



EXECUTIVE SUMMARY

Kyrgyzstan*



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Introduction

Kyrgyzstan is one of the poorest countries of the former Soviet Union, with an HDI ranked 108th out of 169 countries surveyed in the world.¹ Children have been amongst those who suffered the adverse consequences of the transition from a planned economy. Today, 43.3 percent of children live in poverty and 7.7 percent in extreme poverty.² Even though accurate figures are unavailable, the number of children living and working in the streets is increasing, as well as the number of children living in institutions.³ Domestic violence against women is high and widespread⁴ as is corporal punishment of children at home and in public institutions (such as schools and foster care institutions).⁵ The practices of child marriage (especially Muslim unregistered marriages),⁶ bride kidnapping, bride payment and polygamy are supposedly increasing⁷ but the Government has not developed a programme to tackle the problem.⁸

Child prostitution is common in Kyrgyzstan⁹ and may take place on the streets, in market areas, saunas, hotels,¹⁰ as well as in private homes used as hidden brothels. Some children are exploited by pimps while others are reported to work independently.¹¹ The majority of children engaged in or forced into selling sex are between 11 and 16 years of age and include both boys and girls.¹² Street children and children of migrants are at particular risk of

being exploited into prostitution, as they often lack any kind of identification documents.¹³

Kyrgyzstan is a country of origin and transit for **child trafficking**.¹⁴ In 2008, the International Organization for Migration (IOM) reported that at least 4,000 Kyrgyz women are sold annually, 10 percent of whom are minors.¹⁵ The majority of the girls trafficked to Russia are underage.¹⁶ Women and girls are mainly trafficked into forced prostitution.¹⁷ Internal trafficking of children from rural areas to Bishkek and Osh for the purpose of sexual exploitation has also been reported.¹⁸

Child abuse images and child pornography in Kyrgyzstan receive very little attention. The lack of official statistics on cases involving child pornography reported by the authority obstructs the study about the issue.¹⁹ However, a study conducted in 2011 to understand the use of Information and Communication Technology (ICT) among children and young people in Kyrgyzstan suggests that there is a large number of websites that are accessible to Kyrgyz people that contain child abuse images.²⁰

There is very little data on the issue of **child sex tourism** in Kyrgyzstan but in the case of boy prostitution, some foreign visitors are reported to be prepared to pay higher prices.²¹

National Plan of Action

The *New Generation State Programme for the Realization of Children's Rights* for the period 2001 – 2010 addressed child sexual exploitation by establishing provisions on child

trafficking and commercial sexual exploitation of children.²² The aim of the programme was to strengthen coordination among relevant government bodies and NGOs working on

advancing child welfare in the domains of legislation, education and public awareness. Due to limited funding, the implementation of the numerous measures under the Programme has been slow.²³ Furthermore, limited budget has been allocated to CSEC and cooperation between the bodies implementing the NPA has remained poor.²⁴ According to 2011 reports, “New Generation” fails to provide tangible measures to combat CSEC.²⁵

The *State Program of Action of Social Partners for the Elimination of the Worst Forms of Child Labor in the Kyrgyz Republic* (2008-2011) focused on labor exploitation but also addressed exploitation of children in prostitution

by including activities to promote youth employment and public awareness about the worst forms of child labor.²⁶

A *Child Protection System Reform National Plan 2009 – 2011* was drafted with the support of UNICEF in order to establish social support services for families at the local self-government level.²⁷ The plan is still awaiting approval by Parliament. With regard to trafficking, the *National Action Plan against Human Trafficking* adopted in 2008 aims to improve public awareness on the problem.²⁸ However, it does not have a specific focus on CSEC.

