

**SITUATIONAL ANALYSIS
OF THE COMMERCIAL SEXUAL
EXPLOITATION OF CHILDREN
IN THE KYRGYZ REPUBLIC**

2004

ECPAT International
in collaboration with
Centre for the Study of Public Opinion “El Pikir”
Bishkek, 2004



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LIST OF ACRONYMS

BMI	Bodies of the Ministry of Interior
CARM	Centre for the Adaptation and Rehabilitation of Minors (MIA institution)
CC	Criminal Code
CDF	Comprehensive Development Framework of the Kyrgyz Republic (for the period up to 2010)
CFM	Centre of Family Medicine
CSEC	Commercial Sexual Exploitation of Children
DDI	District Department of Interior
DMCP	Department on Maternity and Childhood Protection
DPI	District Police Inspector
DSP	Department on Social Protection
FSS	Field Sentry Service
HIV	Human Immunodeficiency Virus
IMA	Inspectorate for Minors' Affairs
IOM	International Organization on Migration
JK	Jogorku Kenesh (the Kyrgyz parliament)
KR	Kyrgyz Republic
LEB	Law-Enforcement Bodies
NGO	Non-Governmental Organisation
NSC	National Statistical Committee
NSVD	National Skin and Venereal Diseases Dispensary
STD	Sexually Transmitted Diseases
UAE	United Arab Emirates
WHO	World Health Organization



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Map courtesy of the Perry-Castañeda Library Map Collection (<http://www.lib.utexas.edu/maps/>)

1. SOCIAL AND ECONOMIC BACKGROUND FOR THE COUNTRY'S DEVELOPMENT¹

Geography and history. The Kyrgyz Republic is located in Central Asia and covers an area of 199.9 thousand km². More than 90% of the country is mountainous, with only 7% arable land. Highly productive agriculture is possible only on irrigated land, which is roughly about 2/3 of the total arable land. The climate is favourable for the development of tourism, particularly around Lake Issyk Kul. The country is rich in water resources. One of the largest rivers of the region, the Naryn, runs through it. A hydroelectric power station constructed on that river also provides electrical energy and irrigation to the greater part of Kyrgyzstan and neighbouring countries.

Kyrgyzstan is landlocked and thus is deprived of easy access to global economic and cultural centres. Mountains divide Kyrgyzstan into two parts: north and south. Transport communications between the two areas is inadequate; e.g., railway communication is possible only through Uzbekistan and Kazakhstan. The majority of the population and most of the economic activity is concentrated in the fertile Chui and Fergana valleys. However, a significant part of the economic potential of the country is located in the mountain areas.

Kyrgyzstan became an independent nation in 1924, when it was granted autonomy within the current borders. In 1936 a Kyrgyz Soviet Republic was established as part of the Union of Soviet Republics. In 1991, Kyrgyzstan became an independent state.

Population and human development

Kyrgyzstan's population is 5 million. The majority of the population (65%) lives in the countryside, with townspeople making up 35%. 38% of the population are children, 53% are able-bodied people, 9% elderly people. The population is largely multi-ethnic; the majority (about 65%) are Kyrgyz; with two other large ethnic groups being Uzbeks and Russians, together making up about a quarter of the population. Other ethnic groups make up little less than 10% of the population.

According to UN classification, the Kyrgyz Republic is included under the category of countries with a medium level of human development. In 2000 Kyrgyzstan was 102nd on the list of 173 countries in the world on the Human Development Index.

Country name	Kyrgyzstan (the Kyrgyz Republic)
Population	5 million people
Territory	199,900 km ²
Neighbouring countries	China, Kazakhstan, Uzbekistan, Tajikistan
Ethnic structure	Kyrgyz 58.6%, Russians 17.1%, Uzbeks 13.8%, Ukrainians 1.9%
Language	Kyrgyz is the state language; Russian is the official language

¹ Report on the Realisation of the Millennium Development Goals. United Nations Organisation in Kyrgyzstan, Bishkek, 2003, pp.11-12.

Capital city	Bishkek
Southern capital	Osh
Head of the state	President
Head of the government	Prime Minister appointed by the President and approved by Parliament
Legislature	Two-chamber Parliament
Administrative division	Seven <i>oblasti</i> divided into <i>rajony</i>
National currency	Som

There is a 98.7% literacy rate among the adult population. Total life expectancy for the country at birth in 2001 was 68.7 years: 65 years for men and 72.6 years for women.

Economy

According to the World Bank's classification, Kyrgyzstan has a low level of income. In 2002, GDP per capita was USD 322 (based on the current exchange rate); in view of purchasing power parity, this indicator makes it approximately USD 2800 per person per year.

As a result of the 1991-1995 recession, the GDP of the country decreased by 47%. In 1996, economic growth resumed. From 1996 to 2002, the average annual GDP growth rate was 5.4% per year; as a result, in 2002, the GDP was 72.7% against the 1990 level.

Agriculture makes up the core of the national economy, contributing more than one-third of GDP and employing more than half the economically active population. Industry makes up about 20% of GDP and provides 6% of employment; with basic sectors being mining, hydroelectric power, mechanical engineering, and light and food industries. Trade, transport and non-market services (education, public health services, etc.) make up an appreciable share of GDP and employment. The national economy is open: in 2001, the export and import of goods and services made up approximately 37% of GDP each.

Recently the country has been experiencing macroeconomic stabilisation, the national budget deficit decreased from 11.9% of GDP in 1999 to 5.7% of GDP in 2002; in 2002, the inflation rate was below 3% a year, and the national currency, the som, has become stronger. At the same time, long-term factors of instability are persisting: a high deficit of the budget, a high level of external debt, vulnerability of national exports, excessive dependence of the economy on certain sectors, and so on.

State system and world situation

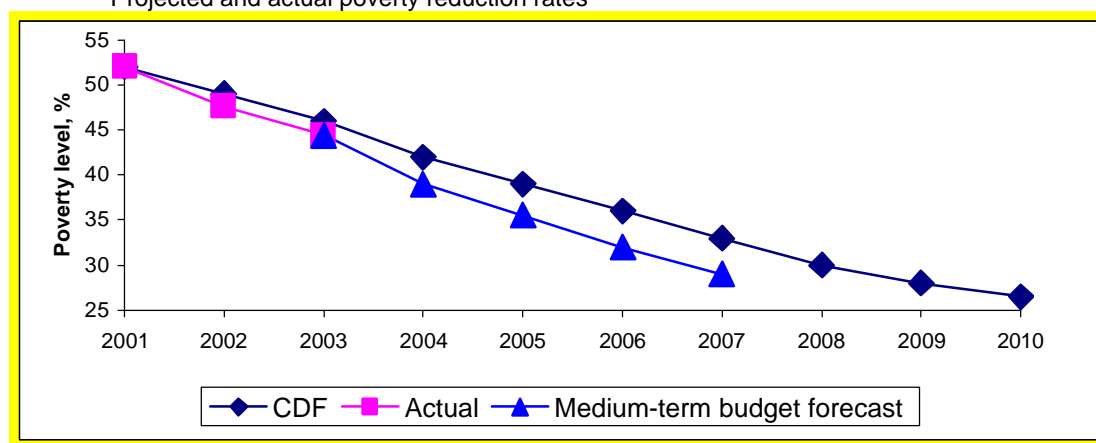
Kyrgyzstan has a President as head of state. The current Constitution was adopted in 1993. At the start of 2003, a national referendum approved a new version of the Constitution, according to which a number of changes were made in the structure of power and distribution of powers between the President, the Government, the Jogorku Kenesh (supreme legislative and representative body of the country) and

the judicial system, which also strengthened the provisions pertaining to the protection of human rights.

Territorially, the country is divided into seven oblasti (provinces) and a capital city, Bishkek. Each of those administrative and territorial units has its own public administration (executive body) and a representative body (kenesh), elected by the citizens living in the area/ city.

Kyrgyzstan maintains good relations with all the states with which it has common political, economic and other interests; it is a member of many international organisations (United Nations, World Bank, OSCE, WTO, CIS, etc.). The Kyrgyz Republic takes active part in the development of the system of regional safety within the framework of the Shanghai Co-operation Organisation and the International Anti-Terrorist Coalition.

Poverty. The diagram below demonstrates changes in the poverty level within the last three years².
Projected and actual poverty reduction rates



From each of the criteria in the diagram, it is clear that there has been a significant reduction in poverty in the country. In 2002, the poverty level³ decreased by 3.2% compared to 2001; reduction of poverty in comparison to 1999, when it was maximum, was 10.9%. Parameters of depth and acuteness of poverty have also decreased; in 2002, the depth of poverty decreased by 0.7 in comparison with 2001, and by 6.6 in comparison with 1999; reduction of acuteness of poverty was 0.1 by 2001 and 4.3 by 1999. Actual rates of poverty reduction are considerably higher than the projected figures. However, the level of extreme poverty has not changed considerably.

Differences in dynamics of poverty parameters, on the one hand, and extreme poverty, on the other, allow us to believe that reforms and changes in the social and economic situation in Kyrgyzstan have different impacts on different groups

² The first Report on the implementation of the National Poverty Reduction Strategy in the Kyrgyz Republic for 2003 (source: <http://cdf.gov.kg>). The data are based on NSC indicators. NSC Methodology complies with the national standards and is approved by World Bank experts.

³ Hereinafter, poverty indicators are going to be based on expenses per capita, for which we have the longest time series.

of the population. Those who are closer to the poverty line, to a greater degree, are capable of benefiting from changes taking place in the country; in 2002 and in previous years, many representatives of this social group managed to overcome poverty. At the same time, the situation of the poorest part of the population, especially those who live in the cities, has improved to a much lesser degree. In many respects, that explains the increase registered in parameters of wider inequality which was shown by the statistics. Thus, the Gini coefficient on expenses increased from 0.320 in 2001 up to 0.328 in 2002 (for the urban population it increased from 0.313 to 0.336, whereas for the rural population, the value of the coefficient reduced from 0.351 to 0.321). The quintile ratio showing the relation between average expenses per capita of the most well-to-do 20% of the population and similar value for the poorest 20%, increased from 4.8 in 2001 to 5.2 in 2002. Such a situation is also connected to the ongoing internal migration from rural areas to the cities, where migrants find it difficult to adjust within a short time and cannot find employment and earn an income.

2. INTRODUCTION

Child protection became one of the main concerns in Kyrgyzstan after the reforms made in the last decade created a downward shift in the economy.

Many of Kyrgyzstan's children are undergoing various forms of psychological, physical and sexual abuse. They also endure tough forms of child labour.

Despite the current situation, a comprehensive study on violence and abuse against children has never been conducted in the country; likewise commercial sexual exploitation of children (CSEC) has not been addressed. As a result, ECPAT International initiated a research study of CSEC in Kyrgyzstan. The research has been viewed as a preparatory stage for further activity in Kyrgyzstan. The purpose of the research was not only to study the extent and forms of CSEC within the country, but also to consolidate public efforts and strengthen interaction between various organisations in order to solve the problem of CSEC.

An independent non-governmental organisation, the Centre for the Study of Public Opinion "El Pikir" was selected as an executing agency for the project; the organisation has the status of international expert and possesses experience in carrying out research activities in five countries of the former Soviet Union.

