 'Regional consultative forum and training workshops on the protection of children from sexual exploitation through the use of Information and Communication Technologies in the Baltic Region and the Commonwealth of Independent States.' Sixty-one participants from Belarus, Estonia, Kyrgyzstan, Moldova, the Russian Federation and Ukraine shared experiences, knowledge and good practice. Representatives from law enforcement agencies, various ministries, six Internet service providers (ISPs), and several NGOs actively participated in the various discussions, presentations, working groups and in the development of strategy and activities for the coming year. Feedback from the participants was positive. It was agreed that the forum and workshops were useful in terms of sharing good practice and new ideas for safe Internet for children, as well as networking beneficial to their work and future cooperation. The forum was financially supported by the Body Shop Norway, Air France, OAK Foundation, SIDA and UBS.<sup>95</sup>

Efforts to improve regional and international collaboration to prevent, investigate and prosecute other forms of CSEC have been limited. According to the U.S. State Department Report on trafficking in persons, in 2007 the Ministry of Internal Affairs cooperated with Interpol to prevent people who committed offences related to child sex tourism from entering Ukraine.<sup>96</sup> However, this example of cooperation against child sex tourism remains isolated. Ukraine also cooperated at the international level to prevent and combat child pornography. Measures taken in this regard include bilateral collaboration with the United States to study advanced methods of documenting criminal activities connected to the production and dissemination of child abuse images on the Internet, and obtaining

access to the Interpol database on child abuse images and to the International Registration Centre Database containing data on missing children subject to exploitation. As a result of information exchange with the police of other countries, several cases of production and distribution of child pornography have been dismantled and prosecuted.<sup>97</sup>

The Ministry of Interior of Ukraine systematically requests information from Interpol about persons who were convicted of committing offences against children. The received information is checked and, if verified, a ban from entering Ukraine is issued. As of August 23, 2011, 17 bans barring entry to Ukraine had been issued to persons who had committed sexual offences against children.<sup>98</sup>

## **EU-CoE Regional Seminar on "Protecting children from sexual exploitation and sexual abuse through Internet" in Kiev**

On 7-8 December 2010, the Regional Seminar "Protecting children from sexual exploitation and sexual abuse through Internet," organised by the Council of Europe and the European Union, took place in Kiev, Ukraine. About 40 law enforcement participants from Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russia, and Ukraine took part in the seminar. Many specialists from different organisations were invited as speakers, including Microsoft, ICMEC, ECPAT International, Interpol, National Police of Italy, eContent@Safer Internet of the European Commission, and eNACSO.



During this event, Ms. Cristina Schulman, Head of Cybercrime Unit, Director-General of Human Rights and Legal Affairs of the Council of Europe, made an announcement regarding the upcoming CoE project “Eastern Partnership – Cooperation against Cybercrime (Cyber@EAP),” which will be implemented from 2011 in Armenia, Azerbaijan, Belarus, Georgia, Moldova and the Ukraine. The goal of the project is to strengthen the capacities of criminal justice authorities of Eastern Partnership countries to cooperate effectively against cybercrime in line with European and international instruments and practices.<sup>99</sup>

During 2009–2011, a joint project of the Council of Europe and the European Union on strengthening and protecting women’s and children’s rights in Ukraine (TRES) was implemented in Ukraine. The objective of the project was to examine and improve the compatibility of existing laws and practice in Ukraine in the fields of gender equality and children’s rights and to contribute to the prevention of sexual exploitation and abuse of children in line with the Revised Social

Charter, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, and other relevant European and international instruments. Within the framework of this project established cooperation between Ukraine state structures and NGOs and those of other countries such as Estonia, Slovenia, Poland, Bulgaria through study visits and international conferences.<sup>100</sup>

## PREVENTION

Efforts to prevent CSEC have recently multiplied in Ukraine, with a strong focus on child trafficking. The involvement of the private sector has also increased, although fostering a sense of social responsibility within private companies remains challenging.<sup>101</sup> As noted by the CRC Committee in 2007, the actions promoted by the government to reduce the risk of sale, trafficking and sexual exploitation of children are still insufficient, particularly in light of the gravity of the problem in the country.<sup>102</sup> The number of initiatives focused specifically on CSEC also remains insufficient. The CRC expressed additional concern over the lack of in-depth research on CSEC in Ukraine and called for a deeper understanding of its causal contributors.<sup>103</sup> A number of these concerns were reiterated in a more recent CRC report on implementation of the Convention on the Rights of the Child.<sup>104</sup>

The All-Ukrainian Network against CSEC has been instrumental in expanding CSEC prevention work. UN agencies, inter-governmental and non-governmental organisations are also extremely active in raising awareness about child trafficking and Internet safety. A particularly innovative initiative, run by the “School of Equal Opportunities,” reaches out-of-school children, who are most at risk of sexual exploitation and trafficking. The NGO launched a programme of informal

education through street theatre initiatives. The programme, called “Gender Interactive Children,” encouraged a public participatory approach and proposed three performances. The first one, called “Instead of Heaven,” touched the topic of human trafficking; the second, called “They live among us,” focused on refugees and migrant children; and the third is “Agent of Cyber Safety.” In 2008 the theatre was invited to perform in Krakow, Poland and in 2009–2011, Germany.<sup>105</sup>

No specific preventive work against child prostitution is conducted by governmental institutions at the national level in Ukraine; however, the All-Ukrainian Network against CSEC, in particular La Strada-Ukraine, do conduct such activities. In cooperation with UNICEF and specialists working with child prostitution, a booklet raising awareness of the child prostitution problem has been prepared by La Strada-Ukraine and will be issued in November 2011.<sup>106</sup>

In 2011, two round table discussions on issues of child prostitution drew attendance from various representatives of Ukrainian government, scientists, international organisations and national NGOs. These discussions mostly focused on possible legislative amendments targeting child prostitution and the need for rehabilitation services for children exploited in prostitution. Regrettably, these events demonstrated that authorities have poor understanding of the phenomenon of child prostitution and regard children in prostitution, especially those who are older than 16, mostly as young offenders not as victims.<sup>107</sup>

Initiatives to address child prostitution were carried out within the broader framework of CSEC prevention. With

support from ECPAT, the NGO “School of Equal Opportunities” implemented the project “Commercial Sexual Exploitation of Children: Work Out the Algorithm of Interaction.” During February – May 2010, the organisation’s expert trainers conducted eight roundtable meetings, seminars and trainings for Kyiv specialists involved in tackling the problem of commercial sexual exploitation of children in the capital of Ukraine. A total of 197 participants attended the courses, including law-enforcement representatives (juvenile criminal police and district inspectors), professionals from the education system (school head teachers, specialists of the Ministry of Education and Science, and teachers/organisers of local children’s clubs), representatives of the social services who work with children at risk and families in difficult circumstances, and representatives of NGOs working with children. In addition to awareness on issues related to CSEC and provision of technical knowledge for professionals working with CSEC victims, the events also resulted in exchange of experience between experts from the various child welfare, care and protection systems and discussions on possible joint future initiatives that would adopt interdisciplinary approaches in addressing CSEC.<sup>108</sup>

