



Global Monitoring



Report on the

**status of action against commercial
sexual exploitation of children**

KYRGYZSTAN



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Compiled by: Renata Coccaro

Design by: Manida Naebklang

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(End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes)
328/1 Phayathai Road, Bangkok 10400, Thailand
www.ecpat.net
info@ecpat.net

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Glossary of terms and acronyms

AIDS: Acquired Immune Deficiency Syndrome

CIS: Commonwealth of Independent States

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

CPC: The Centre for the Protection of Children

CRC: United Nations Convention on the Rights of the Child

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

EI: ECPAT International

Grooming: Preparing a child for sexual abuse and exploitation

HIV: Human Immunodeficiency Virus

ILO: International Labour Organization

ILO/IPEC: International Labour Organization/International Programme on the Elimination of Child Labour

IO: International organisation
IOM: International Organization for Migration
NGO: Non-governmental organisation
NPA: National Plan of Action
OSCE: Organisation on Security and Cooperation in Europe
UAE: United Arab Emirates
UN: United Nations
UNDP: United Nations Development Programme
UNICEF: United Nations Children's Fund
UNODC: United Nations Office on Drugs and Crime

Foreword

Over ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

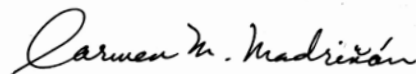
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last several years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project. This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children (CSEC) provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organisations 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 of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. 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 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.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration, as well as Child Participation. 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 would focus only on those areas of the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection. Where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including the Convention on the Rights of the Child (CRC) country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce 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. 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, 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 through teleconferences, 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 validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information in each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (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 for further details); and (vi) priority actions required.



KYRGYZSTAN

Precise information on the commercial sexual exploitation of children in Kyrgyzstan is not available, but some statistics concerning the number of victimised children have been provided by both non-governmental organisations (NGOs) and the Government. In its 2002 report to The Committee on the Rights of the Child (CRC), the Government cited statistics from the Service for National Security suggesting that 10 per cent of those involved in commercial sex in Kyrgyzstan are actually children.¹ A survey carried out by the NGO Tais Plus in 2002 corroborated these figures in relation to street prostitution, indicating that 12 per cent of street sex workers are underage. In the case of prostitution in saunas and brothels, 21 per cent of those exploited are underage.² A large proportion of Commercial Sexual Exploitation of Children (CSEC) victims in the country seem to be street children.

The Centre for the Study of Public Opinion El Pikir - the lead agency of the ECPAT affiliate in Kyrgyzstan - has conducted a situational analysis on CSEC which indicates that child prostitution occurs particularly in Bishkek, Osh³ and in other big cities; cases of girls exploited in brothels and saunas were also identified in Jalal-Abad, a southern city.⁴ The majority of respondents in Osh considered CSEC to be widespread in the city, while some even considered it to be “an open phenomenon”. Pimps and brothel managers in Osh mentioned a high demand for very young girls, as well as for boys.⁵ The Oasis Foundation has also reported that boys aged between 12 and 16 are being exploited in prostitution.⁶ While girls as young as 11 can be found in prostitution, there is a great demand for those aged 14 and above, and a constant, though relatively small, demand for virgins.⁷ Some escort agencies seem to exploit very young girls, targeting a clientele of wealthy men who would not go to a ‘streetwalker’.⁸ The NGO Tais Plus reports that, especially in Bishkek, young girls in prostitution are mostly controlled by female pimps.⁹ Some of these pimps may be teenagers themselves.¹⁰ According to the Bishkek-based NGO Action in Support of Families, children are often recruited in rural communities by pimps or by friends.¹¹

In addition, a study conducted by Save the Children in 2004 revealed the practice of sexually exploiting children for the ‘servicing’ of relatives and rich neighbours. Community members reportedly only bring these abuses to the attention of the police if girls become

pregnant at a very early age or if their lives are in danger. Furthermore, the study found that boys from poor families who are 'given' to wealthy villagers to work in fields or tend herds may be sexually abused. Community members also tend not to intervene in these cases.¹²