3. METHODOLOGY

The research was conducted in a number of countries; prior to the start of the research, a meeting comprising research companies in Almaty was held with the purpose of co-ordinating and adapting the approach in each of the countries. Present at the meeting was Mr Giorgio Berardi, ECPAT Regional Officer for Europe and the CIS, who presented the main guidelines for the situational analysis of CSEC in Kazakhstan, Kyrgyzstan and Uzbekistan. During the discussion, the participants made a number of proposals and additions, which were taken into account when the basic approach and directions of research in all three countries were identified.

Overall objectives of the study are to:

1. Study and analyse the extent and forms of CSEC in the Republic;
2. Identify organisations dealing with CSEC and efforts they have undertaken; and
3. Establish a list of contacts for the leading stakeholders involved in the fight to eliminate CSEC.

The survey and data analysis are based on in-depth, semi-structured expert interviews, with the expert knowledge of the subject matter varying considerably. The experts included representatives of the government and NGOs, children's centres, pedagogical establishments, social and rehabilitation centres, medical institutions and law-enforcement bodies. Among participants in the study who contributed significantly were hotel personnel, night taxi-drivers, female pimps, newspaper and magazine sellers, personnel of video rental agencies, photographers, and so on. A complete list of the participants is provided in Annex 1. A total of 86 expert interviews were conducted with government and NGO representatives, international organisations and various projects.

The Association of Independent Lawyers of Kyrgyzstan assisted in the analysis of the legislative framework with regard to CSEC.

Employees from the NGO “Tais Plus” participated in the collection of and processing of information on children's centres, NGOs and also from the brothel owners; they conducted 25 interviews.

The Foundation for Assistance to Women compiled the “children's stories” and interviewed various women in crisis centres in Bishkek.

Finding respondents among drivers, hotel and sauna personnel, photo salon employees and so on, proved to be quite difficult. Recruiting the respondents was even more difficult, as due to the closed nature of the subject, the respondents were reluctant to provide much information.

The sample for research is not representative. The results obtained are particular conclusions and are more descriptive in nature.

4. FIELDWORK TRAINING

Before the fieldwork began, two one-day training sessions were held for all the interviewers (one in Bishkek and one in Osh). The first half of the day of training was devoted to the analysis of the approaches to research and to work tools. During the second part of the day, the interviewers were assigned to relevant organisations and a group of interviewees was identified.

10 people took part in the training, 8 of whom were interviewers from the Centre “El Pikir”; 2 were experts on information collection for content analysis. Information was collected throughout the research.

5. LEGAL FRAMEWORK

5.1 The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

The Kyrgyz Republic acceded to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others with Law no. 47 of 26 July, 1996.

The purpose of the Convention is to create mechanisms of control over human trafficking and the exploitation of prostitution by third parties. The above acts are regarded as international crimes and pose increasing hazards to society. In Article 1 of the above Convention, the international community suggests that the signatory states impose a penalty upon any individual who, with the intention of satisfying the lust of another individual: a) brings together, persuades or seduces another individual with the view of prostitution, even with the consent of that individual; or b) exploits prostitution of another individual, even with the consent of that individual. Article 2 of the Convention contains provisions for penalty upon those who: a) knowingly run, manage or finance a brothel or take part in financing of a brothel; and b) lease or rent a building or other premises, or a part of such premises, knowing that they will be used for prostitution by third parties.

Several provisions of the Convention are reflected in the internal national legislation of Kyrgyzstan. Thus, the Criminal Code (CC) of the Kyrgyz Republic seeks to criminalise a person who involves a minor in antisocial actions (Article 157), prostitution (Article 260), human trafficking (Article 124), or the organisation or running of brothels with the aim of prostitution (Article 261).

However, an analysis of the legislation of the Kyrgyz Republic reveals that neither criminal nor administrative legislation stipulate a penalty for pimping. Additionally, no responsibility is stipulated for financing a brothel or leasing a building or other premises to individuals who use the above for prostitution or for exploitation in prostitution. However, the CC contains certain rules which could be treated as separate criminal acts connected with the above-mentioned activities.

The analysis of the effective rules of the CC which take into account the norms of the Convention reveals the following:

Article 157 of the Kyrgyz CC states that any person under the age of 18 involved in alcohol, drug, or other substance abuse; prostitution; vagrancy or begging; sexual actions; or actions related to the production of materials or articles of pornographic nature will be arrested and may spend up to three years in prison. Anyone committing the same acts repeatedly or with violence or the threat of violence will face up to five years in prison.

The acts referred to involve persuading minors by promising material gain, threatening deprivation of material support, and abusing one's authority. Thus, in line with the Code guidelines, the term "involving" shall be replaced with the term "persuading", which will comply with the norms of the Convention.

Article 260 deals with accountability for involving minors in prostitution.

Anyone involved in prostitution with the use of physical violence, threats of violence, blackmail, destruction of property or deceit, shall receive a fine of up to 200 monthly minimum wages⁴ or a sentence of up to three years in prison.

Punishment for the same act committed by an organised group will be a fine of 200-500 monthly minimum wages or imprisonment for three to five years.

This rule applies to all those not considered minors, involved in prostitution, while Article 157 applies only to minors reported as victims.

Article 133 provides for legal responsibility for lecherous actions. The rule exists to protect the normal physical, mental and moral development of a person under the age of 14. The legislator 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. This rule complies with the standards of the Convention regarding “seduction with the view of involvement in prostitution” as there could be various motivations for the above act, while the Code’s norm is rather extensive. Thus, lecherous actions could be committed for the satisfaction of sexual needs, excitation of sexual desire, and preparation of the minor for sexual relations or prostitution.

Article 124 provides for legal responsibility for human trafficking.

Human trafficking is the recruitment, transportation, concealment, receipt, transfer, or sale of a person or other illegal transaction with or without consent of the person, carried out by coercion, fraud, deceit, or abduction, with the purpose of exploitation or extraction of benefits. The punishment is imprisonment for three to eight years, with or without confiscation of property.

The same act committed:

- 1) involving several people;
- 2) involving a minor;
- 3) repeatedly;
- 4) by a group of people in prior agreement;
- 5) by means of power abuse or with abuse of official position;
- 6) involving an individual who is in material or other dependence on the convict;
- 7) with illegal export of a person abroad or illegal import from abroad; or
- 8) with the threat or the application of violence not harmful to life and health;

is punishable by imprisonment for five to fifteen years with confiscation of property.

⁴ Since 2003, the amount of the monthly minimum wage has been fixed at 100 Kyrgyz som (KGS). The exchange rate of the KGS is pegged to the US Dollar with a fixed value of KGS 43.75 to 1 USD, which put the minimum wage at a monthly amount of ca. USD 2.29.

The same act committed:

- 1) with the purpose of withdrawal of body parts or tissues for transplantation;
- 2) with the threat or application of violence dangerous to life and health;
- 3) involving a pregnant woman;
- 4) with the application of weapons, psychotropic or narcotic substances;
- 5) with the result of the death of a person or other heavy consequences;
- 6) by an organised group;

is punishable by imprisonment for fifteen to twenty years with confiscation of property.

In the note to Article 124 the legislator gives the following definition of the concept of exploitation: “Exploitation involves a person in a criminal activity; compulsion of a person into prostitution or other forms of sexual activity; forced labour or services; slavery; adoption with commercial purposes and se in armed conflicts”.

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

The above article provides for responsibility for human trafficking with the purpose of exploitation, but not for exploitation itself.

Article 261 provides for responsibility for the organisation or running of a brothel for prostitution, which is punishable by a fine of 100-300 monthly minimum wages or imprisonment for two to five years with confiscation of property.

A brothel is a room or other place specially adapted or regularly used for prostitution. This includes inhabited apartments, specially equipped office space, technical and subsidiary premises, cellars and motor vehicles.

The organisation of brothels consists in searching for premises, preparing the premises for use, and the selection of sex workers.

Running a brothel includes maintaining its functioning: supplying food products; alcoholic drinks; equipment; and so on. The above norm complies with the standards of the Convention.

The Convention provides for the following organisational issues:

Article 14: “Each Party to the present Convention shall establish or maintain a service charged with the co-ordination and centralisation of the results of the investigation of offences referred to in the present Convention.

Such services should compile all information calculated to facilitate the prevention and punishment of the offences referred to in the present Convention and should be in close contact with the corresponding services in other States.

The decree by the President of the Kyrgyz Republic of 21 April 2002, no. 94, approved regulations on the “National Council under the President of the Kyrgyz Republic on the Control of Illegal Exports and Human Trafficking”..

The National Council under the President of the Kyrgyz Republic on the Control of Illegal Exports and Human Trafficking was created with the view to co-ordinate the activities of the Civil Service offices of the Kyrgyz Republic responsible for the control of illegal exports and human trafficking in the Kyrgyz Republic, in the following three directions:

- creation of a database, analysis, exchange and distribution of the information necessary to prevent illegal export and human trafficking;
- presentation of proposals to the corresponding government bodies on legislative and other measures adopted with the aim of rendering assistance to law-enforcement bodies more effectively to prosecute acts related to illegal exports and human trafficking in the Kyrgyz Republic, with wide coverage in the media; and
- implementation of the relevant monitoring and organisation of actions for providing assistance in the return and reintegration of victims of human trafficking.

Article 17 of the Convention, covering immigration and emigration, requires undertaking and implementing all possible measures required according to the obligations taken under this Convention for the suppression of human trafficking of both sexes for the purpose of sexual exploitation.

In particular, the undertaking is to:

1. issue all the necessary decrees for the protection of immigrants and emigrants, particularly women and children in the locations of their arrival and departure, and also during their movement;
2. take measures for the relevant notification to the population about the dangers of trafficking;
3. take appropriate measures to ensure control over railway stations, airports, ports and other public places, and also along the routes of movement; and
4. Take all the necessary measures with the view of notification to the relevant authorities about the arrival of persons who, according to the data available, *prima facie*, are the main originators, accomplices or victims of that trafficking.

On 17 July 2000, the Parliament passed the Law on external migration, no. 61, which regulates legal relations in the field of external migration and established a legal framework for external migration in the Kyrgyz Republic. The primary goals of the present Law are:

- to regulate external migration processes in the Kyrgyz Republic;
- to ensure the protection of the rights and legitimate interests of migrants;
- to prevent illegal migration; and
- to stabilise migration in the Kyrgyz Republic.

The relevant government structures responsible for the above tasks include the Ministry of Internal Affairs, Ministry of Foreign Affairs, and immigration services.

With a view to preventing illegal migration, the legislator established criminal liability for the organisation of illegal migration (Article 204-1 KR CC).

5.2 The Convention on the Rights of the Child (CRC)

By adopting parliamentary resolution no. 1402 of 12th January, 1994, the Kyrgyz Republic ratified the Convention on the Rights of the Child (CRC) adopted by the United Nations General Assembly on 20th November, 1989, and enforced in September, 1990.

Article 1 of the Convention recognises a child as a person who has not reached the age of 18 unless the national laws identify the full age as earlier than 18.

According to the Criminal and Civil Codes of Kyrgyzstan, the Code on Administrative Offences and the Law of Kyrgyzstan on the Protection of the Rights of Minors, as well as other standard legal acts of the Kyrgyz Republic, a minor is a person who has not attained the age of 18. This provision fully complies with Article 1 of the Convention.