Microsoft Ukraine has been involved in several meetings with the All-Ukrainian network against CSEC. In 2008, the “Coalition for child safety online” supported by Microsoft Ukraine developed a special web-site called “Onlandia” (<http://www.onlandia.org.ua/ukr/>) designed to raise awareness of children and young people about online safety. The website contains material for children, parents and teachers, such as interactive scenarios, short tests, and prepared lesson plans, through which children can learn the basics on how to

use the Internet safely. As part of these collaborative efforts, La Strada-Ukraine launched consultations devoted to cyber violence prevention and safe Internet use at the National Hotline on Violence Prevention and Child Rights Protection. In addition to publicising the La Strada national toll free hot line number on the “Onlandia” website, Microsoft, with technical assistance from ECPAT International, sponsored trainings for hotline volunteers on child safe use of the Internet.<sup>109</sup> The establishment of additional hotlines partially met the recommendation



of the Committee on the Rights of the Child (CRC), which expressed concern in 2007 about the low number of help lines in the country.<sup>110</sup> In 2011, the Committee noted the progress and welcomed the establishment of free help lines for children at risk or in need of protection, such as the Trust Line and those established by La Strada-Ukraine.<sup>111</sup> In addition, the Committee offered some further recommendations to improve these help lines, such as making them three-digit, toll-free, and staffed 24 hours per day.<sup>112</sup>

Since November 2009, La Strada-Ukraine has run an Internet hotline specifically dedicated to reporting child pornography ([www.Internetbezpeka.org.ua](http://www.Internetbezpeka.org.ua)). Messages are checked weekly by a La Strada-Ukraine expert. The line is anonymous, unless a user requests to be contacted regarding the information provided. Reports are forwarded to the Internet service providers responsible for hosting the material, and the department within the Ministry of Interior for further investigation and prosecution. In the period of November 2009 – August 2011, the hotline received 471 reports, 183 of which related to child pornography. The remaining reports addressed issues of adult pornography or other content judged problematic by Internet users.<sup>113</sup>

In 2008, Microsoft also funded trainings for trainers (ToT) organized by the All-Ukrainian Network against CSEC and the NGO “School for Equal Opportunities” (SEO). The ToT targeted youth in order to provide them with knowledge and skills needed to organise further trainings on CSEC and online risks. After the training, the youth worked in summer camps with orphans, children from families in difficult situations, children in boarding schools and secondary school pupils. In September 2008, the young trainers conducted peer-to-peer trainings for children of the same age, covering topics such as safe Internet usage, use of interactive and participatory methods during trainings (forum-theatre,

informational campaigns, role plays, stage performances), and utilisation of contemporary art technologies to raise awareness about CSEC.<sup>114</sup>

In 2008-2009, the total number of trainees among school children in 11 regions of Ukraine where SEO carried out trainings reached more than 7,000. In 2009-2011, trainers from Zhytomir’s and Odessa’s branches SEO continued their trainings on Internet safety and held 384 training sessions involving 7,800 children. With the help of an ECPAT grant, SEO organized about 100 debate tournaments, round tables and theatre performances on Internet Safety in 7 cities of Ukraine. Additional trainings were held for vice-directors of Kiev’s schools and a theatre show “Agent of Web-Safety” was prepared and performed. Also with the support of Microsoft, youth and children from SEO prepared a film, “Rules of Safety in Internet,” which was then shown to children during various events.<sup>115</sup>

From 2008 – July 2011, Microsoft Ukraine, together with members of the “Coalition for Child Safety Online,” implemented a training programme entitled “Onlandia: Internet Safety for Children” for 79,697 students of schools and other educational institutions, 14,701 teachers, and 17,433 parents. Microsoft Ukraine organised and executed many additional activities, such as collecting online signatures for the petition “Yes to Safe Internet for Children,” conducting research on the “Level of Awareness of the Ukrainian Children about Internet Safety,” and publishing the manual “Education of Internet Culture, Safety in the World Wide Web.”<sup>116</sup>

Training sessions on Internet safety for children were also conducted in 2009 as part of an ECPAT International and Ministry of Education and Science of Ukraine project. Participants included mainly computer teachers from several regions of Ukraine, who received a certificate and a training

guide.<sup>117</sup> The guide for teachers was prepared by ECPAT and La Strada specialists. A number of meetings, seminars, theatre performances, debates, and roundtables were additionally organised in 2009 – 2010 by members of the All-Ukrainian network against CSEC to discuss and raise awareness of child pornography in Ukraine and build

capacity of children and young people on online safety. Some of these activities were undertaken as a follow up to a regional research on child abuse images conducted by ECPAT International in 2008 (see section on Coordination and Cooperation-Regional and international level).

## Marking the European Safer Internet Day

On 9 February 2010, the entertainment centre “Blockbuster” held the event “Let’s Make Internet Safe for Children!” in order to raise awareness of children, youth and their parents on the dangers and threats on the Internet. The event was devoted to the European Safer Internet Day organised by the International Women’s Rights Center “La Strada-Ukraine” within the ECPAT Youth Partnership Project against the Commercial Sexual Exploitation of Children, which started in Ukraine in 2009 with support from the European Commission and ECPAT International.

## TRAFFICKING IN CHILDREN FOR SEXUAL PURPOSES

As part of the implementation of the anti-trafficking plan, the Ukrainian government has printed and distributed anti-trafficking awareness materials targeting potential victims. It also cooperated with local television channels in order to broadcast public service announcements and informational programs aimed at raising anti-trafficking awareness.<sup>118</sup> However, most of these initiatives have addressed human trafficking in general, with limited attention and focus on child trafficking for sexual exploitation.

In 2009-2010, the Ministry of Education and Science of Ukraine, with the assistance of the Council of Europe and the European Union prepared methodical recommendations on lessons for prevention of trafficking in people in secondary educational establishments. This was done

in the framework of the common project on strengthening and protecting women and children in Ukraine. In April 2010, the recommendations were presented to educational specialists, social and mass media, and the results were further discussed during a June 2010 seminar. The Ministry of Education and Science of Ukraine pledged to include the devised measure as obligatory in all school curricula, as opposed to leaving it in the framework of the optional educational programmes. However, it appears that these lessons remain optional.<sup>119</sup>

As part of PROTECT CEE (Project of Technical assistance against the labour and sexual Exploitation of Children, including Trafficking), implemented from 2004-2009 by ILO-IPEC in Central and Eastern Europe,<sup>120</sup> several measures have been promoted in Ukraine to enhance

the prevention of and fight against child trafficking. These include, *inter alia*, interactive discussions on the worst forms of child labour, capacity building on child labour for labour inspectors, the institutionalisation of a Child Labour Monitoring System, and a number of activities involving children and young people.<sup>121</sup>

IOM Ukraine is also active in reducing the risks of human and child trafficking. Through a network of over 75 NGOs, IOM coordinates a wide variety of prevention activities, including informational campaigns, public service announcements, telephone help-lines, teachers' manuals for use in schools, trainings for journalists, etc.<sup>122</sup>

In 2009, a regional programme named "Danish Programme against Human Trafficking in Eastern and Southern Eastern Europe" was launched with the assistance of the Danish Government. The programme will end in 2011 and involves government agencies, NGOs, civil societies and general

public. The programme has a strong focus on prevention; it addresses educators and teachers in colleges providing them with workshops on child trafficking. A key component of the programme is advocating for the institutionalization of child protection from trafficking in the teachers' curriculum.<sup>123</sup>