Society's complicity

The commercial sexual exploitation of children in Kyrgyzstan is heightened through the collusion of some members of society. According to an investigation on child prostitution conducted by the Institute for War and Peace Reporting, in the small southern town of Kyzylkyya, near the border with Uzbekistan, some local hotel staff and taxi drivers introduce clients to brothels where child prostitution occurs. Some of the girls interviewed reported that their regular clients include police officers and some 'high-level' authorities, who request female children when 'important' visitors are in town. Numerous cases of sexual violence by the armed forces were mentioned, which are not reported to the Security Service due to victims' fear and shame, or lack of trust of the authorities because of corruption.¹³ According to the Oasis Foundation, based in Bishkek, boys are sometimes exploited for blackmail purposes, whereby the police 'set up' businessmen or government officials by introducing them to prostituted boys in people's homes or saunas, and then record or photograph the encounters to extort money and privileges. It is reported that some boys who get caught committing minor crimes, such as stealing or using drugs, are forced to take part in such schemes.¹⁴

More than half of the experts consulted during ECPAT's situational analysis (research conducted by ECPAT in collaboration with local organisations to produce a profile of the causes, scope, manifestations and circumstances in which CSEC takes place), and all the 'bosses' involved in organised commercial sex, agreed that trafficking in children for sexual purposes is the most prevalent form of CSEC in the country, and in particular internal trafficking as opposed to cross-border trafficking.¹⁵ These children are trafficked from rural regions of Kyrgyzstan, especially in the South, through deception or simple abduction, to the capital and other cities.¹⁶ Similarly, research conducted by Save the Children in 2004 indicated a serious internal trafficking problem, with children being trafficked from southern villages to the capital Bishkek and its surroundings. Some women seemed to be engaged in deceiving groups of girls in rural areas, with the promise of employment in Bishkek.¹⁷

Kyrgyzstan is also a country of origin as Kyrgyz women and girls are trafficked to Turkey, China and the United Arab Emirates (UAE).¹⁸ Furthermore, it is a transit country. The Ferghana valley has been cited as a major site where traffickers recruit children from Uzbekistan and Tajikistan and traffic them through Kyrgyzstan to destination countries such as the UAE, Syria, Cyprus, Turkey, Russia, Kazakhstan, Ukraine, Germany and China, as well as other Western European countries - mostly for the purpose of prostitution.¹⁹ The

girls who come from Uzbekistan are often very young²⁰ and have false passports, so it is difficult to identify them as minors.²¹ The low cost of travel, the absence of visa requirements within the Commonwealth of Independent States (CIS) countries and little control over land and air borders facilitate these criminal activities. Osh city was highlighted as a key location for trafficking networks, because it is close to the border with Uzbekistan, the airport has a weak security system and there are weekly flights to the UAE and Russia.²²

Child traffickers often target vulnerable groups such as orphans, street children, children already involved in prostitution and children working in the unofficial labour sector. Traffickers are not necessarily strangers, and many are acquaintances, friends or relatives of the victim. Third parties involved in the process include minibuses drivers who offer transport to neighbouring countries and tourist agencies that facilitate employment offers, arrange foreign passports and assist children to cross borders illegally.²³ There are concerns that corruption and complicity by State officials hinder preventative measures.²⁴

In Kyrgyzstan, existing figures on human trafficking are hardly disaggregated according to age, gender, ethnicity, etc, and some statistics may not be reliable for various reasons. For instance, statistics on child trafficking may be provided on the basis of the child's age at the time of his/her identification, and not from the time when recruitment and trafficking began. Of all child victims supported by International Organization for Migration (IOM) programmes during 2002-2007, 13 per cent were under 18 at the time of identification, but a total of 31 per cent were under 18 at the time of recruitment.²⁵

Early marriage - which can be considered a form of CSEC when financial or in-kind compensation is paid for the bride - seldom takes place in Bishkek. However, in Osh the number of early marriages in return for "kalim" (money, horse, sheep and other types of payment and presents)²⁶ given to the bride's parents is reportedly increasing. In some cases, the bride is abducted by the groom, in accordance with old traditions.²⁷ Bride-kidnapping takes place mainly within the ethnic Kyrgyz community, and in all parts of Kyrgyzstan - major cities, rural communities and mountain villages, in the south and in the north. The abducted females are often minors.²⁸ Early marriages are in most cases carried out through a ceremony called *nike*, performed by a *moldo*, or clergyman from a mosque. Thus such marriages are not included in state records, and there is no information on the exact number of early marriages in the country.²⁹ The first encounter with the husband is characterised by violence and psychological trauma, which often continue in the marriage,³⁰ resulting in growing rates of divorce especially in the southern part of Kyrgyzstan. According to the Director of the Meerban Public Union, "The main reason for divorce is early marriage, when underage girls are married off."³¹