Article 11.1 states that “States Parties shall take measures to combat the illicit transfer and non-return of children abroad”.

On 9th August, 2003, Kyrgyz Law no. 193 for the amendment of the Criminal Code added Article 204-1, which provides for responsibility for the organisation of illegal migration.

The organisation of illegal migration includes such actions as the provision of vehicles or forged documents; residential or other premises; and also the provision of other services to citizens with a view to the illegal entry into, departure from, and movement within Kyrgyzstan. The above act is punishable with a fine of fifty to one-hundred minimum monthly wages, or imprisonment for up to three years.

The same act committed by a group of persons with prior arrangement or with the use of official powers is punishable with imprisonment for three to five years.

Apparently, the legislator has not provided for criminal liability with regard to the illegal export or import of children under a separate article. But it is necessary to mention Article 124 of the Criminal Code, which holds a person or group of persons responsible for human trafficking, that includes the illegal export of people abroad or illegal import from abroad.

Part 2 of Article 11 of the Convention on the Rights of the Child states that in order to control the illegal movement or non-return of children abroad, “States

Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements”.

The Kyrgyz Republic signed the Agreement on Co-operation between CIS Member States on the issue of the return of minors to the states of their permanent residence in Chisinau on 7th October, 2002. The Agreement was also signed by the following states: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan. The above agreement was ratified by the Kyrgyz Parliament with Law no. 61 of 11th May, 2004.

A norm in Article 17 of the CRC which specifies that the state should provide children with access to information and material from a variety of sources; promote the social and cultural development of children; and take steps to protect children from harmful information is vital. Children should be protected by the state from any external information and materials which could cause them any harm.

Such a provision of the CRC is reflected in the Kyrgyz Law on Mass Media, no. 938-XII of 2nd July, 1992. Article 23 of this Law provides a list of information not admissible for public distribution.

Mass media shall not be allowed to (a) distribute pornography; and/or (b) use obscene expressions.

The Criminal Code provides for legal action against the production and sale of pornographic articles (Article 262, CC KR).

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 with a fine of two to three hundred minimum monthly wages, or imprisonment for up to two years, with or without confiscation of property.

Provisions of Article 17 of the CRC have been reflected in the Law on Education (no. 938-XII of 5th April, 2003), through which educators are required to develop high moral standards of behaviour in their students.

Article 34 of the CRC reads that “States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) the inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) the exploitative use of children in prostitution or other unlawful sexual practices;
- (c) the exploitative use of children in pornographic performances and materials.”

Inducement and coercion of a child into illegal sexual activity is referred to as “involving a minor in antisocial actions”, the punishment for which is stipulated in

Article 157 CC. As was previously mentioned, it is necessary that any norm of an international convention be reflected in the national legislation; in particular, this will entail replacing the term “involving” in the Kyrgyz Criminal Code with the words “inducement”, “coercion” and “use”.

The use of children with the intent to exploit them in prostitution or other sexual activities should also be included in the section referring to the content of “involvement”. At the moment, such an attribute is lacking.

The use of children in pornography is also not stipulated in the criminal legislation. It is therefore necessary to amend all the legislative provisions deriving from this norm of the CRC accordingly. It should be noted that Kyrgyzstan’s Criminal Code includes an article covering criminal liability for the production and sale of pornographic material (Article 262, CC KR).

Thus, the 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 with a fine of two to three hundred minimum monthly wages, or imprisonment for up to two years, with or without confiscation of property.

Article 35 of the CRC has led States to undertake every possible effort to prevent child abduction and child trafficking.

In an effort to prevent further incidents of child abduction, the Criminal Code makes this a felony. Thus, Article 123 on the “Abduction of a person” reads: the abduction of a person against his or her will, accompanied by the movement from his/her permanent residence with subsequent harbouring in a place which is distinct from his/her residence; with lack of attributes of crime stipulated by Article 227 of the present Code; committed by means of capture, deceit or any other means or with application of violence is punishable with four to eight years’ imprisonment. With regard to children, the legislator has provided more rigid punishment, having included this attribute in the content of “abduction” as an aggravating circumstance.

Paragraph 5 of Part 2 of the Article stipulates more severe punishment for the abduction of a minor. Such a crime is punishable with 5 to 10 years’ imprisonment.

Part 3 of the article in question contains the attribute of aggravating fault, such as the abduction of a minor with the purpose of extracting ransom or other personal benefits. This act is punishable with imprisonment for 10 to 20 years.

Article 124 CC KR states the responsibility for human trafficking.

Human trafficking includes the recruitment, transportation, concealment, receipt, transfer, or sale of a person, or any other illegal transaction with or without his or her consent, carried out by coercion, deceit, or abduction with the purpose of

exploitation or extraction of benefits. The above act is punishable with imprisonment for three to eight years, with or without confiscation of property.

The same act committed:

- 1) against several persons;
- 2) against a minor;
- 3) repeatedly;
- 4) by a group of people based on prior arrangement;
- 5) by abusing one's authority or official position;
- 6) against a person who is in material or other dependence on the perpetrator;
- 7) with the illegal export of a person abroad or their illegal import from abroad;
- 8) with the threat or use of violence;

is punishable with imprisonment for five to fifteen years with confiscation of property.

The same act committed:

- 1) with the purpose of removing parts of the body or tissue for transplantation;
- 2) with the threat or use of violence;
- 3) against a woman who is visibly pregnant;
- 4) with the use of weapons; psychotropic or narcotic substances;
- 5) resulting in the death of a person or other serious consequences;
- 6) committed by an organised group;

is punishable by imprisonment for fifteen to twenty years with confiscation of property.

In the Note to Article 124 of the Criminal Code, the legislator gives the following definition of the term "exploitation": "Exploitation involves a criminal activity; the coercion of a person into prostitution or any other form of sexual activity; forced labour or services; slavery; adoption with commercial purposes; and the use of children in armed conflicts.

As can be seen from this article, involvement in child trafficking is a crime. Regarding the trafficking of children, the article presents a qualifying attribute, i.e. human trafficking committed with the illegal export or import of a person.

Article 36 of the CRC reads: "States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare".

This norm still awaits implementation in the Kyrgyz legal system. Norms of criminal law have to be provided for responsibility in the case of the use of slave labour, which is a form of exploitation of a person.

5.3 The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

The Kyrgyz Republic acceded to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 12th February, 2003, with Law KR no. 118 of 12th July, 2002.

The Protocol has allowed for more severe and targeted control over child trafficking, child prostitution and child pornography.

Article 1

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

Article 2

For the purposes of the present Protocol:

- (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
- (b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;
- (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

Article 3

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:

- (a) In the context of sale of children as defined in article 2:
 - (i) Offering, delivering or accepting, by whatever means, a child for the purpose of:
 - Sexual exploitation of the child;
 - Transfer of organs of the child for profit;
 - Engagement of the child in forced labour;
 - (ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;
- (b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;
- (c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.

The Criminal Code of Kyrgyzstan holds a person criminally liable for child trafficking (Article 124), and involving a minor in antisocial actions (Article 157), including prostitution and actions connected to the production of materials or articles of a pornographic nature. However, it is necessary to mention that the rules of criminal legislation require further specification and compliance with the convention and the optional protocol. For example, it is necessary to make a separate article of the Criminal Code holding responsible those involved in the production, distribution, dissemination, import, export, offer, sale or storage of child pornography. This would lead to a more exact formulation of the Article than provided for in the existing legislation.

It is necessary to provide additional attributes in Article 124, such as the “offer and use” of a person as one form of human trafficking.

2. Subject to the provisions of the national law of a State Party, the same shall apply to an attempt to commit any of the said acts and to complicity or participation in any of the said acts.

Norms of the criminal legislation make it possible to charge perpetrators with criminal intent (Article 27, 28), and also all cases of complicity in a crime (Article 30).

Article 7

States Parties shall, subject to the provisions of their national law:

- (a) Take measures to provide for the seizure and confiscation, as appropriate, of:
 - (i) Goods, such as materials, assets and other instrumentalities used to commit or facilitate offences under the present protocol;
 - (ii) Proceeds derived from such offences;
- (b) Execute requests from another State Party for seizure or confiscation of goods or proceeds referred to in subparagraph (a);
- (c) Take measures aimed at closing, on a temporary or definitive basis, premises used to commit such offences.

The Kyrgyz Code of Criminal Procedure (Articles 85, 184 and 323) stipulates for procedures for the implementation of the above part of the Optional Protocol.

Article 9

1. States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to such practices.

Kyrgyzstan adopted a resolution (no. 472 of 12th July, 2002) on “targeted programmes for the prevention of neglect and minor delinquency for 2002-2003” which stipulates the following:

1. providing harsher sentences for the distribution of pornographic products to minors, and providing children with protection against their use of pornographic products;
2. preventing the media from encouraging a cult of cruelty and violence in the consciousness of minors, and from popularising drug and alcohol abuse, as well as sexual indulgence.

5.4 The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime

With a view to adopting effective measures for the prevention of human trafficking, affecting women and children in particular, and for a reduction in trafficking, Law no. 74 of 15th April, 2003, ratified this UN Protocol of 15th November, 2000.

Article 2 indicates the purposes of the Protocol, which are:

- a) To prevent and combat trafficking in persons, paying particular attention to women and children;
- b) To protect and assist the victims of such trafficking, with full respect for their human rights; and
- c) To promote cooperation among States Parties in order to meet those objectives.

Article 3 describes “human trafficking” as:

- a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- d) “Child” shall mean any person under eighteen years of age.

Article 6 in the Convention on the Assistance to Victims of Human Trafficking and their Protection states that:

1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, inter alia, by making legal proceedings relating to such trafficking confidential.
2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:
 - (a) Information on relevant court and administrative proceedings;
 - (b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.
- [...]
6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

The above provisions of the Convention are fixed in Article 50 of the Criminal Code, where the following rights and obligations of the victim are listed:

A victim has the right:

- 1) to know the content of the accusation presented to the defendant;

- 2) to testify;
- 3) to present evidence;
- [...]
- 5) to testify in his/her native language or language which he or she masters;
- 6) to use the services of a translator;
- [...]
- 9) to get acquainted with the records of investigative actions conducted with his/her participation, and to make remarks;
- 10) upon termination of the investigation, to get acquainted with all materials of the case and to write out the necessary data;
- 11) to get copies of resolutions for the initiation of criminal proceedings, recognition of the victim or refusal for such recognition, on termination of criminal prosecution, involvement as accused, and also copies of court judgments;
- 12) to participate in court proceedings;
- 13) to participate in court debate, to support accusation;
- 14) to get acquainted with the report of court session and submit remarks;
- [...]
- 17) to know about the complaints and presentations brought about the case and to submit objections regarding these matters;
- [...]
- 20) to receive indemnification from the state for the damage caused by a crime;
- 21) to get back property withdrawn by the body conducting a criminal trial as material evidence or based on other reasons; and originals of official documents belonging to him/her withdrawn from a person who has committed a crime; and
- 22) to demand compensation from the convict for the moral harm caused by a crime.