In 2000, La Strada-Ukraine established the national lectors group of trainers focused on preventing human trafficking. In 2010, the group celebrated its 10th anniversary and was reorganised into the National Trainers Network. The network conducts prevention activities in 13 regions of Ukraine with the aim of raising awareness among people and building safety skills on the issues of human trafficking, gender violence, child rights protection. Members of the network include teachers, volunteers, and human rights activists who work with at-risk groups and specialists (mainly teachers, social workers, psychologists). In 2010, 2,977 preventive activities were attended by 91,154 participants, including 19,063 specialists and 72,451 representatives of at-risk groups.<sup>124</sup>

## **Fighting the worst forms of child labour: empowering children through knowledge**

On 13 June 2008, La Strada-Ukraine conducted a training class on the topic "Fighting with the worst forms of child labour" for inmates of the Transit Detention Center of Kyiv. The training informed the children about the risks of being involved in criminal activities, including slavery and abuse. The children also had the opportunity to share their experiences. At the end of the class, children received sets of informational materials containing advice on legal employment and safety rules.<sup>125</sup>



## STOP Sex Trafficking of Children & Young People Campaign

Conducted in partnership between The Body Shop and ECPAT, this three year campaign launched in 2009, seeks to provide immediate relief to child victims with funds raised and to create long-term changes through engaging the public in awareness raising and lobbying decision makers to strengthen concerted action against child trafficking for

sexual purposes.

ECPAT youth representatives from both 'La Strada-Ukraine' and 'Schools of Equal Opportunities' decided to support the global campaign in the Ukraine despite there being no Body Shop stores in the country. ECPAT youth from both organisations conducted numerous awareness raising activities, from public performances to giving talks at local schools at public events. They helped collect an astounding 55,736 signatures from the public to call for strengthening of government initiatives to combat child sex trafficking. Ukrainian celebrities and decision-makers also signed the petition. In order to promote the signature campaign, children made a short movie about sex trafficking of children and distributed it through social networks and media. On

10-12 December 2011, YPP National Coordinator Mariana Yevsyukova and Youth Motivator Valentyna Mudrik participated in the International Forum on Combating Human Trafficking in Luxor, Egypt and presented the petition campaign.

The Petition was submitted to the Parliament of Ukraine on October 5, 2011. Active children and young people who participated in the Campaign formed a group near Ukrainian Parliament and handed the Petition to MP Victor Shemchuk.<sup>126</sup> This petition was combined in the global count and presented to the United Nations Human Rights Council on 30 September 2011. The ECPAT Ukraine youth have successfully demonstrated that children and youth can take action to bring about social awareness and change.

## SEXUAL EXPLOITATION OF CHILDREN IN TOURISM

Initiatives to tackle child sex tourism have been promoted with the active involvement and commitment of the All-Ukrainian Network against CSEC. Although to date no travel and tourism company in Ukraine has signed the Code of Conduct for Protection of Children from Sexual Exploitation in Travel and Tourism, in November 2009 La Strada-Ukraine conducted training for Government ministries on the "Implementation of the Code for Tourism and Hotel Infrastructure" in Ukraine. The training focused on the

prevention of child sex-tourism and was carried out by trainers from ECPAT International, ECPAT Germany and "Stellit" ECPAT Russia, who shared their experience on the Code of Conduct implementation and child-sex tourism counteraction. Representatives of the Ministry of Culture and Tourism of Ukraine, Ministry of Interior of Ukraine, Ministry of Exterior of Ukraine, Ministry for Family, Youth and Sports of Ukraine, National Commission of Ukraine to Protect Public Morality, members of the All-Ukrainian Network against CSEC, as

well as private sector representatives, such as Ukraine International Airlines and Microsoft Ukraine participated in the training.<sup>127</sup> The goal was to join the efforts of government institutions, non-governmental organisations and business circles in order to introduce a global model for a Code of Ethics for Tourism and its functioning procedures, as well as adaptation of this model to the Ukrainian context. However, the danger of falling into the trap of sex tourism remains grave for many children, especially during the EURO 2012 championship, when Ukraine expects a particularly large influx of foreign tourists and Ukrainian football fans.<sup>128</sup>

In 2010, as a part of the micro project “Children against Child Sex Tourism,” the youth festival “Kyiv Youth – Holiday of Smiles” was organised by Kyiv City Centre Social Services for Family, Children and Youth, in cooperation with Kyiv child rights NGOs, in the Kyiv central park called “Mariinskiy.” During this event a

representative of the YPP Ukraine team (see section on Child and Youth Participation) raised awareness on the problem of CST among 206 participants, including youth, children, and their parents. Around 3,000 youth and children with their parents participated in the festival.<sup>129</sup>

In the framework of the ECPAT Youth Partnership Project (YPP), several activities against child sex tourism were organised in Odessa and Simferopol. Two trainings sessions were organised for children and youth of YPP and partner organisations. The first session was held on 20 April 2010 at the meeting hall of the Ministry of Family, Youth Affairs and Gender Policy of Autonomous Republic of Crimea in Simferopol, which garnered participation from 20 children and young people. The second training was held in Odessa on 28 April 2010, with participation from 19 children and young people. Both trainings were conducted by an ECPAT International representative.

## VULNERABILITY REDUCTION

The Ukrainian government does provide monetary support for families with children.<sup>130</sup> Reportedly, in December 2010, the government increased such financial support for families with newborn children.<sup>131</sup> An additional component of state support for families with children is a system of social support for families with children in difficult life circumstances needing outside help. The General Databank of families in difficult circumstances contained 103,156

families in 2009. These families contained 202,212 children, or 2.5% of the total number of children in Ukraine. Specialists of the centres of social services for family, children and youth render a variety of social services to the families in difficult life circumstances. However, social support of children remains insufficient to support the vast need in the Ukraine, especially with regard to orphans and children deprived of parental care.

## 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	Comments	
Charter-based bodies		
Working Group of the Universal Periodic Review – Human Rights Council	May 2008	
Special Rapporteur on the sale of children, child prostitution and child pornography	Last visit 22 – 27 October 2006	
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
Convention on the Rights of the Child – 1989	1991	2002-2006 Report. Submitted in 2008
Optional Protocol on the sale of children, child prostitution and child pornography – 2000	2003	Report due in 2005, submitted in 2006
ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)	2000	
UN Convention against Transnational Organized Crime	2004	
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	2004	
Regional Instruments		
Convention on Cybercrime		
Council of Europe Convention on Action against Trafficking in Human Beings	Signed in 2005 and ratified in September 2010	
Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	Signed in 2007	

Ukraine is party to the main international instruments protecting children from sexual exploitation. The country ratified the Convention on the Rights of the Child (CRC) and its Optional Protocol on the Sale of Children, Child prostitution and Child Pornography (OPSC) without reservations. Ukraine is a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children since 2004. Ukrainian national law guarantees the protection and promotion of all the main child rights as set in the CRC.

Ukraine is member of the Council of Europe since 1995. It ratified the European Convention on Human Rights in 1997 and acceded to the Convention on Cybercrime. The country ratified the Convention on Action against Trafficking in Human Beings in 2010 and signed the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

Ukraine adopted the Stockholm Declaration and Agenda for Action in 1996 but did not commit to ending CSEC during the World Congress III against CSEC held in Rio de Janeiro in 2008, as the official delegation was not present.