There is little evidence of domestic production of child pornography.³² However, ECPAT research revealed that visitors in all of the surveyed Internet cafés, most of them youth under 25 years old, visit pornographic websites, including websites displaying child pornography.³³

Some sparse cases of child pornography

In 2003, the Pervomajskij District Court heard a criminal case of an elderly man who took pornographic photos and made videos of 10 to 12-year-old girls from his neighborhood, who also helped find other little girls for him. These materials were distributed by him and by the children themselves.³⁴

Similarly, little evidence of child sex tourism was found.³⁵ However, as described above, some girls are sexually exploited by ‘important visitors’ introduced to them by local authorities.³⁶ It should also be mentioned that a female pimp interviewed in Osh reported that some of her clients are foreign, who pay high sums for male children in particular.³⁷

Kyrgyzstan did not participate in the First or in the Second World Congress against Sexual Exploitation of Children and Adolescents, and has not adopted the *Stockholm Declaration and Agenda for Action*.

NATIONAL PLAN OF ACTION (NPA)

Kyrgyzstan does not have a national plan of action to combat CSEC. In 2006, the Government expressed interest in adopting the *Stockholm Declaration and Agenda for Action*, and in developing a national plan of action to protect children from CSEC.³⁸

Kyrgyzstan has developed the ‘New Generation’ programme (2001–2010) to counteract sexual exploitation of children in general. However, the programme has no measures to specifically combat the *commercial* sexual exploitation of children (namely trafficking in children for sexual purposes, child prostitution and child pornography).³⁹ Indeed, the CRC has pointed out that the ‘New Generation’ programme must be strengthened by taking into account the *Optional Protocol to the Convention on the Rights of the Child* and the *Stockholm Declaration and Agenda for Action*, as well as through an increased budget allocation and the clear definition of the competencies of the different bodies responsible

for its implementation.⁴⁰ The programme rather focuses on protecting children in difficult situations (at risk groups),⁴¹ who are thus entitled to free educational services, social protection, social security and health care. Commissions on the Affairs of Minors and local government administration offices monitor schools, boarding homes and rehabilitation centres to ensure that at risk children receive adequate support.⁴² United Nations Children's Fund (UNICEF), Save the Children UK and Denmark, and Every Child participate in the programme by providing substantial financial support and expertise.⁴³

One important outcome of the 'New Generation' programme has been the enactment of the *Code of the Kyrgyz Republic on Children* in 2006, developed in the framework of the programme by a working group comprising Government representatives and voluntary and international organisations, with support from UNICEF.⁴⁴

Between 2002 and 2005, the Programme to Combat Smuggling and Trafficking of Persons in the Kyrgyz Republic was conducted, however it had no measures to address child trafficking.

COORDINATION AND COOPERATION

Local and National Level

The Government has set up a number of commissions to strengthen coordination on child protection, but such commissions do not have expertise in combating CSEC.⁴⁵ Kyrgyzstan has no national focal point on CSEC.

The Office of the Ombudsman has a special department dealing with the rights of minors.⁴⁶ In 2004, a section responsible for family, children and women's issues was created within the Office of the Prime Minister, with support from UNICEF. Moreover, a section for combating human trafficking was instituted within the Department of International Cooperation.⁴⁷ Nevertheless, these entities do not undertake actions against CSEC specifically.⁴⁸

In 2002, the National Council under the President of the Kyrgyz Republic on the Control of Illegal Exports and Human Trafficking was created. Measures envisaged by the Council included exchange of information to prevent illegal export and human trafficking; legislation

reform and other measures to enhance law enforcement; and improved monitoring of victims and assistance in their return and reintegration.⁴⁹ The Council has now been replaced by the Committee on Migration, which focuses more on migration processes rather than trafficking, and does not particularly take children's issues into consideration.