The legislation of Kyrgyzstan provides for measures aiming to ensure the personal safety of witnesses and victims. In general, the above measures are outlined in part 4 of Article 12: “If there are sufficient data available that a victim, witness or other persons involved in the case, as well as their family members or close relatives are threatened by violence, destruction or damage of property or dangerous illegal actions, the court, public prosecutor, investigator, or inquiry body shall be obliged, within the limits of their competence, to undertake measures stipulated by the law for the protection of the life, health, honour, dignity and property of those persons”.

It is now stipulated that during the investigation and trial, a witness may receive an alias, as well as protection. However, no change of residence documents, nor protection after the end of the trial are stipulated, and therefore jurists consider it necessary to adapt the law on witness protection according to international standards.

In Article 193 of the Kyrgyz Code of Criminal Procedure, the legislator has stated that during the interrogation of a minor witness or victim, the following shall apply:

- 1) An educator will be present during the interrogation of a witness or a victim under fourteen years of age, and also – at the investigators’ discretion – during

- the interrogation of a witness or a victim between the ages of fourteen and sixteen. During the interrogation of a minor witness or victim, his/her lawful guardians have the right to be present.
- 2) Witnesses and victims under the age of sixteen, during the explanation of their procedural rights and obligations, are warned that they must speak only the truth. Minor witnesses and victims are informed that any refusal to give evidence that would indict them or their close relatives is a crime. A note is made about the explanation of the rights and duties in the report, which is to be signed by a witness or by the victim.
 - 3) The persons attending the interrogation are informed that they have the right to make remarks on any infringement of the rights and legitimate interests of the minor being questioned to be included in the report, and also upon the sanction of the investigator to ask questions to the interrogated. The investigator has the right to retract a question. However, he/she should enter it in the minutes and specify the reason for retraction.

Article 8 of the Protocol obliges Member States to take all measures on repatriation of victims of human trafficking:

1. The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.
2. When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.
3. At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.
4. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.
5. This article shall be without prejudice to any right afforded to victims of trafficking in persons by any domestic law of the receiving State Party.
6. This article shall be without prejudice to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons.

The above affects the previously mentioned Co-operation Agreement between CIS Member States on the return of minors to their countries of residence, as well as any other agreements or treaties the Kyrgyz Republic may enter into in the future.

5.5 The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

The Kyrgyz Republic acceded to this Convention on 10 December 1962, by regulation no. ? N 322-1, dated January 25, 1996, of the Legislative Assembly of the Jogorku Kenesh of Kyrgyzstan, and PA no. ? N 260-1, dated March 6, 1996, of the Jogorku Kenesh of KR.

The purpose of the Convention is to ensure, at the international level, the protection of the rights and freedom of women and men in the field of marriage and family, without restrictions on the basis of race, nationality or religion.

Article 1 of the Convention stipulates that:

No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, as prescribed by law.

The above provision of the Convention is reflected in paragraph 1 of Article 13 (Conditions of Marriage) of the Family Code of the Kyrgyz Republic, which states that “Mutual voluntary consent of both a man and a woman is needed for contracting a marriage, as well as proof of minimum age for marriage”.

Paragraph 2 of Article 1 of the Convention stipulates that “Notwithstanding anything in paragraph 1 above, it shall not be necessary for one of the parties to be present when the competent authority is satisfied that the circumstances are exceptional and that the party has, before a competent authority and in such manner as may be prescribed by law, expressed and not withdrawn consent.”

The provision of paragraph 2 of Article 1 of the Convention is not reflected in the national legislation. Thus, paragraph 1 of Article 12 of the Family Code of the Kyrgyz Republic (Marriage Procedure) stipulates that a marriage contract shall be drawn up in the presence of the persons marrying a month after the date of submission of their application the civil registration office.

Article 2 of the Convention obliges the parties in the Convention to issue legislative acts establishing the minimal age for marriage. Marriage with a person who has not reached the established age shall be prohibited, except for those cases when an exception is made based on sound judgement and in the interests of the marrying parties.

The national legislation of Kyrgyzstan, in particular the Family Code, stipulates minimal age of marriage. Article 14 (Age of consent) of the Family Code states that:

1. The minimum age for marriage is eighteen years.
2. The executive-administrative bodies of the local government have the right, at the request of the parties involved and with valid reason, to allow marriages between people who are below the age of eighteen.

The Criminal Code of Kyrgyzstan holds a person criminally liable for marrying a couple who have not reached the minimum age for marriage (Article 154). This act is punishable with up to three years in prison.

Parts 2 and 3 of the Article provide more severe punishment for the following acts:

1. The initiation of actual marriage relations with a person who has not reached the minimum age for wedding, or compulsion into such relations is punishable with imprisonment for up to five years.
2. The abduction of a person who has not reached the age of sixteen for the initiation of actual marriage relations is punishable with imprisonment for three to seven years.

Article 3 of the Convention stipulates that all marriages shall be registered by the competent authority in an appropriate official register.

The above provision is stipulated in Article 11 (Contracting Marriage) of the Family Code. Marriage is contracted in civil registry offices only.

The Code on Administrative Offences does not provide for norms concerning the commercial sexual exploitation of children.

The Criminal Code stipulates responsibility for sexual relations and other actions of a sexual nature with a person under the age of sixteen (Article 132). It states that sexual relations, sodomy or lesbian relations, committed by a person who has reached the age of eighteen with a person who is not yet sixteen years old are punishable with imprisonment for up to three years. This crime encroaches on the normal moral, physical and sexual development of minors.

Criminal liability for the given act applies only when sexual relations or other acts of a sexual nature are committed with the consent of the victims, i.e. without compulsion and without application of physical or mental violence. In case of the application of violence, the criminal liability comes under other articles of the Criminal Code.

The concept of paedophilia is not found in the legislation, as that is considered to be a medical term which describes a type of sexual perversion in which a child is a preferable sexual partner and the sexual activity of an adult is expressed exclusively towards children.

5.6 The Law on the Security and Protection of the Rights of Minors

The Law on the Security and Protection of the Rights of Minors (no. 126) was passed by the Legislative Assembly of the Jogorku Kenesh of Kyrgyzstan on 26 October 1999.

The purpose of the law is to define the legal status of the minor and to ensure their physical, moral and spiritual development; to create economic, legal and

organisational conditions and to guarantee the accomplishment of their rights and legitimate interests. Special care and social protection are guaranteed for a minor with deficiencies in intellectual or physical development, and who is also temporarily or constantly deprived of a family environment or appears in adverse or extreme situations.

Concerning the commercial sexual exploitation of children, the legislator has identified state guarantees in Article 2 of the law.

The state, by means of economic, legal, social, medical and educational measures, ensures the protection of minors against all kinds of exploitation, hard labour, and work in harmful and dangerous conditions.

Physical and psychological violence against minors, and involving minors in a criminal activity, alcoholism, begging, gambling, prostitution, drug and substance abuse, and the use of psychotropic substances which bring harm to their health, is prosecuted in accordance with the legislation of the Kyrgyz Republic.

Article 37 of the law provides for protection of the minor from trafficking involving violence, where it is established that the state according to the current legislation of the Kyrgyz Republic and norms of international law shall take measures against the illegal moving of minors from abroad and failure to return them; their abduction; and child trafficking for any purpose and in any form.

5.7 The Law on Culture

The Law of the Kyrgyz Republic on Culture (no. N 803-XII) was passed on 5 March, 1992.

Concerning the problem of CSEC and child pornography, the law has defined, in Article 5, the limits of state intervention in cultural activities.

State intervention in cultural activity is limited to the prohibition of the popularisation of war; violence and cruelty; racial, national and religious discord; and the suppression of the distribution of pornography.

With a view to implement the State Programme for the respect of the rights of children until 2010; to maintain the efficiency of state policy for the prevention of homelessness and child neglect, drug abuse, and minor delinquency closely connected with those phenomena, the Government of the Kyrgyz Republic adopted a resolution for a Target Programme towards the prevention of neglect and minor delinquency over the period 2002-2003 (no. 472, of 12 July, 2002).

With reference to the commercial sexual exploitation of children, the programme plans to:

1. toughen responsibility for the distribution of pornographic products to minors and provide protection of children against their use in pornographic material; and

2. prevent the introduction of a cult of cruelty and violence, the popularisation of drug abuse and alcoholism, and indulgence towards sexual imagery by the mass media.

5.8 The Interim Provision on the Governmental Art Expert Commission in the Cabinet of the Republic of Kyrgyzstan

Resolution no. 396, of 19 August, 1991, of the Cabinet of the Kyrgyz Republic approved an Interim Provision for a Governmental Art Expert Commission under the Cabinet of the Republic.

The governmental commission of art experts of the Cabinet of Republic of Kyrgyzstan was established to reveal and end the promotion of pornography; cults of violence and cruelty; the distribution of cinema, video, audio, theatrical-entertainment products and printed matter popularising scenes that offend human dignity, religious feelings, promote the destruction of moral-ethical standards and national traditions, and to co-ordinate and supervise the work of video agencies (points of audio and video recording).

The primary goals of the Governmental Art Expert Commission include:

- to develop, together with other permanent bodies of the Cabinet of Republic of Kyrgyzstan, ministries and agencies, presidiums of *oblasti* and Bishkek city councils of People's Deputies, a system of rules of law directed at the suppression of the distribution of cinema, video, audio, theatrical-entertainment products and printed matter popularising pornography, a cult of violence and cruelty, and so on;
- to co-ordinate activities of ministries, departments and other organisations on issues pertaining to the evaluation of performances, entertainment programmes, TV programmes, printed matter, cinema, audiovisual and other products with the purpose of revealing the attributes of pornography, violence and cruelty;
- to organise development and control over the enforcement of legislative acts and resolutions of the Government of the Republic of Kyrgyzstan, and other standard acts on the issues under the competence of the Commission;
- to organise, study and use foreign experience and the expertise of other CIS countries in the field of development of measures for the protection of public morals, and on the co-ordination of co-operation of organisations in Kyrgyzstan with other republics, foreign countries and international organisations on the above issues.

The above provision is temporary, and it currently requires revision and updating in light of recent achievements and developments in science, culture and technology.

5.9 The Law on Social and Legal Protection Against Family Violence

The law on social and legal protection against family violence was passed by the Legislative Assembly of the Jogorku Kenesh of Kyrgyzstan on 31 January, 2003. For the first time in the history of independent Kyrgyzstan, the document was initiated by the women's movement and submitted for consideration to Parliament

based on the people's initiative, which collected more than 300 thousand signatures.

The law determines that children are subjects that are affected by family violence. The legislator provides for the protection of minors against various types of family violence, including physical, mental and sexual abuse; the new law has expanded the list of subjects acting on the prevention and elimination of violence, which includes not only the judiciary; public prosecutors; departments of the interior; courts for the elderly; the Ombudsman; and state institutions; but also institutions of local government; crisis centres; children's centres and establishments.

Article 19 of the law has established a procedure for submitting information on family violence which educators, specialised branches of social services, NGOs and citizens engaged in social services are obliged to pass on to the Ministry of Internal Affairs.

The law stipulates the issue of temporary and court security warrants for perpetrators; a failure to observe the conditions ordered by the security warrant shall entail administrative consequences.