The Law of Ukraine number 2402-III of 26 April 2001 “On Childhood Protection” recognises children as juridical subjects providing specific regulations for the protection of their rights. Although the law does not include the CRC principle of child participation in full, it recognises the three other concepts: non-discrimination, best interests of the child and right to life, survival and development.<sup>132</sup>

Other international provisions with which national law has yet to be harmonised include articles 14, 16 and 17 of the CRC: namely, freedom of thought, conscience and religion; the right to respect for private and family life, home and correspondence; and the right to protection from information

and material that could be detrimental to the child’s well being, the latter being of particular importance to the protection of children from CSEC.<sup>133</sup> Moreover, the merely declarative nature of the law has been criticised as compromising its efficacy.

In its 2011 Concluding Observations on Ukraine, the CRC Committee, though acknowledging progress in Ukraine, critiqued the government in a number of areas, including allocation of resources, data collection, harmonization of national legislation with the Convention and its Optional Protocols, torture and ill-treatment, administration of juvenile justice, children deprived of their family environment, sexual exploitation and abuse, and children of minority groups.<sup>134</sup>

At the systems level, the European Commission has acknowledged Ukraine’s progress in developing a better restorative juvenile system. Although no legislation has been passed yet, a proposal has been drafted addressing the issue.<sup>135</sup>

The main domestic legal instruments meant to protect children from CSEC are the 2001 Criminal Code and the 1996 Constitution. The Ukraine Family Code enshrines general provisions for child rights protection and relates specifically to some issues that are important for protecting children from CSEC, including the right to birth registration, citizenship, name and regulations on adoption.

In 2007, addressing the absence of specific legislation on sexual exploitation of children, the Committee on the Rights of the Child noted that the prohibition of the sale of children, child prostitution and child pornography had not been included in the Criminal Code in full conformity with article 2 and article 3 of the OPSC.<sup>136</sup>

In 2009, La Strada-Ukraine with the support of the UNICEF Ukraine conducted



comprehensive analysis of national legislation in order to determine whether it complies with the provisions of the OPSC. The analysis was divided into 3 main parts examining prevention, efforts to combat children's rights violations and assistance to/ protection of children. Various gaps were identified in the field of legislation banning commercial sexual exploitation of children. The main conclusions were:

1. Ukrainian legislation is in compliance with the Optional Protocol's provisions for prevention of trafficking in children, child prostitution and child pornography. However, with the emergence of new CSEC manifestations and particularities, the Ukrainian legislation needs to evolve further to counter contemporary threats to children's rights.<sup>137</sup>
2. With regard to combating the sale and trafficking of children, child prostitution and child pornography, Ukrainian legislation generally complies with the

requirements of the Optional Protocol, but further revisions of the Criminal Code should be made in order to address remaining legislative gaps.<sup>138</sup>

3. With regard to protection and assistance to children who are victims of or witnesses to CSEC, the analysis noted that for the greater part, Ukrainian legislation does not meet the requirements of the OPSC. Rights of the child to protection and assistance are not properly ensured or implemented in legislation regulating criminal procedure, nor through rendering social assistance to child victims of CSEC. The analysis goes further to suggest specific amendments to the current Ukrainian legislation, especially to the Criminal Procedure Code of Ukraine, and laws of Ukraine on "Protection of Childhood," "On Ensuring Security of the Persons who Participate in Criminal Legal Proceedings" and "On Bodies and Services for Children and Special Institutions for Children".<sup>139</sup>

## SEXUAL EXPLOITATION AND ABUSE OF CHILDREN

The Ukrainian Constitution enshrines protection of children from exploitation in article 52, which states that "any violence against a child, or his or her exploitation shall be prosecuted by law." However, the definition of the term is vague, and there is a lack of specific reference to commercial sexual exploitation.<sup>140</sup>

The age of consent in Ukraine is not clearly legally defined. Article 155 of the Criminal Code of Ukraine criminalises sexual intercourse with sexually immature persons, without indicating the specific age.<sup>141</sup> The age of consent is therefore to be established by medical examination to determine subjectively whether a person is "sexually mature."<sup>142</sup>

National legislation contains several provisions punishing the sexual abuse and exploitation of children. Article 155 of the Criminal Code criminalises sexual

intercourse with sexually immature persons, which is punishable with imprisonment for up to three years. The punishment is raised up to eight years if the perpetrator is a parent or a surrogate parent of the child victim. However, this provision lacks clarity as there are no precise standards to determine the sexual maturity of a person. If sexual maturity is considered contemporaneous with puberty, some children will be considered sexually mature before reaching teenage years. According to statistics,<sup>143</sup> the medical examination determines sexual maturity to be between 14 and 16 years old. Nevertheless, the CRC Committee recommended that Ukraine clearly define the age of sexual consent in its legislation.<sup>144</sup> On 9 September 2011, Ukrainian MP Victor Shemchuk, who is also a member of the Parliamentary Assembly of the Council of Europe (PACE) working on CSEC issues, tabled a draft law which would amend the domestic legislation as to fix the age of consent at 16 years.<sup>145</sup>



Other relevant Criminal Code provisions include article 156, which prohibits involving minors under 16 in “lewd acts.”<sup>146</sup> “Violent unnatural gratification of sexual desire,” for sexual acts other than intercourse, committed with the use of physical strength, threats or exploiting the victim’s helplessness is considered sexual abuse and punished under article 153 of the Criminal Code. The provision further increases punishments for

offences committed against a minor, with up to 15 years imprisonment<sup>147</sup>. Article 152 of the Criminal Code criminalises acts of rape, which involve the use of force to engage in intercourse. The rape of minors between (14-18 years of age) is punished by imprisonment up to 12 years, while the rape of a child under 14 years of age is punished by deprivation of liberty from 10 to 15 years.

## PROSTITUTION OF CHILDREN

Ukrainian domestic legislation against child prostitution is considerably weak, despite recent prostitution related amendments of the Criminal Code. The legislation focuses more on the punishment of pimps and prostitutes than clients, which is reflected in the provisions criminalising child prostitution.

In 2006, Ukraine took steps to amend its Criminal Code in order to harmonise provisions with Ukraine’s relevant international obligations. Prostitution is criminalised by article 303.1 of the Ukrainian Criminal Code which prohibits “involving or forcing a person into prostitution by fraud, blackmail, or by taking advantage of the vulnerable status of this person or under the threat of using force, or pimping”.<sup>148</sup> Articles 303.3-303.4 address conduct committed in relation to a person underage (14-18) or a minor (under 14) and increase maximum punishments to 15 years of imprisonment in such cases.

An explanatory note to article 303 indicates that “[r]esponsibility for involving an underage or a minor into prostitution or forcing them into prostitution in this article must apply regardless of whether such acts are committed with the use of deception, blackmail, exploiting vulnerable situation of these persons or with the use or threat of violence, abuse of official position, or by a person on whom the victim was materially or otherwise dependant.” This explanatory note was added to harmonise the Ukrainian provision with international standards, recognising the fact that children cannot

consent to being involved in prostitution. No forceful or deceitful methods need be used by adults in order to be held criminally liable. However, the legislation provides no clear definition of what constitutes prostitution in general, or child prostitution in particular. The relevant provisions are also silent on the issue of what classifies as remuneration.

Article 302.1 of the Criminal Code criminalises “[c]reating or running brothels, as well as procuring for prostitution.” Article 302.3 further qualifies the conduct if committed “with the involvement of an underage” person and sanctions such acts with imprisonment up to 7 years. However, article 302 does not target brothels’ clients.