Coordination and Cooperation

The main state body which is in charge of children rights and receiving complaints is the Commission on Children’s Affairs, which was also appointed as the state body responsible for coordinating and implementing the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC).²⁹ The coordination among state authorities regarding child protection is ineffective.³⁰ Nevertheless, cooperation between local stakeholders and non-governmental organisations is increasing, especially as a result of the creation in 2005 of the national network to combat commercial sexual exploitation of children which comprises 10 national NGOs.³¹

At the regional level, Kyrgyzstan concluded a number of agreements with neighbouring countries from the Commonwealth of Independent States (CIS) of which it is a member. Most of these agreements are related to human trafficking with and without

commercial sexual purposes.³² Kyrgyzstan adopted the CIS Programme of Co-operation to Combat Trafficking in Human Beings for 2007-2010 and, with a special focus on children, the Agreement of the States Parties of the CIS on the Return of Minors to their State of Permanent Residence. This agreement was signed with the aim to enhance regional cooperation and information sharing on the return of unaccompanied children.³³

Kyrgyzstan (along with Uzbekistan and Kazakhstan) is also part of the International Organization for Migration’s (IOM) Central Asia Regional Anti-trafficking Programme which began in 2010 and involved a number research initiatives and projects to combat human trafficking, including the launch of a website of a network of NGOs countering trafficking (www.traffikunet.kg).³⁴

Prevention

The preventive measures implemented in Kyrgyzstan over the last few years have targeted primarily trafficking in human beings and in some cases, **trafficking in children**; other forms of CSEC such as child prostitution and child pornography have not received adequate attention.

Anti-trafficking initiatives implemented recently include the distribution by the Ministry of Transportation of posters and information on local buses, at transportation centers and airports as well as a toll-free child/youth friendly hotline (189)³⁵ run by IOM that provides information to citizens

wishing to check the validity of potential employment positions abroad. In collaboration with civil society organizations, the state has also organised numerous trainings on human trafficking for professionals working directly with children at risk and child victims,³⁶ although this capacity building activity has been judged inadequate in light of the extent of the problem.³⁷

The IOM has also carried out sensitisation activities tailored to reach a large number of youth (including picture exhibitions, disco events and social videos on trafficking)³⁸ while the Ministry of Education offers awareness raising activities and training on the subject matter to children.³⁹

On the issue of **child abuse images**, an activity which is worth noting is the round table discussion titled “Child Pornography and other risks on Internet” organised by the Opinion Research and Forecast “El-Pikir” (affiliate member of ECPAT) with the support of ECPAT International. The event was held to determine the main directions for improving the coordination of Kyrgyz stakeholders, including Internet services, government agencies and other organizations, with a view to enhance counteraction of illegal content on the Internet. During the meeting, the study on “Child risk behavior online” conducted by ECPAT in collaboration with El-Pikir was presented and discussed.⁴⁰

Protection

Kyrgyzstan is party to all the main international treaties protecting children from sexual exploitation. With regard to national law, the Children’s Code of the Kyrgyz Republic adopted in 2006 takes into particular consideration the special needs of children;⁴¹ however, it does not include specific provisions prohibiting the sale of children, child prostitution and child pornography.⁴²

The Kyrgyz Criminal Code punishes sexual relations with children and youth under 16 with imprisonment of up to three years. Though the law does not provide a clear definition of **child prostitution**, it criminalizes involving a child in prostitution or in “performing sexual acts” as well as other related prostitution offences. However, a major defect in Kyrgyz legislation is that it does not target those who purchase sex with children, while child victims are often sanctioned or jailed.⁴³

Kyrgyz law regarding **child trafficking** is in line with the requirements of the Trafficking Protocol. Nevertheless, the few successful prosecutions of traffickers in the country has increased the culture of impunity toward the crime and consequently also the extent of human trafficking. In 2010, the state reported the conviction of three trafficking offenders, with only one trafficking offender receiving a term of imprisonment.⁴⁴

Although Kyrgyz legislation seems to cover most of the requirements of the Optional

Protocol with regard to the criminalization of child pornography, the Criminal Code does not provide for a comprehensive definition of **child pornography** which would include virtual child pornography nor does it criminalize simple possession and knowingly accessing child pornography. In addition the laws do not punish the process of soliciting children for sexual purposes (grooming).⁴⁵

The Criminal Code extends **extraterritorial** (active nationality) **jurisdiction** over Kyrgyz citizens or permanent residents of Kyrgyzstan who commit offences abroad, but prohibits extradition of its nationals for offenses committed outside the national territory. As a result, if Kyrgyz nationals commit CSEC crimes abroad, these offenses may go unpunished unless the Kyrgyz Republic take steps to prosecute them.