It is necessary to note that despite the importance and urgency for society to act, the law on family violence is mainly declarative. First of all, a number of its provisions contradict the current legislation of the country, which makes its enforcement impossible. Major contradictions exist with the Family Code, the Code on Administrative Responsibility, the Criminal Code and Regulations on Judicial Executors. Another important factor hindering the activity of the law is the absence of actual mechanisms of enforcement.

6. MAJOR ISSUES IN THE FIELD OF CHILD PROTECTION

In order to get an overview of the general situation in the field of child protection, all the participants in this research were asked a question: “What problems in the field of child protection are the most challenging in Kyrgyzstan today?” Responses ranged from violence against children and a growth in the number of street children and homeless children, to the problem of child labour exploitation and lack of access to education. However, none of the experts mentioned the commercial sexual exploitation of children as a major problem for Kyrgyzstan. From further answers, it became clear that many experts are well aware of CSEC, but that the commercial attribute, as a rule, is not given. The majority of experts also consider CSEC to be a consequence of other, broader problems.

Live voices

[...] before talking to you, I somehow did not identify a commercial element in the sexual exploitation of children. For us it is not a matter of whether there is a payment or not. What is significant is the fact that there is sexual violence. In fact, there are a lot of cases where children are subjected to sexual exploitation with nobody paying or receiving payment [...] We are facing a problem of sexual exploitation of children and, in my opinion, the most important issue for our country is the problem of child sexual abuse of children within families [...] It appears that we have to look at the phenomenon in a broader sense and not reduce it to the attributes of commerce.

(Excerpt from an interview with a department representative in the Ministry of Internal Affairs)

6.1 Violence against children

According to a majority of experts, *brutal treatment of children and violence against children* are among the most pressing problems in the field of child protection in Kyrgyzstan. Children are exposed to violence in the family, at school and in the street; they are forced to tolerate violence from their parents, teachers, representatives of law-enforcement bodies, and peers. Experts especially stressed the problem of violence against children within the family. Every fifth citizen of Kyrgyzstan considers children the most vulnerable victims of family violence.⁵

Live voices

In general, all our children [there are about 70 children in the Center] have experienced violence at the age of 8 or 9. It is domestic sexual violence. In a majority of cases the closest relatives violated the children.

Director of a Child Centre in Bishkek

It is the experts’ opinion that domestic violence is exercised particularly against children and occurs in different family settings: *in poor families with numerous social problems, or in rich families, where material benefits are in abundance.*⁶

⁵ *Family violence in Kyrgyzstan: reasons, scope, efficiency of actions*, Centre for the Study of Public Opinion “El Pikir”, 2003-2004.

⁶ Hereinafter, italics in the text show literal statements of the respondents with minimal editing.

The growth of sexual violence against children in the family, according to experts, is promoted by changes in family functions as a result of the transition to a market economy. In many families, women have become the breadwinners; they leave children in the care of their husbands or relatives and go in search of earnings. Some men are unable to cope with this change and slip into alcohol abuse and violence against their children, blaming the acts on the absence of the wife at home.

Live voices

[...] fathers remain alone with their children. Girls in these situations sometimes tend to replace their mothers when it comes to looking after the household. Frequently, the fathers start to strive for them. There was a case where a father was at home with his two daughters when the mother left in search of a job. The elder girl was subjected to sexual violence. To protect her little sister, they ran away from home. I know nothing about their destiny.

A counsellor psychotherapists from a non-governmental organisation

[...] I came across a case of family violence. A family with three children: a boy in second grade, a girl in ninth grade and the eldest boy in his second year of university. The mother was engaged in a form of shuttle trade. School officials noticed changes in the girl's behaviour: she had become withdrawn. The mother insisted that everything was fine in the family. The father was violating the younger boy and the girl; the elder son knew what was going on but was too afraid to speak out. He later tried to commit suicide.

Director of a Child centre

Experts mention that children are becoming victims of physical violence in the family on a regular basis. Being unable to tolerate the violence, children escape from their homes and often end up on the street, where they may become victims of sexual exploitation, get involved in prostitution, drug abuse, and other misdemeanour.

Live voices

We got a girl who was being beaten by her mother and by her uncle. We tried to solve the situation: we tried to look for her father, tried to influence her mother. The girl has since run away from home.

A counsellor psychotherapists from a non-governmental organisation in Bishkek

In poor families, violence against children is most often revealed in the form of physical or sexual violence, whereas in rich families, as a rule, children suffer from psychological violence manifested in “hyper attention” or lack of attention on the parents’ part.

Live voices

Once we had a boy from a well-to-do family, whose parents were involved in business; his father supplied construction materials, and his mother sold the materials. The child ran away from home because he felt that nobody needed him; he said that his parents would not even notice that he had escaped. We found the boy at the train station; he wanted to leave for Russia, to live with his aunt.

Director of a Child Centre in Bishkek

Regarding “hyper attention”, experts most frequently mentioned cases where wealthy parents, seeing their child as a great athlete, musician, dancer or simply the best student in school, would recruit private coaches, enlist their children in extra-curricular hobbies and force them to attend. All the while, they would not take into consideration the child’s abilities or willingness; therefore if the child is unable to cope with the load of tasks, he/she is criticised, punished and made to feel guilty or inferior. In some cases, the child runs away from home.

6.2 Child neglect and homelessness

Child neglect and homelessness are considered as another important challenge, and children suffering from them are categorised as most vulnerable to CSEC. According to experts’ opinions, at the time of this research there were between 1000⁷ and up to 2500⁸ neglected children in Bishkek. About 150 street children live in the heating mains, and approximately 250 children live in child centres around the city.

6.3 Labour exploitation

All of the experts mentioned labour (not sexual) exploitation of children as a serious problem in the field of protection of children’s rights. Sometimes children work in the market with their parents, but many children also work in the market independently, quite often becoming victims of fraud on the part of adults. Boys collect bottles, clean shoes, wash cars and sell newspapers. However, these occupations have recently been taken over more and more by adults, who force children out of traditional “children’s” jobs and the children are therefore compelled to making a living in *adult* occupations. Both in Bishkek and in Osh, children work as *wheelbarrow carriers* in the markets. This is a very physical job, often causing harm to the health of the children. In rural areas, children work in the fields: *a child of 7-8 years can be found working with a chopper in his hands*. Experts note that labour rights of working children are not protected: they cannot officially receive remuneration for their services, and they do not have any way to make the client pay them. In addition, children are frequently involved in dirty and unhealthy work (cleaning of cesspools, work in tobacco and cotton fields, and so on). There are cases where children perform such forms of labour with the consent of their parents.

Live voices

[...] I once witnessed a child in the Osh market pushing a wheelbarrow for a woman who was doing her shopping. The boy delivered all the purchases to her car, but the woman refused to pay him. [...] the child hung onto the handle of her car, but she was chasing him away. At that moment I could not help but interfere: I approached them and told the woman to pay the boy for his work as he earned the money. Only then did she pay him and leave.

An employee of a Child Centre in Bishkek

⁷ Estimate given by the head of the “Traveller” Child Centre.

⁸ Estimate given by the head of the Centre for the Rehabilitation of Homeless Children.

In the cities, teenagers (17-18 years old) and adults (including parents) force minors to beg. As a rule, all the children's earnings are taken away from them; in the best of cases, a child gets about 10% of what he/she managed to collect.⁹ The experts mention *that when a child reaches the age of 13-14, people cease to give them money*, and it is around this time that children engage in antisocial activities, such as theft, drug dealing and abuse, and prostitution.

6.4 The upbringing issue

Another issue raised by experts in the field of child protection is the problem of *upbringing*. They mention that nowadays neither parents, nor the education system are paying sufficient attention to proper upbringing of children. Representatives of the education system emphasised that *today school has lost its educational function*. Education experts have reiterated the significance of moral and sexual education for children, which should begin in the family and continue at school. Respondents mentioned that CSEC is a relatively new phenomenon for Kyrgyzstan, now becoming particularly conspicuous with the transition to the market economy. For this reason, it is likely that a majority of teachers now do not possess the skills to identify cases of sexual exploitation of children, do not know how to handle such cases, or what sort of assistance those children require.

6.5 Imperfect legislative framework in the field of child protection

Several experts, especially representatives of child centres, mentioned problems related to the flawed nature of the legislative framework in the field of children's rights protection. It was noted that it is very difficult to sue parents who regularly exercise violence against their children, including beating, torturing and sexual abuse. Children themselves, as a rule, never report to the relevant bodies for the protection of their rights. In this connection, many people stressed the need for increased awareness for children regarding their own rights.

The majority of the respondents are pinning hopes on the newly passed law on social and legal protection against family violence, which allows government bodies, institutions of local government, and representatives of civil society to hold the abusers accountable for acts of violence against children.

6.6 Other issues

Among a number of problems, respondents mentioned the issue of parents neglecting their constitutional duty to care for their children. Experts consider that children escape from home not because of poverty, but because of bad treatment; it is quite common for parents to subject their children to sexual exploitation. According to experts, many of the above-listed problems cannot be solved without the active involvement of parents.

⁹ Opinion of the Director of a Child Centre.

The issue of the access by children to educational services was also raised, as the experts noted that the number of children not attending school has increased.

In 2003, according to the Ministry of Education, 1344 children of school age were not attending school. Research revealed that school administrations, within the assigned school districts, permanently conduct activities aimed to include children in education. They register school age children every May and August; this activity is often implemented by school teachers. In a bid to bring children back to school, school administrations are looking for resources to support children coming from families in need by providing free textbooks, educational tools, meals, and so on. They also undertake activities aimed at integrating children with special needs in general schools.

However, in practice, such registration systems have a number of shortcomings, as the actual number of children who are not attending school is much greater¹⁰ than officially estimated. This is the so-called latent weeding out of children from school, whereby information on the number of non-attending children is considerably underestimated. No government agency is dealing with the fate of the children disappearing from records.

The survey quoted revealed that the actual state of school non-attendance is not in the interests of schools as the level of financing is directly related to the number of school students. The survey participants mentioned that some activities are aimed at groups at risk. However, educators have their array of measures limited to individual discussions, involvement in social work, persuasion and psychological assistance to the family. The survey also revealed that problems such as vagrancy and involvement in criminal and antisocial activity are, to a large extent, connected to school non-attendance.

Among other things, the problem of girls' imprisonment in adult penitentiaries was mentioned. During the course of the interview, experts noted that adult women and young girls who had committed crimes were being held in the same area, a clear violation of the Convention on the Rights of the Child. Experts believe that in the women's penitentiaries there may be incidents of sexual exploitation of girls by older women. One more problem is the lack of training for girls who are serving their term in prison. When released, a girl who does not have any profession or education will automatically find herself in a group of individuals at risk and become involved in, among other things, prostitution.

¹⁰ An independent survey has revealed that official statistics on children not attending school for the districts of the five schools surveyed are 7 times lower than the data received in the course of the survey, and that for the districts of other schools the data differ by 30 times. *Children who are not attending school*, UNICEF, UNESCO, the Ministry of Education and Culture of KR, Bishkek, 2003.