A National Consultation on Combating CSEC was organised by ECPAT International in 2005, to share the main findings of a situational analysis on CSEC. Since then the local NGO sector and the Government have engaged in open discussions on the issue, and a network of NGOs was created to combat CSEC in a coordinated and more effective manner: 10 local organisations have thus started collaborations under the lead of the Center of Public Opinion Study El-Pikir, constituting the ECPAT affiliate in the country.

Regional and International Level

In 2002, the *Agreement on Cooperation between CIS Member States on the issue of the return of minors to the states of their permanent residence* was signed between Kyrgyzstan, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.⁵⁰ As per the agreement, children found in a foreign country are referred to a transit detention centre where the police, social workers and psychologists try to find out about his/her story and place of residence. A communication is then made to the child's family together with an assessment of whether the child should be returned home or placed in an institution.

Kyrgyzstan has also signed a bilateral cooperation protocol on the fight against trafficking in human beings with Turkey.⁵¹

Furthermore, Kyrgyzstan is involved in the regional programme 'Combating Trafficking in Persons in Central Asia: Prevention, Protection and Capacity Building', coordinated by IOM and implemented in three more countries – Kazakhstan, Uzbekistan and Turkmenistan. A range of prevention, protection and capacity building activities are undertaken, with a focus on victims' assistance and awareness-raising in the Kyrgyz Republic.⁵² Some of these activities are targeted to children.

PREVENTION

While there have been efforts to raise awareness of trafficking in children,⁵³ child trafficking prevention is mostly done indirectly within general human trafficking prevention. There is also a lack of targeted preventative measures against child prostitution and child pornography.⁵⁴ Assistance to children at risk, which includes street children, child migrants, working children, children in institutions and school dropouts, is provided by several NGOs. However their capacity needs to be strengthened so that timely and effective assistance is provided before these children become victims of abuse, exploitation and trafficking.⁵⁵

Groups of vulnerable children need urgent attention

During an assessment of the situation in orphanages conducted by the Youth Human Rights Group, it became clear that many girls leaving institutional care end up in prostitution.⁵⁶ There are also major concerns about the difficult situation of street children and working children, who are particularly vulnerable to all forms of exploitation.⁵⁷

Public awareness campaigns have been carried out in the media (television and radio broadcasts, newspapers, etc.) in an effort to prevent trafficking in persons, as well as information campaigns in rural areas.⁵⁸ Moreover, the State Committee has a hotline to provide advice on labour migration,⁵⁹ which causes migrant children to end up in exploitative situations that make them highly vulnerable to commercial sexual exploitation. Hotlines were also set up in seven regions and two cities (Bishkek and Osh) with support from IOM, to inform the public about the risks of illegal employment as well as on protection services and assistance to trafficking victims.⁶⁰

In 2006, within the framework of the 'Stop Human Trafficking!' campaign, summer camps for orphans and disadvantaged children were organised all over the country by NGOs, supported by IOM. Issues of personal and social security, labour migration, illegal border crossing, human trafficking and child labour exploitation were addressed through various recreational activities. The participant children have continued to spread the information among their peers, and some of them have become volunteers for NGOs, distributing brochures and booklets in schools, city streets and in villages. A mobile theatre tour of the play 'Tozok' ('Hell') - based on the true story of a girl victim of trafficking - was another component of the campaign. After the show, NGOs held discussions with the public, who generally displayed very poor or nonexistent knowledge of the problem. Other types of large events have been organised to inform young people on trafficking related issues,⁶¹ such as a youth festival in Osh in April 2008, attended by more than 400 children and organised by the NGOs Golden Goal, Found Smile and the local office of OSCE.⁶²

Through a partnership between the Governments of Kyrgyzstan and Sweden, training of social workers on how to support children at risk has been provided. Also, it is now a requirement for specialists working with children to have knowledge of the *Convention on the Rights of the Child* provisions and relevant Kyrgyz legislation.⁶³

The Ministry of Health has conducted an educational initiative to prevent HIV/AIDS and sexually transmitted diseases, which includes some measures to combat child prostitution.⁶⁴

Furthermore, the Government is making efforts to stop the practice of early marriages. In cooperation with NGOs, it has set up 12 crisis centres throughout the country to provide assistance to victims of bride kidnapping and domestic violence. Law enforcement has also improved, and a large-scale public awareness campaign has been organised to sensitise young people and to warn perpetrators.⁶⁵

PROTECTION

Kyrgyzstan acceded to the *Convention on the Rights of the Child* in 1994 and to the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Optional Protocol)* in 2003. It also ratified *ILO Convention No. 182* in 2004 and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)* in 2003.