International standards call for the criminal immunity of child victims of prostitution. This position is not fully recognised within the domestic legislation of Ukraine, which places responsibility for being involved in prostitution on exploited child victims.<sup>149</sup> There remains administrative responsibility for those between 16 and 18 years of age engaged in prostitution, while at the same time those who buy sexual services from children are not subject to legal responsibility.<sup>150</sup> In 2009, 202 underage

persons in the age group 16–18 years were registered by the police for engagement in prostitution, with 172 registered cases in 2010.<sup>151</sup>

The Ukrainian Criminal Code contains numerous gaps. Articles 155.1 and 156.1, foresee responsibility for performing lecherous acts against individuals under 16

years of age and for sexual relations with an individual who has not reached sexual maturity. At the same time, the legislation does not consider using the sexual services of a child over 16 years old or of a child that has reached the age of puberty to be a crime.<sup>152</sup> Future legislative amendments should target demand as well as supply to decrease all varieties of child prostitution.

## TRAFFICKING IN CHILDREN FOR SEXUAL PURPOSES

Ukraine's national legislation on trafficking is gradually being brought into conformity with the relevant international standards.

On 25 September 2010, the Ukrainian Parliament finally ratified the Council of Europe Convention on Action against Trafficking in Human Beings No. 197.<sup>153</sup> On 20 September 2011, a new law "On Combating Human Trafficking" was adopted. The law discusses the organisational basis for combating trafficking, by guaranteeing gender equality, focusing state policy, imposing obligations on state bodies, and enhancing cooperation among state authorities and NGOs in this field. Section VI of the legislation is exclusively devoted to child trafficking.<sup>154</sup>

Ukrainian criminal legislation regarding human trafficking has been revised numerous times. The original provision criminalising human trafficking in the 2001 Ukrainian Criminal Code contained gaps, as it focused on inter-state trafficking only, without addressing the problem of internal trafficking. Therefore, a number of children and adult who had been trafficked and sexually exploited within the borders of Ukraine were not considered victims of trafficking if the criminal conduct took place before the 2006 amendment. The amended version of article 149 of the Criminal Code seems to include both internal and international trafficking.

Article 149.1 of the Criminal Code defines trafficking of a person as "recruitment, transportation, harbouring, transfer or receipt

of a person, committed for the purpose of exploitation by means of fraud, blackmail, or abuse of a position of vulnerability." The explanatory note to article 149 indicates that "exploitation of a person under [the] article should be understood as all forms of sexual exploitation, use in pornography business... [etc]," explicitly including trafficking for sexual purposes in the provision. Articles 149.2 and 149.3 specify that such conduct committed against an underage person (under 18 years of age) or a minor (under 14 years of age) will be punished with up to 12 years in the case of the former, and up to 15 years in the case of the latter. In line with article 3(c) of the Trafficking Protocol, the explanatory note to article 149 states that responsibility for recruitment, transportation, harbouring, transfer or receipt of a minor or underage person shall attach regardless of whether such acts were committed by means of fraud, blackmail, or abuse of a position of vulnerability, or with the use or threat of violence.<sup>155</sup>

In March 2007, the Cabinet of Ministries of Ukraine approved the State Programme on Combating Trafficking in Human Beings for the period until 2010.<sup>156</sup> The Programme foresaw legal reforms of national legislation on human trafficking to be undertaken by different taskforces of ministries and non governmental organisations in the period 2007 to 2010. One planned activity focused on harmonisation of national law with international standards on trafficking, although without a specific reference to trafficking for the purpose of CSEC.<sup>157</sup>

Unfortunately, no new programme for the period following 2010 has been adopted.<sup>158</sup>

Though Ukrainian legislation contains provisions addressing trafficking for sexual exploitation, trafficking in children is yet to be clearly defined. Nevertheless, article 9 of the Constitution of Ukraine recognises that “international treaties that are in force, ratified by the Verkhovna Rada of Ukraine, are part of the national legislation.” Therefore, the relevant definitions contained in international treaties are legally recognised in the country. The law “On Combating Human Trafficking” defines trafficking in underage persons but contains significant gaps, e.g., the law does not address situations such as the transferring of a child to a third person for remuneration without the purpose of exploiting that child in trafficking.<sup>159</sup>

Article 8 of the Optional Protocol establishes State Parties’ obligation to provide support to child victims during trial and preliminary procedures, such as investigation. However, the Ukrainian Criminal Procedural Code does not contain special provisions for the protection of child victims or witnesses, and underage persons (age 14–18) are basically treated as adults. Article 168 of the Code states that the interrogation of a person under the age of 14 (or in particular cases, if allowed by the investigator, under the age of 16) shall be assisted during trial by an educator, the parents or a legal guardian and, if necessary, a doctor. This right is not guaranteed for underage persons age 16–18. There are no specific provisions providing for the right to be assisted by a child psychologist, an essential service for victims of CSEC.

## CHILD PORNOGRAPHY

Ukraine recently modified its legislation on child pornography, which is now mostly consistent with the OPSC, although some important protective mechanisms are still absent. The production and distribution of child pornography are prohibited under national law; however, Ukraine fails to criminalise mere possession and grooming children for pornography.

The term “child pornography” is defined by the Ukrainian law “On Protection of Public Moral,”<sup>160</sup> which also provides general definitions of pornography and products of a pornographic character. However, more comprehensive treatment was introduced into Ukrainian law with the adoption of the law of Ukraine “On Introduction of Amendments to Several Legislative Acts of Ukraine regarding Counteraction to Distribution of Child Pornography.”<sup>161</sup> Article 1 of the act defines child pornography as representation, by whatever means, of a child or a person appearing to be a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for sexual purposes.<sup>162</sup> These provisions exceed OPSC minimum standards by penalising not only “any representation of a child” but also that of “a person appearing

to be a child.”<sup>163</sup> This expanded protection corresponds to Article 9 of the Convention of the Council of Europe on Cybercrime, where the term “child pornography” includes “pornographic material that visually depicts a person appearing to be a minor engaged in sexually explicit conduct,”<sup>164</sup> as well as the provisions of the Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse.<sup>165</sup> However, once again age limits for the term “child” are not established, leaving the term child left open to subjective interpretation.

Article 301.1 of the Criminal Code prohibits importing into Ukraine works, images or other items of a pornographic nature for the purpose of sale or distribution, storage, transportation, or other relocation for the

same purposes. The law also prohibits sale or distribution, and inducing others to participate in the creation of pornography. Article 301.2 criminalises the same acts committed with regards to film or video production, pornographic computer programs, as well as sale or distribution of images or other pornographic items to underage persons. Finally, article 301.4 specifies increased penalties for the aforementioned acts with regard to materials containing pornographic representations of children, or forcing minors to participate in the creation of such works, images, video, or computer programs. The latter conduct carries a sanction of up to 10 years of imprisonment.

The present version of the relevant Ukrainian legislative acts was achieved after numerous amendments to earlier versions, mostly through the 2010 law “On Introduction of Amendments to Several Legislative Acts of Ukraine regarding the Counteraction to Distribution of Child Pornography.” The main changes included establishing more severe criminal sanctions for production, dissemination, and import into and export out of Ukraine; treating the use of computer technologies for creation of pornographic materials as an aggravating factor; and introducing responsibility of

IT providers for blocking resources that contain child pornography.<sup>166</sup> Addressing the legislative gap with regard to export of child pornography was particularly important, since Ukraine is a major producer of child pornography material.