7. ANALYSIS OF THE CSEC PROBLEM

7.1 Official statistics

Today, the increase in the number of street children requiring special care, systematic education, development and upbringing and the number of children who are forced to work is a well-known fact at the government level in Kyrgyzstan. According to informal data, about 90% of street children are “social orphans”. Each year, in more than 4000 families, children remain with one parent, mainly as a result of divorce, and up to 40 parents are deprived of parental rights. Children from such families are falling into “groups of risk” and are fast becoming delinquents, street children, children engaged in prostitution, alcohol and drug abuse, and so on.¹¹

According to data provided by the information centre of the Ministry of Internal Affairs, 2745 personal crimes were registered in 2003, among them, 233 were committed against minors (Annex 2). An analysis of crime dynamics for the last 5 years shows that, in general, the number of registered crimes against minors has not changed and makes up 7-8% of the total number. However, the analysis of the crime structure shows that the share of murders of minors has increased two-fold, from 3% to 6%, compared to 2000. The number of rape cases committed against minors increased from 19% in 2002 to 26% in 2003. More than half the sex-abuse cases in the country are committed against minors in spite of the fact that the share of registered crimes of that type decreased from 68% in 2002 to 61% in 2003.

According to the Ministry of Internal Affairs, 2002 children were delivered to the Centre for the Adaptation and Rehabilitation of Minors (CARM) in 2003: 38 of them were involved in prostitution. The greatest number of prostituted children was found in Osh (12) and Chui (7); only one minor was found in Bishkek.

Many participants of the survey (including representatives from the departments of the Ministry of Internal Affairs) are convinced that official data relating to CSEC is underestimated. Nevertheless, even such “underestimated” data shows a growth in sexual crimes against minors.

During the course of research, experts identified a number of principal causes for gaps in the registration of crimes against minors:

1. *Lack of reporting (by parents, guardians, school representatives, NGOs, etc):* a person or organisation genuinely interested in the initiation of criminal proceedings, protection of the minor and punishment of the guilty;
2. *Problems gathering credible evidence:* in order to prove a crime against a child, it is required that the evidence be supported by other sources; and
3. *Lack of pressure* on the part of public opinion on the bodies of the Interior with the purpose of sensitisation with regard to the disclosure of such crimes.

¹¹ The governmental programme for the fulfilment of the rights of children in Kyrgyzstan “New generation” is approved by decree no. 431 of 14 August, 2001, of the Government of the Kyrgyz Republic, and extends until 2010.

Live voices

The majority of children involved in the sex industry are street children and children from demoralised families with very few people interested in their future.

An NGO employee in Osh

Table 1 provides official data on the incidence rate of sexually-transmitted infections (STIs).

Table 1. STI incidence per sex and per age¹²

	1999	2000	2001	2002	2003
Men	5180	4928	4291	5025	4386
0-14	64	33	32	25	28
15-17	70	87	84	45	37
18-19	396	392	397	499	357
20-29	2545	2475	2404	2620	2170
30-39	1499	1375	1003	1339	1240
40 years and above	606	566	371	497	554
Women	10641	9939	9053	20694	20580
0-14	82	59	51	64	104
15-17	281	181	78	223	205
18-19	1409	1585	1339	1877	1908
20-29	5073	4302	4742	9660	10365
30-39	2801	2788	2253	6300	5678
40 years and above	995	1024	590	2570	2320

From the table it is clear that in 2003 there was a 2.9% decrease in prevalence of sexually transmitted infections in comparison with 2002. At the same time, 2.6 times more cases were observed in Talas and 1.6 times in Chui. Growth in the incidence rate of “new generation” diseases, chlamydiosis and gardnerella, is observed, which is to a greater degree related to their diagnostics.

According to official statistics, there has been an increase in the spread of HIV/AIDS in the country. On January 1, 2004, there were 494 officially registered cases of HIV infection, 441 of them registered during 2001-2003. The main reason for the spread of HIV is an increasing number of injection drug users. The infection is mainly prevalent among men (76%). The greatest concentration of HIV infected patients is registered in Osh, where half those registered live.

A majority of the experts questioned are of the opinion that official data on STD prevalence, particularly among minors, is appreciably underestimated¹³. First of all, experts point out that an overwhelming numbers of street children have

¹² STDs include syphilis, gonorrhea and trichomoniasis and, since 2002, chlamydiosis and gardnerella (source: National Statistics Committee of the Kyrgyz Republic).

¹³ According to some experts, by 3-7 times.

medical examinations only when they are detained and placed into special institutions. Social workers said that in many cases children refuse to undergo medical examination, as they consider the examination a violation of their rights, therefore *a lot of effort is required to persuade them that the medical examination is for their benefit.*

Live voices

[...] what are you talking about, what kind of medical examinations! Nowadays, they will not ask for health certificates when you want to go to the swimming-pool. Just look at the crowd of homeless children on the streets, nobody looks after their health. If one examines them, one would diagnose at least one disease per child [...] They bring them here only in extreme cases, when an illness has developed into an acute stage [...] Those children, nobody cares about them, neither their parents, nor the state. It is very sad; in fact, it is necessary to do something about that.

A family doctor in Bishkek

It should be noted that since 1999 an anonymous medical centre for prostitutes has been in operation in Bishkek. It was established by the “Nauchdiamed” NGO with WHO support. Attendance at the centre is growing. In 2003, there were 1198 visits from prostitutes; for 458 of the women, it was their first visit to a doctor. Every month, about 130 prostitutes visit the medical centre voluntarily to have an examination.¹⁴ The activity of the centre is carried out in close collaboration with the “Tais-Plus” NGO, which received the Jonathan Mann Award for Global Health and Human Rights for their role in raising awareness on the dangers of HIV/AIDS in Central Asia.

Nevertheless, most of the experts mentioned a high degree of latency in STD incidence among prostitutes in general, and among children in particular. Representatives from the health care sector stated that pimps frequently treat their minor girls themselves, as antibiotics can be bought in pharmacies across the country without prescription. Pimps make sure that their girls are healthy in order not to cause problems with clients. One of the experts mentioned a private gynaecologic practice in Bishkek which provides services to prostitutes who work through a given firm, and the mistress herself pays for their treatment. If required, abortions can also be arranged for there. The practice also guarantees full confidentiality to its clients, and the data are accordingly not included in official statistics. It is not known whether prostituted minors get treated there, but it is a possibility.

In general, research has shown that Kyrgyzstan is lacking even rough estimates of the number of children exploited in the sex trade, and whatever data is available on the number of minors with STDs does not reflect the actual magnitude of the problem. There are data available in individual regions, towns, organisations and with experts dealing with the problem of CSEC (public health services, child centres, inspections on minor affairs, CARM, women’s crisis centres, international organisations, etc.). It is necessary to note that according to the researchers, some estimates of the scope of CSEC are somewhat exaggerated. The researchers

¹⁴ Report for 2003 by the Tais Plus NGO, p. 6.

consider that the overestimation is in many ways related to a low level of knowledge about this ethically unacceptable phenomenon.

Experts do not think it necessary to register all the prostituted children, but they believe that certain indicators are needed which would allow an outline of the current situation and of the scope of the phenomenon. In general, experts agree that the lack of reliable statistics in the field of CSEC is by itself an impediment to the solution of the problem.

7.2 Scope and dynamics of CSEC

All participants confirmed the existence of CSEC in Kyrgyzstan, but at the same time, according to the researchers, the situation in Bishkek and Osh is different.

The majority of respondents believe that CSEC is not so widely spread in Bishkek. The percentage of prostituted children in Bishkek is estimated by the respondents quite realistically: 5-10%.¹⁵ Girls are more likely than boys to be involved in sexual exploitation. In spite of the fact that girls as young as 11 years old work, there is a greater demand for girls who are 14 years old and above. There is also a constant, though relatively small, demand for *virgins*.

Live voices

2-3 times a week they ask for young children. They ask for "a young girl" between the ages of 15 and 16. In the past 4 years, they have asked for a virgin 10-12 times.

A pimp in Bishkek

The majority of respondents in Osh consider CSEC to be widespread in the city, while some other respondents called it an open phenomenon. Pimps and brothel managers in Osh mentioned that there is high demand for very young girls, but also for boys.

Most research participants from both cities believe that the CSEC situation has worsened. The majority of participants in Bishkek concluded this on the basis of information they received from friends and acquaintances; some respondents referred to information in domestic media; others referred to the Russian press and TV. Information from Osh-based experts originates, to a greater degree, from personal experience. Only four of the experts were at a loss when trying to estimate the trends of CSEC for the last 2-3 years. Representatives from a

¹⁵ According to a survey conducted by the Service for National Security, 10% of people involved in commercial sex in Kyrgyzstan are children (*Report on the implementation of the Convention on the Rights of the Child in the Kyrgyz Republic*, approved by decree no. N244 of April 23, 2002, of the Government of the Kyrgyz Republic).

According to the outcome of a survey carried out by the "Tais Plus" NGO in 2002, 12% of street prostitutes are younger than 18 years, while prostitutes working in the organised sector (firms) include 21% who are under age (*AIDS in Kyrgyzstan: Five Years' Resistance*, UNDP, 2003, p. 138).

voluntary foundation in Osh mentioned that the problem of commercial exploitation of children is acute in the *oblast*'s; younger women are often involved.

Live voices

[...] In the past 2-3 years, CSEC increased considerably in Osh. Among the streetwalkers there are a lot of girls under age, some of them arrived in search of a job from Uzbekistan; a lot of the girls come from rural areas.

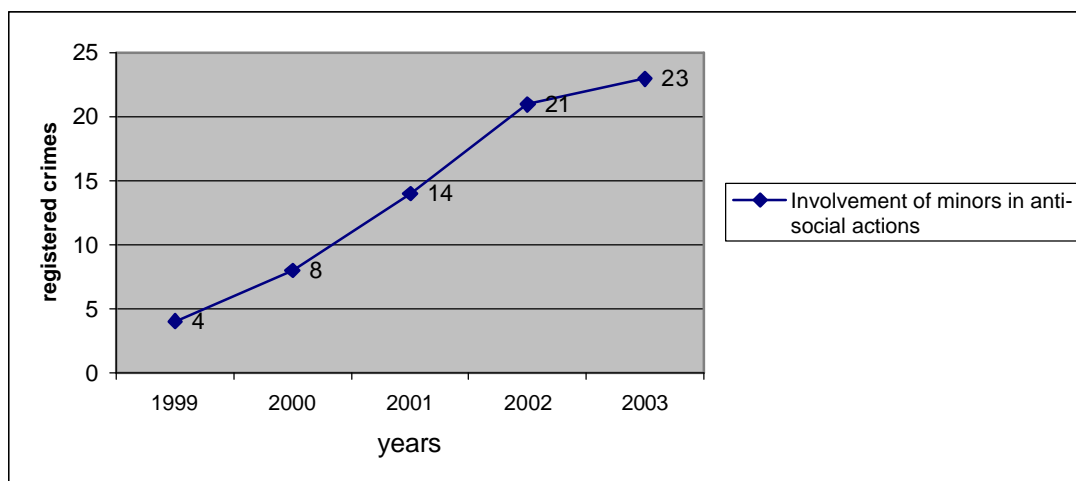
NGO Leader from Osh

Employees from the children's centres based their information about the growth of CSEC on the fact that *in the last few years the number of street children has appreciably grown, thereby increasing incidents of CSEC, since homeless children are the group most at risk.*

Pimps and brothel managers talked about their own experience regarding the growth of CSEC. Whereas earlier only a few pimps in Bishkek had minor girls to exploit in prostitution, now each pimp has girls under age.