Kyrgyzstan has taken steps to establish **child protection structures** although there is minimal coordination between them. At the national level, a Child Protection Department was created to coordinate directly with the government and monitor the implementation of the Children’s Code. At the local level, the Family and Child Support Department and the Commission on Children’s Affairs were established in district state administrations and city mayor’s offices. In the area of human trafficking, in 2001 a special unit to combat smuggling and trafficking in persons was set up within the Kyrgyz Ministry of Internal

Affairs. However, this body has no legal status and only operates by using available resources⁴⁶ which means that there is not a precise budget allocated. Additionally, the unit does not have a specific focus on child victims and no expertise on CSEC.

With support from foreign governments and intergovernmental organisations, some **training of law enforcement personnel** has been conducted in recent years, addressing issues such as human trafficking and human rights. Despite these efforts, the CRC Committee noted with concern that judges and prosecutors do not receive any training on CSEC.⁴⁷

In terms of **care and assistance for child survivors of sexual exploitation**, according to UNICEF, the majority of support services for children available in the country targets only victims of trafficking and fails to offer specialized services for child victims.⁴⁸ There are some establishments such as shelters which address at-risk children, namely migrant

children, child workers and children in institutions,⁴⁹ however their services are not designed for the specific needs of child victims of commercial sexual exploitation.

The few available services are primarily operated by intergovernmental and civil society organisations. The IOM, in collaboration with partner NGOs, provides direct support to trafficking survivors. This includes medical help as well as judicial and psychological counseling.⁵⁰ The services are accessible to adults and children but do not focus on child victims of sexual exploitation.

Children's institutions do not always comply with appropriate standards of security and shelters are sometimes considered as safe havens for traffickers to use as recruiting platforms. In 2007 the government of Kyrgyzstan indicated that during a period of three years, 45 children had been abducted from children's homes and trafficked to other countries.⁵¹

Child and Youth Participation

There are no relevant examples of meaningful participation of children and young people in prevention efforts against CSEC promoted by the government. However, the national NGO "El Pikir" (ECPAT member organisation) has

actively encouraged the direct engagement of youth in similar initiatives, especially through participation in ECPAT International's Youth Partnership Project.

Priority Actions Required

National plan for action

Kyrgyzstan should adopt the *Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents* and develop a comprehensive national plan of action for CSEC issues with sufficient funds allocated.

Coordination and cooperation

Kyrgyzstan should foster regional cooperation focusing on all forms of CSEC, not only child trafficking, and should also enhance existing collaboration between governmental child protection structures as well as between child

protection experts and law enforcers (in order to provide law enforcers with capacity building on CSEC).

Prevention

Specific research and data collection should be conducted on the different manifestations of CSEC in order to gain a deeper understanding of the issue and its root causes. It is also necessary to raise awareness on the scale of child trafficking and prostitution amongst children in schools and teachers as well as disadvantaged families, in order to prevent parents from selling their own children.

Protection

Kyrgyz legislation should include clear definitions of child prostitution and child pornography and be amended to criminalise a number of child pornography-related offences (virtual child pornography, knowingly accessing, mere possession and soliciting children online for sexual purposes). The justice system should adopt child-friendly processes, taking into account the full protection of children's rights. Furthermore, the government should be more

active in providing care services to child victims of CSE as well as specific trainings for law enforcers.

Child participation

The government should encourage the participation of children and young people in policy making as well as in initiatives to prevent and fight against CSEC.

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