Legislation

In 2006 Kyrgyzstan enacted the *Code of the Kyrgyz Republic on Children*,⁶⁶ which aims to protect the “civil, political, economic, social and cultural rights and freedoms of the child”⁶⁷ based on laws set out in the Kyrgyz Constitution, the *Convention on the Rights of the Child* and other legislative acts and agreements, either Kyrgyz or international. The Code is comprehensive, but fails to specifically address the prohibition of the sale of children, child prostitution and child pornography. The main provisions that can be used to prosecute CSEC cases are thus found in the *Kyrgyz Criminal Code*, which also requires strengthening in order to meet international standards. Indeed, the CRC has expressed concern that the prohibition of the sale of children, child prostitution and child pornography has not been explicitly included in the *Criminal Code* nor in the *Code of the Kyrgyz Republic on Children*.

Prostitution of Children

Kyrgyzstan's *Criminal Code* contains various provisions on prostitution in general, but does not specifically address child prostitution. To meet *Optional Protocol to the Convention on the Rights of the Child* standards, the law could be strengthened by including a definition of child prostitution as the use of a child in sexual activities for remuneration, and by criminalising all acts of obtaining, offering, procuring and providing a child for the purposes of prostitution. This should also include criminalising the purchase of sexual activities from children.

The age of sexual consent under Kyrgyz law is set at 16: Article 132 of the *Criminal Code* punishes sexual relations or other actions of a sexual nature committed by someone aged 18 or older with someone younger than 16 years old.

There are no provisions in the *Criminal Code* specifically defining child prostitution. However, the *Criminal Code* punishes anyone who involves a minor⁶⁸ in “antisocial actions” (Article 157) and in prostitution (Article 260).⁶⁹ Article 157 of the *Criminal Code* thus states that anyone involving a person under the age of 18 in alcohol, drug or other substance abuse; prostitution; vagrancy or begging; sexual actions; or actions related to the production of materials or articles of a pornographic nature will be arrested and may spend up to three years in prison. The same Article further provides that anyone committing the above acts repeatedly or with violence or the threat of violence will face up to five years in prison.⁷⁰ The acts referred to involve persuading minors by promising material gain, threatening deprivation of material support and abusing one’s authority.

Moreover, Article 261 establishes that those organising or running a brothel for prostitution are liable to a fine or to imprisonment for between two and five years.⁷¹

Article 133 provides for legal responsibility for “lecherous actions” in order to protect “the normal physical, mental and moral development of persons under the age of 14”. The legislation has established a punishment for lecherous actions without violence in the form of a fine of 100-200 monthly minimum wages, or imprisonment for up to three years. A conviction results in a fine or up to three years’ imprisonment.⁷²

In the *Code of the Kyrgyz Republic on Children*, Article 25 states that trafficking in children, child prostitution and child pornography are forbidden. Those guilty of engaging children in trafficking, child prostitution and child pornography, and also those using sexual services from children and disseminating child pornography, are liable to criminal responsibility.

Trafficking in Children for Sexual Purposes

Kyrgyzstan's *Criminal Code* defines human trafficking in accordance with the *Trafficking Protocol* but should be amended to include that consent is never relevant when the victim is under the age of 18.

Article 124 of the *Criminal Code* establishes criminal responsibility for human trafficking. It punishes the recruitment, transport, concealment, receipt, procurement, transfer or sale of a person or other unlawful transactions without his or her consent, affected by means of coercion, fraud, deception or abduction, with a view to exploitation or obtaining advantages. The punishment is imprisonment for three to eight years with or without confiscation of property. The same act committed against a minor⁷³ is punishable by imprisonment for five to 15 years with confiscation of property. If dangerous violence or the threat thereof is used, or if death or other serious consequences result, or if the act is committed by an organised group, the sentence increases to between 15 and 20 years' imprisonment with confiscation of property.⁷⁴

'Exploitation' includes enticement into criminal activity, coercion of a person into prostitution or other forms of sexual activity, forced labour or services, slavery, adoption for commercial purposes or use in armed conflicts.