However, there remain issues yet to be addressed by the Ukrainian legislation. For example, article 301.1 of the Criminal Code only envisages responsibility for forcing a child into child pornography production, but leaves out the situations in which no coercion was used against an underage person, such as when the child was voluntarily involved or was paid to participate in the production of pornographic materials.<sup>167</sup> Ukraine should also take additional steps beyond the requirements of the Optional Protocol and criminalise mere possession of child pornography, without intent to sell or distribute it.

Article 23 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse defines solicitation of children for sexual purposes (grooming) as abuse. The Ukrainian legislation fails to criminalise grooming if it does not lead to the production of pornographic material.

## EXTRADITION LAW

Article 6 of the Ukrainian Criminal Code envisages territorial jurisdiction for crimes committed in the territory of Ukraine. Article 7 extends active nationality jurisdiction over Ukrainian citizens or permanent residents of Ukraine who may have committed offences abroad. The latter provision applies in entirety to all the offences under the Criminal Code, except

where such jurisdiction is excluded by an international agreement. Article 8 goes as far as to include passive nationality jurisdiction over foreigners or permanent resident of Ukraine for grave crimes committed abroad against Ukrainian citizens or the interests of the state. However, this type of jurisdiction would seem to exclude CSEC cases where a victim is a non-Ukrainian.

Some progress has recently been made by Ukraine in developing law enforcement structures specialised in investigating and counteracting CSEC crimes, especially with the creation of a Cyber Crime Unit. However, there remain deficiencies in intelligence gathering, mainly due to the persistent scarcity of human and financial resources and insufficient specialised training. Furthermore, there remains a serious lack of child-sensitive procedures for interviewing child victims/witnesses in criminal proceedings.

Unfortunately, some recent Ukrainian administrative reforms have managed to weaken the institutional mechanisms tasked with addressing CSEC issues. In 2010, the Department of Criminal Militia for Child Affairs operating under the Ministry of Internal Affairs was eliminated and its functions were scattered among different divisions within the same Ministry and the militia as a whole. Before this elimination, it had been proposed to move the Department from the criminal block and transfer it to the block of public safety, a move that would end some of the Department's investigative activities. In the past, these activities strongly enhanced the level of child protection, making it possible to promptly detect and put on a preventive list the families where children are subjected to violence, study the reasons for family problems and, where necessary, remove children from a dangerous environment. However, instead, the Department was entirely disbanded, and its past functions were scaled down to preventive activities only, as divided among the other units. Along with the radical staff cuts in the bodies of internal affairs, this was a very regressive move for overall children protection mechanisms.<sup>168</sup>

In 2010, the Counter-Trafficking Department of the Ministry of Interior was renamed as the Department on Combating Cybercrime and Trafficking in Human Beings. Established in 2000, it was originally in charge of investigating trafficking crimes. With representatives in all districts of Ukraine, it is served by a staff of more than 300 operational officers. The operational officers have been trained by IOM Ukraine on international standards to

combat trafficking and have established good collaboration with local NGOs providing assistance to victims.<sup>169</sup>

In July 2009, a specialized Cyber Crime Unit was established. In addition to its primary function of investigating cyber crime cases, the unit is responsible for developing state policies on the cyber crime issue, analysing legislation, suggesting appropriate legal reform, and fostering cooperation with police forces from other countries. Among crimes investigated by this law enforcement agency are the production and dissemination of illegal content, including child abuse materials.<sup>170</sup>

According to official statistics from the Ministry of Internal Affairs during the period from 2009 to mid-2011, law enforcement agencies opened more than 1,100 criminal cases dealing with sexual abuse and sexual exploitation of children.<sup>171</sup>

From 2009 through the first six month of 2011 these cases included:

- 89 cases (42 in 2009, 36 in 2010, and 11 in 2011) on the trafficking of children (article 149);
- 29 cases (16 in 2009, 10 in 2010, and 3 in 2011) on involvement of children in pornography production (article 301);
- 37 cases (17 in 2009, 9 in 2010, and 11 in 2011) on involvement of children in prostitution (article 303);
- 153 cases (69 in 2009, 52 in 2010, and 32 in 2011) on sexual contact with underage persons (article 155);
- 629 cases (262 in 2009, 207 in 2010, and 157 in 2011) on debauchery (corruption) of children (article 156)

- 166 cases (113 in 2010 and 53 in 2011) on rape of children (article 152)
- 114 cases (74 in 2010 and 40 in 2011) on

violent sexual intercourse with children (article 153)

## Support services for children

The existing support system for child victims of CSEC and trafficking presents several shortcomings. The absence of services planned to respond to the special needs of affected children is coupled with a lack of specific knowledge of CSEC among caregivers and other actors responsible for providing assistance. The services in place rarely include reintegration and financial support and most of the victims do not have access to them.

The Special Rapporteur on Sale of Children, Child Prostitution and Child Pornography, who visited the country in 2006, recognised the difficulty of providing adequate services, especially due to financial constraints. Taking this into account, he invited Ukraine to support the existing network of NGOs and to facilitate the elimination of the excessive burden of bureaucracy.<sup>172</sup> The CRC Committee expressed similar concerns in its recent assessment of the child support services in Ukraine by noting “[t]he extremely limited number of rehabilitation centres specifically dedicated to providing assistance to child victims of sexual exploitation and abuse.”<sup>173</sup>

In Ukraine, support services for children are mainly provided by NGOs, which have the capacity to offer holistic assistance, ideally including medical, psychological and legal support. One good practice example of such services was the social-rehabilitation centre “Sofia,” established in 2008 in Odessa by the NGO “Love, Faith, Hope,” a member of the All-Ukrainian Network. The centre hosted up to 12 girls and was one of the first examples in Ukraine of a shelter home specifically for CSEC victims. However, in order to obtain assistance from NGOs, victims were required to apply to the NGO members of the All-Ukrainian Network, request help and provide evidence of their status as victims. The process was cumbersome and therefore provided limited access to CSEC victims. Unfortunately, due to a lack of financial support, the centre was forced to close in January 2011.<sup>174</sup>

La Strada-Ukraine is a major provider of child support services in Ukraine, and the organisation operates with the help of volunteers and professional specialists in detention centres throughout 6 regions of the country. Professional psychologists and

volunteers conduct interviews with children in order to identify victims of violence, trafficking and sexual exploitation. La Strada then provides psychological, medical, juridical, and humanitarian assistance to children in need, the scope of which depends on the context of the individual case. This may include interviews with psychologists, information assistance through a designated hotline, lawyer’s assistance in court, or medical services beyond the costs covered by the state.<sup>175</sup>

In Ukraine there are no recovery programmes run or funded by the State specifically targeting victims of commercial sexual exploitation.<sup>176</sup> There are general provisions aiming to support children who have suffered from brutal treatment or violence, but the special needs of children who have been involved in child prostitution and child pornography are not taken into specific consideration. The Ministry of Internal Affairs coordinates a network of institutions that receives street children detained for begging and other minor offences. Additionally, shelter homes have been established all over the country. Some



of the minors accommodated in these shelter homes could have been victims of CSEC but are usually reluctant to speak out about the abuses they suffered. Although staff of the institutions can contribute to the identification of CSEC victims, they are not trained for this specific purpose. The services available for child victims of cruel treatment are designated under the joint order “On approval of the order for appeals and notices connected with cruel treatment or real threat of it,”<sup>177</sup> promoted by the State Committee on Family and Children, the Ministry of Family, Youth and Sports, the Ministry of Internal Affairs, the Ministry of Education and Science, and the Ministry of Health. The order provides that medical care must be available for children 24 hours a day with a focus on medical assistance and hospitalisation. Medical staff are then supposed to report to the local State Service on Matters Connected with Minors if they find children who have been victims of cruel treatments. This approach presents important gaps as children who have been involved in trafficking or sexual exploitation require specialised programmes tailored to their needs.