Official statistics from the Ministry of Internal Affairs confirm this growing trend in CSEC (diagram 1). Diagram 1 shows dynamics of stable growth in crimes listed under Article 157 of the Criminal Code (involving minors in antisocial activities)¹⁶ for the past 5 years.

Diagram 1. Dynamics of registered crimes per year, under Article 157 of the Criminal Code



The analysis of criminal cases initiated in 2003 has shown that in 14 out of 23 instances (60%) minors were involved in the consumption, production or sale of narcotic substances. In 7 cases (30%) minors were involved in prostitution,

¹⁶ A disposition of Article 157 CC KR gives explanation of the term "antisocial actions": involving of the minor person in drunkenness, drug or substance abuse without doctor's prescription, prostitution, vagrancy or begging, sexual actions, as well as actions related to production of materials or articles of pornographic nature.

including one case where the crime was committed with the application of physical force and threats. Two minors were involved in drunkenness.

The researchers think it is important to note that all the registered crimes related to the involvement of minors in prostitution were committed in Osh. In Bishkek, three criminal cases (2 involving drug abuse and one, drunkenness) were initiated under that article.

All the research participants mentioned that CSEC is mainly a problem found in big cities, where demand is higher and groups at risk are numerous. In rural areas, the most common type of abuse is domestic sexual violence against children. Thus, most of the children in the city who have been sexual exploited came from villages.

In general, the results of the research allow a conclusion to be drawn that the commercial sexual exploitation of children does exist in Kyrgyzstan and that for the past 2-3 years there has been a perceptible increase, especially in Osh.

Live voices

[...] I was 13 and half years old when friends brought me from Naryn *oblast'* and arranged for me to work in the Osh market. I was selling pies and earning about 50 som (USD 1.20) a day. All small traders in the market have got a master; at the end of the day, he would take us to an illegal cinema house to watch pornographic films so that we could learn how to have sex and also to stimulate us. After the viewing, they would take us to rented apartments on Kuliev Street. There, we provided sex services to adult men, most of them truck drivers. We could earn 100 som (USD 2.40) a night; on top of that they gave us food and made us drink alcohol.

A 15-year-old girl came to one of the women's crisis centres in Bishkek, where she had gone through rehabilitation. According to employees at the Centre, she was very sick, non-healing sores covered her body.

Information from a Women's Crisis Centre

7.3 Coverage of CSEC in the press (results of content analysis)

For the purpose of content analysis, it was originally planned to analyse materials from four printed editions in Bishkek (national and local newspapers) and Osh (regional and local newspapers). Highly skilled librarians assisted in gathering the information. However, soon after work began, researchers found out that information on CSEC was scarce; after that, it was decided that the number of sources would be enlarged.

During the research, 14 newspapers (2 of them national) were analysed for the period between 1st January, 2003, and 15th June, 2004. Nine of the sources were in Russian; 3 in Kyrgyz; and 2 in Russian-Kyrgyz-Uzbek (See Annex 3).

In total, there were 21 publications on sexual violence against children in the printed media. Three of the publications, two of which had large-scale journalistic investigations in four countries in Central Asia, directly addressed CSEC, and one raised the problem of child trafficking with the purpose of sexual exploitation.

Journalistic investigations were published in Russian in the newspapers *ResPublika* and *Kutbelim*; the total run of the article [itemised as number 9 in Annex 3] was 29,000 copies. The article on child trafficking with the purpose of sexual exploitation was published in the newspaper *Vecernyj Bishkek*, with a total run of 20,000 copies. One article in a Russian-language newspaper addressed the topic of child trafficking without the purpose of sexual exploitation.

Ten articles addressed the problems of prostitution, alternative sexual preference, and the spread of HIV/AIDS in groups at risk. The articles indirectly touched upon the commercial exploitation of children without actually focusing on the problem. Half of the articles appeared in the Kyrgyz-language newspaper, *Bishkek Times*. Three articles addressed analyses of the legislation on the protection of children's rights (based on a collection of materials from international, scientific and practitioners' conferences). One article was devoted to the topic of the forced marriage of a 14-year-old girl, and three articles addressed the issue of domestic sexual abuse of children.

Most of the publications in the Kyrgyz-language media are mere statements, without any attempt to analyse or forecast the development of the situation, and experts' views are missing.

About half of the publications in the Russian-language press present information with some analysis. A prevalence of materials concerning child abuse within the family has been observed.

Irrespective of the language of edition, there is a prevalence of articles revealing emotionally negative attitudes by the authors towards the facts reported.

Officers from the Department of Foreign Affairs in the Ministry of Internal Affairs in Bishkek blocked a channel of human trafficking to the United Arab Emirates. At present, six members of that well-organised group are under investigation.

Today, according to experts, between seven and twelve billion dollars per year is made through human trafficking. The income of domestic pimps is quite modest, but abroad, one often meets girls from Kyrgyzstan who are sent out and used as commodities on the market of sex services. And such business is highly lucrative, being the third most profitable business in the world after firearms and drug trafficking.

[...] 17 year-old Alina and 15 year-old Dinara were already sharing their ordeal. Even operational staff who had seen plenty in their professional life had their hair standing on end while hearing what they were saying.

Alina's story started at the beginning of October, when she was approached by two strangers in Jalal-Abad. They said her brother was in trouble and needed help. They suggested that she go into a small shop with them to talk things over. When they were out of sight, one of the fellows hit her on the head with a heavy object and she lost consciousness. She came to on a sofa in a strange room; a few hours later, a girl in tears was brought in. Apparently, she had also been brought in a car by force. The girls, having spent a few days in the apartment under surveillance, were then transported to Bishkek. There, they were placed in a one-room apartment on Kievsky Street, where buyers came every day, bargaining and carefully examining the "goods". To subdue the girls' will, they were beaten for a number of days, and all their possessions were taken from them, including their clothes. They were ordered to work in order to meet the costs of their transportation to Bishkek.

The girls said that during the time they were held, they had several masters: "First Mavluda bought us, then Mavluda sold us to Ainura". They agreed to escape the moment they would have a chance, and finally managed at a time when the security guards were distracted.

[...] *Up to now, dealers have very often escaped punishment, claiming that "women knew perfectly well about their future occupation", and owing to the fact that it is not easy to establish a line between voluntary and compulsory prostitution. But in that case the guilt of the accused is obvious* (M. Ismailov, police colonel – comment by "El Pikir").

It is striking to note how well the channel for trafficking abroad is organised. Perpetrators forge passports and documents for the girls. Some go as far as spreading egg-white over the faces of the girls before the flight so that they look older. In the Emirates, people meet them at the airport and bring them to rented apartments where the girls start working off their debts "for everything", which is established at the amount of about 7 thousand US dollars.

We have operational information that in Dubai and Sharjah there are migration camps where girls are kept, without documents, from all over the former Soviet Union. About one hundred of them are citizens of Kyrgyzstan. It is necessary, with support from the Ministry of Foreign Affairs, to solve this problem; it is necessary that some police officer travel to the Emirates in order to collect applications for repatriation from the victims.

[...] The next flight of the airline "Kyrgyzstan aba Joldoru" leaves to the Emirates, and again most of the seats are occupied by young girls of fifteen and sixteen years old with, like the air hostesses say, characteristic appearances. Open human trafficking.

Aida's Hell, in "Vecerny Bishkek", 31 October, 2003, p. 13

The analysis carried out has revealed that since the end of 2003 many articles have been published on domestic violence with a focus on women. They only marginally touch upon child abuse, with barely a mention of CSEC.

Live voices

According to preliminary calculations, the turnover in the sex industry in Bishkek is at least three million dollars a year, taking into account both “adult” and “child” prostitution.

Lost Children of Central Asia, in “ResPublika”, no. 3 (529), 27 January, 2004

CSEC is covered mainly by the provincial press, not the central press: CSEC has not become a subject for expert discussions; it was covered in only two publications, making up 9% of total publications devoted to that specific theme. In general, press coverage of CSEC has been extremely scanty. Research shows that the press is highlighting only scandalous episodes, which are difficult to cover up. In a number of documents, the authors attempt not only to depict a fact, but also to analyse the information, identify reasons, reveal mechanisms and draw conclusions. Thus, the minor frequency of publications recorded cannot be considered as a sign of well-being and low significance of the problem. It only confirms the closed nature of the topic for public discussion.

8. AN ESTIMATE OF INCIDENCE OF VARIOUS FORMS OF CSEC

Research has shown that minors are currently involved in all possible areas of the sex industry in Kyrgyzstan. Representatives of law-enforcement bodies consider that there exist well-organised structures with a division of “functional” duties and responsibilities for each participant. Experts believe that if no firm measures are taken then the sex business will merge not only with criminal elements and groups, but also with government structures.

The analysis of experts’ answers has shown that child prostitution is the most widespread form of CSEC in the country. There are increasing numbers of early marriages, particularly in the southern regions of the country. Child trafficking for sexual purposes and child pornography are less prevalent forms. Child sex tourism is very rare, which testifies to the fact that at present the sex industry in Kyrgyzstan has not linked with the international sex business.

In the course of this research not only the level of prevalence of various forms of CSEC was analysed, but also the number of organised forms of the sex industry with the involvement of minors. The research has shown that the sex industry is very similar in Bishkek and Osh. The main difference lies in the prices for child sex services, which are appreciably lower in Osh.

8.1 Child prostitution

Prostituted children appear to operate mainly in the street, less often in saunas and hotels.

According to research participants, a majority of children work independently. Pimps, in most cases, prefer not to get involved with young children, due to possible criminal prosecution, or difficulty in working with minors who do not obey them, try to escape, neglect their safety and create problems in general. Nevertheless, if the children work with a pimp, they are exposed to additional violence on the part of so-called “mummies”, who beat them, call them names, humiliate them, and so on. On the other hand, the pimps are responsible for obtaining the payment from clients; they take care of the girls’ health; if the girls are caught by police, they get them out of detainment; etc. As a whole, the position of girls working with a pimp is more beneficial than would happen if working individually.

Live voices

[...] The girls who are brought in by their pimps receive full treatment because pimps explain to the girls why it is necessary to be checked. The pimps bring them food, and if additional medicine is required, they buy it for them. These girls are unique because they actually follow the course of treatment until they are cured.

A doctor from the National Skin and Venereal Diseases Dispensary in Bishkek

Children working in the street can get paid as much as some adult sex workers. On average, children in Bishkek get 50-100 som (USD 1.20-2.40) for oral sex , while

an adult sex worker gets 100-150 som (USD 2.40-3.60). Hourly rates for sex with children can start at 200-250 som (USD 4.50-5.65) and can reach 500-650 som (USD 11.25-14.65), while adult sex-workers get 450 som (10.15) per hour. Average rates for a night with a child can be up to 600 som (USD 13.50). If a prostituted child has a pimp, the rates for his/her services will be the same as those for adults. If girls live in a house with their pimp as a “family”, then the pimp keeps all their earnings as compensation for the expenses related to housing, clothing and meals. But earnings can be split in half between the pimp and the prostitute, in which case the girls do not live with their pimp.