The responsibility for the above applies not only in the moving abroad of victims, but also to movement within the country.⁷⁵

Child Pornography

There is no specific mention of child pornography in Kyrgyzstan's *Criminal Code*. The Code should immediately be amended to include provisions that define child pornography and prohibit all acts of producing, distributing and possessing child pornography - in accordance with the *Optional Protocol to the Convention on the Rights of the Child*, which Kyrgyzstan has ratified.

The above mentioned Article 157 of the *Criminal Code* establishes criminal responsibility for the enticement of minors into sexual acts or activities related to the production of

materials or articles of a pornographic nature. Offences are punishable by up to three years' imprisonment, five if committed repeatedly or with violence or the threat thereof.⁷⁶

Article 262 of the *Criminal Code* punishes the production and sale of pornographic articles. It says that production with the intent to sell, distribute, trade, store or advertise pornographic articles, printed editions, pictures or other items of a pornographic nature is punishable by a fine or up to two years' imprisonment.⁷⁷

Extraterritorial Legislation

According to Article 7 of the *Criminal Code*, citizens of Kyrgyzstan can be prosecuted under Kyrgyz law for an offence committed abroad, as long as they have not already been sentenced to punishment by a foreign court.⁷⁸ This provision could be strengthened to ensure it also applies to cases where the victim of a crime covered in the *Optional Protocol to the Convention on the Rights of the Child* is a Kyrgyz citizen, regardless of where the crime is committed.⁷⁹ This would bring Kyrgyz law closer in line with the *Optional Protocol* standards.

Child Protection Units

Kyrgyzstan has no specialised law enforcement units trained on how to prevent and combat violence and sexual violence against children and sexual exploitation of children. This is a serious gap in terms of child protection. Furthermore, legislative amendments are required to make mandatory the necessary measures to protect child victims and witnesses at all stages of the criminal justice process. Child victims must also have access to adequate procedures to seek compensation from those legally responsible.⁸⁰

Article 193 of the *Code of Criminal Procedures* establishes procedures for questioning juvenile witnesses and victims, mandating that a teacher be present during the questioning of any witnesses or victims under the age of 14. If the victim is between the ages of 14 and 16, it is at the investigator's discretion as to whether a teacher should be called in. The legal representatives of juvenile witnesses and victims are also entitled to be present during questioning.⁸¹ Nevertheless, the *Optional Protocol to the Convention on the Rights of the Child* requires, among other things, that child victims be provided appropriate support services throughout the legal process. Kyrgyzstan should consider reviewing its criminal procedure to ensure that child victims are accompanied by trained professionals throughout the

judicial process, who will promote the best interest of the child. Also, the CRC expressed concern that legislation fails to provide any clear sanctions against physical or psychological pressure during interrogations. Overall, the law requires serious strengthening to ensure that the rights of child victims to special protection measures are realised.

Support Services for Children

Kyrgyzstan has no specific programmes to assist victims of CSEC,⁸² a most serious gap especially considering that child victims of commercial sexual exploitation are often stigmatised in the country.⁸³ Also, the available support services (which are not tailored for child victims of CSEC) are provided exclusively by NGOs, as the Government has not allocated resources for this purpose.⁸⁴ Following police or social services raids, street children and children in prostitution are placed in detention centres or in Centres of Adaptation and Rehabilitation of Minors (CARNs). The detention centres accommodate both adults and minors, which raises serious concerns regarding the safety of children. CARNs are found only in Bishkek and Osh.⁸⁵ The Osh CARN has only 16 beds and minors can stay there for only 45 days; psychological support is available.⁸⁶

The NGO Tais Plus, based in Bishkek, provides assistance and direct support to sex workers, including some children, boys and girls, who are sexually exploited in prostitution.

The Sezim Psychological Crisis Centre for families and women in Bishkek provides rehabilitation and reintegration services for victims of trafficking, including safe living conditions, individual consultations, psychotherapy and legal assistance.⁸⁷

The Centre for the Protection of Children (CPC) provides temporary shelter for 30 homeless children and daily food for 200 working children at the two main farmer markets of Bishkek. CPC also provides medical assistance, vocational skills and education to children in difficult

circumstances, and implements a self-support and a peer-support programme.