Ukraine has established over 1500 regional, municipal and rural Centres of Social Services for Families, Children and Youth. As part of their mandate, these centres have created databases of families in a difficult financial situation, including families in which parents have left to work abroad. Since 2008, the centres keep a separate record of victims of trafficking who have applied for assistance. The centres also provide consulting and legal services related to trafficking in human beings, within the framework of the regional and district advisory mobile points of social work.<sup>178</sup>

The current system for providing assistance to victims of trafficking is mainly funded by the International Organization for Migration (IOM). As of 2008, IOM was supporting eight rehabilitation and reintegration centres

(in Volyn, Zhytomyr, Lviv, and Odessa (2), Chernivtsi, Kherson oblasts and the city of Kiev). The shelters offer legal support, confidential medical examination, and psycho-social assistance. Reintegration programmes are also provided and include trainings, individual work with a view to furthering employment of victims of trafficking, and providing practical assistance in solving housing and property issues.<sup>179</sup> However, these programmes do not appear to target children. As noted by the US Department of State in its two consecutive reports on trafficking in human beings, the Ukrainian government places child trafficking victims in temporary homeless shelters for children, which unfortunately do not offer specialised services for trafficking victims.<sup>180</sup>

In order to enhance capacity of social workers in providing specialised assistance to trafficked children, the Ministry of Education and Science, Academy of Educational Sciences, and scientific centre of practical psychology and social work prepared and published a manual “On Sociopsychological rehabilitation of children removed from situations of trafficking and other worst forms of child labour.”<sup>181</sup>

The current juvenile justice system does not serve the best interest of the child as child-friendly services in place are limited. During pre-trial investigation and trial proceedings in court, children are given inadequate assistance and face much exposure. There is therefore a concrete risk that children involved in CSEC can be victimized, criminalized and exposed to retaliation. Regrettably, changes have not yet been made to the Ukrainian Criminal Procedural Code to ensure that child victims/witnesses are interviewed in a safe child-friendly environment and in the presence of a qualified psychologist. The possibility of video-taping questioning to avoid repeated interviews is also not foreseen. According to article 168 of the Procedural Code, the

presence of a pedagogue or a physician, the parents or other legal representatives during interrogation is mandatory only for children under 14 years old while it is left to the discretion of investigator and prosecutor for children between 14 and 16 years of age.<sup>182</sup>

With financial support from UniCredit Foundation, the International Women's Rights Center La Strada-Ukraine, in cooperation with the Kyiv Criminal Police for Children and the Solomensky Kyiv division of Criminal Police for Children, completed the set up of a child-friendly

interview room. The official opening of the room was held on 28 December 2010. The room is designed for interviewing child-victims or witnesses of sexual exploitation and sexual violence. It is equipped with comfortable furniture, corresponding video and audio equipment, a Venetian mirror, and appropriate support for specialists working with children, such as toys, and drawing kits.<sup>183</sup> A similar child-friendly room for identification of child-victims of violence was opened in the Child Orphan Kiev Centre by the NGO "Well-Being Fund for Children" in 2009.

## Training law enforcement personnel

Several capacity building activities for law enforcement have been promoted by Ukraine in recent years. In 2007, the Committee on the Rights of the Child acknowledged for the efforts made to organise conferences, trainings and seminars related to the sale of children, child prostitution and child pornography. However, it also raised concern that trainings were not provided in all parts of the country for all relevant groups of professionals including police officers, public prosecutors, and judges.<sup>184</sup>

As part of the Ukraine's State Program on Counteracting Trafficking of People (2007-2010) a number of trainings and roundtables about the issue of child trafficking were scheduled for civil servants, including law enforcement.<sup>185</sup> In 2008, the Organization for Security and Co-operation in Europe (OSCE) sponsored eight seminars on trafficking victims' protection and assistance based on a human rights approach. A total of 203 judges and prosecutors from the

Ukrainian Academy of Judges and the Academy of Prosecutors participated in this initiative.<sup>186</sup>

With the collaboration of La Strada-Ukraine, Ukrainian border guards have drafted a set of warning notes for the identification of trafficking victims. The guidelines have been distributed to every border crossing points in the State by land, air or railway.<sup>187</sup>

## ABA Conducts Training Module to Embolden Anti-Trafficking Response in Ukraine<sup>188</sup>

In 2009, the American Bar Association Rule of Law Initiative (ABA ROLI) held training workshops in Ukraine, which were based on ABA's recently developed trafficking in persons training module. The workshops were attended by regional investigators of Ministry of Interior (MOI) and by cadets of the Kyiv National University of Internal Affairs.



The ABA-run programme is funded by the US Department of State's Bureau of International Narcotics and Law Enforcement Affairs is part of the effort to strengthen the MOI's investigation and prosecution capabilities in human trafficking cases throughout the country. With the technical assistance from ABA ROLI, a governmental working group was set up, which consists of MOI practitioners and faculty members from associated academies. The group managed to develop investigation guidelines and a training module designed to improve coordination and communication mechanisms. According to the MOI officials, the new TIP training module will assist the ministry to better investigate and prosecute human trafficking cases, as well as to prepare more competent law enforcement officers.

International bodies such as OSCE are closely involved in promoting training of law enforcement personnel in Ukraine. The OSCE Project Coordinator in Ukraine (PCU) works closely with the government authorities and has developed joint anti-trafficking programmes based on key OSCE and Ukrainian anti-trafficking documents, most importantly the OSCE "Action Plan to Combat Trafficking in Human Beings," adopted in 2003.<sup>189</sup> The PCU provides capacity building activities on trafficking for judges, law enforcement officers, medical practitioners, social authorities, lawyers, consular officials, media and NGO representatives. The training courses aim in particular at eliminating the re-victimisation and stigmatisation of victims.<sup>190</sup> Although this programme does not focus solely on child victims of trafficking for sexual purposes, a special emphasis is posed on the prevention of trafficking in minors by raising awareness amongst children and professionals dealing with children's issues, and by providing economic opportunities and information for vulnerable and disadvantaged young people at risk of trafficking.<sup>191</sup>

In May 2010, the Council of Europe (CoE) and the European Union (EU) organised a "Workshop on the implementation of International Standards related to Substantive Criminal Law" in order to investigate the Ukrainian criminal law response to the abuse of children for

pornography and prostitution purposes. The workshop saw the participation of various ministries, representatives of the Ukrainian Parliament, the General Prosecutor's Office, independent experts, and the Supreme Court.<sup>192</sup>

In 2009, CoE and the EU organised a seminar on "Cybercrime and sexual exploitation of children: Cross-cutting legal issues regarding cybercrime, child pornography and the sexual exploitation and abuse of children." The seminar was part of a wider project on "Strengthening and protecting women's and children's rights in Ukraine" aimed at building capacities and discussing existing obstacles for law enforcement in investigating crimes related to sexual exploitation of children on the Internet, including collecting and securing electronic evidence.<sup>193</sup>

Ukraine's National Academy of Defence cooperated with the IOM in conducting five pre-departure counter-trafficking training sessions for Ukrainian troops being deployed for international peacekeeping duties in 2008 and 2009.<sup>194</sup>

In 2009-2011, La Strada with the technical support of ECPAT carried out several trainings for law enforcement officers on elements of identification of child victims of CSEC in Kiev, Simferopol, Vinnitsa, Kharkov and Odessa.

## CHILD AND YOUTH PARTICIPATION

Although Ukrainian legislation provides for children's right to public participation, the active involvement of children and youth has not been sufficiently encouraged. The CRC expressed its concern about the fact that due consideration is not given to children's views in the matters affecting them, such as in the decision making process on policies and programmes.<sup>195</sup> Nevertheless NGOs have provided good examples of successful child and youth participation, as exemplified by the All-Ukrainian Network against CSEC.

Despite the fact that youth and children are still not sufficiently included in decision-making processes, youth representation in Ukraine has increased over the years. In 1999, the law "On youth and children's non-governmental organisations" was passed. The law establishes the right for children from 14 to 18 years to become members of youth organisations. In May 2001, the All-Ukrainian Children's Parliament was established after long consultation with national children's NGOs. The Children's Parliament is very active in awareness-raising activities and campaigns on the promotion of children's rights.<sup>196</sup>

The All-Ukrainian Network against CSEC considers child and youth participation to be the key component of its preventive work against the different forms of CSEC. In 2005, the Youth Section of the Network was established. The Youth section is represented by youth organisations, young staff members and volunteers of the NGOs in the Network. Youth members have equal rights with adults in decision-making process. Activities conducted in this framework by children and young people include awareness raising, trainings, advocacy, lobbying, work with media, etc.

### **'Don't Keep Silent' - youth performance in Ukraine targets railway commuters**

In April 2009, a performance entitled "NO to violence" was presented at the Kiev railway station in Ukraine by the Gender Interactive Theatre of the School of Equal Opportunities (a member of the All-Ukrainian Network against CSEC). The main slogan of the performance was "Don't Keep Silent!" and aimed to raise awareness about different types of violence, including sexual violence and exploitation, under the national campaign "Stop the Violence." The event was organised in collaboration with the Professional Union of the Workers of the Railroad and Transport Systems of Ukraine. During this event, thousands of booklets, posters and leaflets were disseminated among children and adults who were present at the railway station.<sup>197</sup>

### **ECPAT International's Youth Partnership Project (YPP)**

In 2009, Ukraine joined the Global Youth Partnership Project against CSEC run by ECPAT International.

The YPP is an innovative initiative to empower children and youth and give them the opportunity to raise their voice against CSEC in safe platforms. YPP members lead projects of advocacy, peer-to-peer counselling, awareness raising and victims' support. The YPP is very active in Ukraine and already runs a number of initiatives aiming to end CSEC in their country. The project was

implemented in three regions of Ukraine in schools, shelters, colleges, social centres and the Kyiv transit-detention centre for children.

In the framework of the project children and youth conducted forum meetings with representatives of local administrations in the regions. At these forum meetings all stakeholders of the project elaborated on the Child Protection Framework for child victims of CSEC. Partnership with local administrations supports the YPP implementation and gives the project participants opportunities to present themselves to decision-making stakeholders and find useful contacts for their future professional work.

During September 2009 – July 2011, YPP members engaged in the organisation of 376 events that took place in three regions of the country – Kyiv, Odessa and Simferopol. The events comprised lectures, trainings and conferences on prevention of CSEC, trafficking in children, safe use of ICT, prevention of child labour and other forms of exploitation, prevention of xenophobia and racism, leadership skills development, etc. Youth trainers supported their peers for the whole period of the project, greatly enhancing children's understanding of CSEC and related issues.

As part of the ECPAT and Body Shop global campaign, YPP participants disseminated booklets on the issue of child sex trafficking and child sex tourism. The booklet on child sex tourism was the first informational material in Ukraine addressing the problem. YPP participants organised summer street activities to distribute the booklet. There is also a plan to produce a child friendly manual on CSEC issues. Children and young people will work on producing the manual and share their knowledge and skills with their peers in the process.

The YPP in Ukraine is also playing a valuable role in lobbying the government to address the problem of CSEC more actively. On 23 November 2010, La Strada-Ukraine organised and conducted a roundtable discussion in the Parliamentary Committee on Legal Drafting on the topic of "Implementation of the legislation on combating human trafficking, child prostitution, child pornography and perspectives on its implementation." In 2011, the lobbying legislation process was supported by conducting information campaigns that were organised by YPP participants. This served as a strong example of how cooperation between child and youth advocacy activities can impact the legislative process.



# PRIORITY ACTIONS REQUIRED

## National plan for action

- Allocate resources for and ensure monitoring of the National Plan of Action for Children to Implement the UN Convention on the Rights of the Child for the period 2010-2016
- Adopt the State Program on Combating Trafficking in Persons for the period up to 2015
- Develop an Action Plan for implementation of the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents

## Cooperation and coordination

- Establish a National Rapporteur on Human Trafficking;
- Determine and assign a state institution responsible for counteraction of trafficking and CSEC
- Create a separate Interagency Coordinating Council on combating trafficking in human beings as well as a sub-group focused on child trafficking
- Develop inter-agency mechanisms to combat and prevent child pornography and child sex tourism
- Further enhance regional and international judicial, police and victim-oriented cooperation activities with other states on CSEC crimes
- Promote the Code of Conduct for IT providers and businesses in the travel industry
- Establish action plans at the Foreign affairs administration on how to respond to cases of suspected child sex tourism.

## Prevention

- Establish national research centres on CSEC in order to gain a deep understanding of CSEC, its root cause and manifestations, and ensure sound data collection
- Introduce modules on life skills, awareness and protection from CSEC in the national school curriculum
- Increase the dissemination of information on CSEC in a structured and systematic way
- Reach out to children vulnerable to CSEC, including street children, orphans, children in institutions, children from Roma community etc.; provide psychological and pedagogical assistance for children whose parents are abroad
- Introduce blocking systems against child pornography and/or other self-regulatory mechanisms involving ISPs and the various actors within the ICT industry
- Ensure the implementation and monitoring of the Code of Conduct for IT providers

- Adopt a clear legal definition of trafficking in children.
- Adopt a clear legal definition of child prostitution and ensure no criminalisation of children involved in this crime
- Criminalise mere possession of child pornography regardless of the intent to distribute, as well as grooming children for online and offline exploitation
- Introduce the concept of parental responsibility for luring or allowing children into prostitution or production of child pornography
- Introduce child-sensitive measures to ensure protection of children in the justice system
- Ratify the CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
- Further enhance training for law enforcers and the judiciary on CSEC crimes and child victims' identification, protection and assistance
- Ensure the establishment of specific services for child victims of CSEC, such as shelters and psychological assistance, and financially assist NGOs providing such services
- Establish specialised rehabilitation programmes for children involved in the production and dissemination of child pornography
- Develop and implement national standards for social services relevant to trafficking in human beings, paying due attention to children's needs
- Include the subject of CSEC in the preparation and training of all categories of professionals providing assistance to child victims
- Establish clear responsibility within the mass media sector to protect child victims of CSEC from the disclosure of their identity

**Child and youth participation**

- Institutionalise the participation of children and young people in the development, implementation and evaluation of programmes and policies against CSEC
- Ensure adequate funding of child and youth participation initiatives

# 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 psycho-social 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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