In the town of Osh, the NGO Reproductive Health Alliance has opened a temporary shelter for trafficking victims, including children.⁸⁸

Assistance to CSEC victims is also provided by some women's crisis centres and women's NGOs, in cooperation with state bodies and local-government institutions.

In cooperation with partner NGOs, IOM assists victims of trafficking (both adults and minors) with their return from abroad (through provision of travel documents, booking of tickets, escorting victims to the airport and reception in Kyrgyzstan) and provides medical, judicial and psychological

assistance. Assignment of shelter services, professional education and employment assistance are also provided to support their reintegration.⁸⁹

In 2006, ECPAT International carried out a three-day training on rehabilitation of commercially sexually exploited children.

It was attended by 20 participants from children centres, NGOs, international organisations and governmental institutions (representatives from the Ministry of Internal Affairs and from Minor Police Departments from four regions of Bishkek). A manual on the psychosocial rehabilitation of CSEC victims, in Russian, was also distributed.

Training Law Enforcement Personnel

Training for judges, prosecutors and other law enforcers on child rights and CSEC issues are not systematically provided. Also, trainings usually concentrate only on trafficking, disregarding child prostitution - which seems to be affecting a large number of children - and child pornography.⁹⁰


A training centre for border control officers was opened with support from IOM. The centre prepares officers to obstruct child trafficking, and according to IOM has considerably enhanced the skills of border control officers.⁹¹

In 2006, with support from international organisations, judges in the various regions of Kyrgyzstan received training related to trafficking in children.⁹²



PRIORITY ACTIONS REQUIRED

- Kyrgyzstan must adopt the *Stockholm Declaration and Agenda for Action* and develop a National Plan of Action against CSEC with targeted measures against child prostitution, child trafficking and child pornography.
- An increase in relevant statistics and data is required, through the creation of a collection system and national database containing information on CSEC cases – thus enabling adequate counteractions against such crimes. A national focal point on CSEC must also be put in place.
- The various organisations assisting at risk groups (street children, child migrants, working children, institutionalised children, school dropouts) need to be provided with capacity building opportunities and adequate resources to effectively prevent at risk groups from falling prey to sexual exploitation. staff at social services, shelters, drop-in centres, etc. A referral system for children escaping CSE and other forms of abuse and exploitation also needs to be set up.
- More job opportunities as well as training on parenting skills and on children's rights must be provided to disadvantaged families. Social workers must also be trained on how to work with such families to avoid the commercial sexual exploitation of children.
- The 'New Generation' programme should be strengthened through an increased budget allocation and the clear definition of the competencies of the different bodies responsible for its implementation.⁹³
- The Government's commissions created to coordinate child protection require adequate resources as well as capacity building on CSEC issues.

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- Considering the reportedly high incidence of sexual exploitation of children in Bishkek and Osh, programmes to combat CSEC as well as law enforcement action against those exploiting children are urgently required in these cities.
 - A specialised, long-term rehabilitation centre for victims of CSEC must be urgently established, with trained staff and providing vocational education and other essential support services. It should also include a system to monitor and adequately support children who are released, to properly reintegrate them in society.
 - Specialised law enforcement units to combat sexual violence and sexual exploitation of children must be urgently established.
 - To meet *Optional Protocol to the Convention on the Rights of the Child* standards, the law must be strengthened by clearly defining child prostitution as the use of a child in sexual activities for remuneration, and by criminalising all acts of obtaining, offering, procuring and providing a child for the purposes of prostitution - including the purchase of sexual activities from children.
 - Trafficking laws must be amended to establish that consent is never considered an element of the offence when the victim is under the age of 18.
 - Kyrgyzstan's *Criminal Code* should be amended to include provisions that define child pornography and prohibit all acts related to producing, distributing and possessing child pornography.
 - Kyrgyzstan should review its criminal procedures to ensure that child victims are accompanied by trained professionals throughout the judicial process, as per their best interest and to avoid revictimisation. Child victims must also be enabled to seek compensation.

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NOTES

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ECPAT International

328/1 Phayathai Road
Ratchathewi, Bangkok
10400 THAILAND
Tel: +662 215 3388, 662 611 0972
Fax: +662 215 8272
Email: info@ecpat.net | media@ecpat.net
Website: www.ecpat.net