In Osh, the price for sex services provided by a girl in the street or in a park is 40-50 som (USD 0.90-1.15); for one hour, it is between 100 and 300 som (USD 2.25-6.75); for one night, it can be anything between 500 and 1000 som (USD 11.25-22.50).

Street children also work for meals, cigarettes, clothes, or even *for a chocolate or a bottle of Fanta*, if they deal on their own in the street. In that case, extra remuneration can be gained by a child self-positioning as an “adult” with more contractual power vis-à-vis a client.

Live voices

A European man around the age of 45 or 50 used to come here every Sunday. One of the boys had known him for a year and he introduced the man to three more children. I cannot qualify what he did, it is some sort of perversion: he would give the boys oral sex and pay them 20-50 som (USD 0.45-1.15). The three boys who were acquainted with him for one month had contact with him four times. All the boys are under the age of 14. Apart from our boys, all the homeless children from Ahunbaev Street went to him. Why? They were under double pleasure: oral sex and money. After being with this man, the boys behaved like adults.

The Head of a Child Centre

If a girl who arrives from a village tries to rent a flat but cannot afford to pay for it, the owner might demand that she provide sexual services to him or his friends. A girl runs away from home, say, in Osh, and provides sexual services to the truck-driver who takes her to Bishkek.¹⁷

Clients pay for virgins, but the girls themselves do not get the money; a third party often receives the payment for services, such as in the case of a 14-year-old virgin brought from a village to Bishkek and sold for USD 70. In general, in Bishkek virgins are sold for between USD 45 (2000 som) and USD 500.¹⁸

Live voices

European children are in greater demand. For example, an Asiatic boy gets 20 som (USD 0.45) whereas a European one fetches 50 som (USD 1.15).

The Head of a Child Centre

¹⁷ Opinion from a law-enforcement officer.

¹⁸ Based on information provided by the “Tais Plus” NGO.

Information for the city of Osh was collected during the research conducted by the “El-Pikir” Centre with the aim of identifying and mapping the areas where commercial sex workers gather. Data for Bishkek is based on the information provided by the organisations working in the field.

From an interview with a manager on duty in one of Bishkek’s hotels

Each hotel has a person who is the “curator” of prostitutes, although he/she is not actually a hotel employee. Work is carried out in close collaboration with the hotel staff (floor managers, chambermaids, barmen, managers, security guards), who are all involved in the business, and are paid by the “curator”¹⁹. Sometimes hotel rooms have contact phone numbers written by hand in the telephone book, for hotel guests who wish to get sex services. When a guest, usually a man, arrives at a hotel, his information and room number are passed on to the “curator”, who then contacts the girls, who start calling his room and offering their services. Sometimes the hotel staff actually helps the prostitutes gain access to the hotel room unnoticed. There is always a taxi waiting around the hotel for orders from the “curator”; they pay the “curator” a commission for driving prostitutes. A hotel manager who was interviewed said that *there were cases when he had to admit very young girls, obviously under age, into the hotel, “but what to do”, he said, “should we ask them for their passport?”* The respondents mentioned the involvement of the police in this business as connivance or concealment. When asked about “subbotniks” (when police officers demand free services from prostitutes) for employees of the departments of the interior, the manager answered that about 5 years ago it was very popular, but now such cases are rare and the police prefer to take money instead.

Live voices

[...] from 1995-1999, when the market was wild and prostitutes had just started working, policemen on holidays would arrive at our hotel and never pay for anything: vodka at the bar; hotel rooms; and girls. There were cases where businessmen, when striking a deal, would bring in some officials, treat them at a restaurant, and then bring girls to their rooms. Now such things are rare: the cops got bored and the businessmen have changed. Now everybody prefers money.

A manager on duty in a hotel in Bishkek

From an interview with a driver, working with call-girls

The man interviewed has worked as a driver in a company for about a year; during that time, there were several cases of delivery of minor boys and girls to clients²⁰. Usually, clients are found through advertisements in mass-media, where it is possible to leave a phone number and order sex services. As a rule, that is the phone number of a dispatcher who keeps the time and appoints a meeting place for prostitutes and clients. The dispatcher co-ordinates the activities of the prostitute, the pimp and the driver. Usually, the prostitute is delivered to the meeting place in a car accompanied by a pimp. That service is

¹⁹ The term “curator” is used by investigators. The respondents referred to this figure as “a man”.

²⁰ The age is given approximately, as the driver did not see the documents of the children, who according to his estimates were 16 or 17 years old.

more expensive than meeting on the street. According to a respondent, if a client has used the services of a company for a long time and made a good showing, the firm offers him an extended range of services, including an opportunity to meet a child, a virgin or a boy. Accordingly, payment for such services is higher.

Live voices

[...] I know of a permanent client who has apparently tried all our girls. I am sure if he asked for something exotic it would be provided for him since he is wealthy.

A driver working with prostitutes on call in Bishkek

From an interview with a woman working in a private sauna in Bishkek

Our sauna is not the most expensive: 300 som (ca. 7 USD) per hour. As soon as a client comes in, we ask him if he needs a girl. If he says yes, we start calling them. The list of phone numbers is continuously updated; the girls themselves bring us their telephone numbers. Every sauna has its own girls; some of them work individually, and some with pimps. There are clients who call the girls themselves or bring the girls with them. If a new client asks for a minor girl, we refuse. For our permanent clients, we can find minors (girls or boys). We find them through pimps. When the girls arrive, the client takes a look at them, and if he likes them, he keeps them. If he does not like the girls we ask for another team. If the client keeps the girls, he pays the sauna staff 200 som (USD 4.50) per hour for each of the girls. The client also pays the pimp 400 som (ca. 9 USD) per hour for each girl. The girls work on a 50% basis with the pimp. In total, an hour with a girl in our sauna will cost 900 som (21 USD).

The pimp is responsible for the girl: her work, cleanliness, and politeness. We provide sheets, shampoo, soap and we do not see what happens afterwards. If a client needs something (a drink, a snack, etc.) he calls us. After one hour the girls are collected; if a client is willing he can pay for one more hour. Girls vary in age and in nationality. Some of them are 16, 17, or 18 years old; some are older, 32-35 years old. I know that, because when they are waiting for a car to pick them up I talk to them, sometimes I ask where they are from and how old they are. I have never met very young girls, younger than 16, and I have not heard about very young girls working in other saunas. We never ask for documents or certificates for proof of age. I heard that in one sauna they requested boys, but I did not see that with my own eyes. In general, anything can happen in a sauna: fights, beating of the girls, offers of perverted sex. For such cases, we have got security guards who prevent criminal acts from taking place. Our sauna has got cops' cover; therefore, the police cannot touch us. Girls frequently work with drunken clients and sometimes they get confidential information from them. Some of the girls inform the police, hoping that they will not ask them to work for free. As a rule, if a pimp asks them, the girls can work for free.

Based on data provided by a women's help centre in the south of the country, there are often cases where poor families give their sons to richer fellow

villagers as labourers. Boys work in the field or graze cattle in the mountains. When they are away from home or working in the fields alone, they are often forced to homosexual acts by older men. The boys are paid 10-20 som (USD 0.25-0.45) for their services and for their silence; sometimes they are not paid at all. People in the village know about such cases; however, the community does not undertake measures against the abusers.

During this research, information was received that sometimes there are cases where minor girls take part in criminal activities. The crime is committed based on a specially designed scenario. For example, they first choose a victim for the crime, usually a young man from a well-to-do family. A minor girl gets acquainted with him and has sex with him, and then she goes to the police and accuses the man of rape. Then, her accomplices contact the parents of the young man, blackmail them for money, and once they get it, the “victim” drops her charges and confirms that in fact there was no rape committed. Lawyers stated cases where parents were forced to comply with the demands of the blackmailers.

Live voices

We had a case where a client got infected and lodged a complaint with our sauna. We quickly summoned the pimp and he settled the things directly with the client; he even paid for the beer. We always try to work with permanent pimps or with the girls directly.

An employee from a sauna in Bishkek

8.2 Child trafficking for sexual exploitation

More than half the experts and all the managers involved in sex work agree that this form of CSEC is the most widespread, and they are of the opinion that trafficking of children within the country is more common than cross-border trafficking.

One of the pimps from Osh said that she always needs new, fresh girls, since some of them become involved in criminal affairs, some become alcoholic and – in general – the “goods” should be diverse. She mentioned that there are cases where fellow villagers suggested that she employ their daughters and pay them (the parents) part of the girl’s future earnings. Generally, a pimp pays between 300 and 800 som (USD 6.75-18.00) for a girl, depending on the quality of the commodity. Thus, a girl becomes a debtor of the pimp who takes away all her earnings; as a result the girl becomes totally dependent on the pimp.

The same scheme applies in Bishkek: pimps suggest that people bring their girls to them and they pay between 500 and 1000 som (USD 11.00-23.00) per girl. Sometimes, adult prostitutes visit their families in rural areas and bring back new girls who are then paid for by the pimp.

Live voices

I know about a case where a girl under age from a remote village in Osh *oblast'* was exploited in Osh city as a prostitute. According to the evidence, the woman who took the girl was later convicted by Osh court and sentenced to 5 years imprisonment.

An expert from an international organisation, Bishkek

Apart from the above methods, people who work in the sex industry also recruit girls by advertising attractive, high-paying jobs.

From an interview with a woman involved in recruitment through the phone via ads in mass media

Most of the women who recruit over the phone are unemployed women or housewives of various ages, usually over 30 years old. Recruitment is done for work both abroad and in the city. The age of the candidates is usually not stated, so there is a chance that minors will be included. Recruiters meet the girls in person and select them; they are responsible for screening the “professionally unfit” and suspicious girls, whom they reject immediately. If the question is about moving abroad, they take the passports away from the girls and hand them over to their “master”, who takes care of the official registration of papers, and so on. A recruiter receives USD 100 for each girl provided for export abroad; for work in a city in Kyrgyzstan, they receive up to 500 som (about 10 USD).

Live voices

The researchers were informed about a case of the sale of a girl in the Issyk-Kul *oblast'*. After the death of the girl's mother, her father sold her to a rich old man for USD 500. The girl did all the housework and performed sexual favours for the old man. This fact became known only after the death of the old man. After undergoing rehabilitation, the girl now lives a normal life.

Information provided by the Center of help to the elderly "Umut", Balykchi

All the participants in the interviews noted the large number of advertisements about highly paid jobs in printed and electronic mass media (in newspapers and on TV). The experts mentioned that the rural population, particularly from remote villages, trust the information published in newspapers, and especially what is broadcast on TV. In this connection, there was a proposal expressed about the need for awareness campaigns among the population that “not everything shown on TV or published in the newspapers is true”.

In 2003, IOM identified 6 cases of trafficking of children under 18 with the purpose of sexual exploitation. In the same year they assisted a girl who in 2001 had been taken to the United Arab Emirates when she was 12; the woman who accompanied the girl said that she was her niece. The child has since been returned as a result of intervention by the General Consulate of Kyrgyzstan in the United Arab Emirates and the International Organisation for Migration (I? ?). The perpetrator was not punished because she lives in the UAE.

There were two more cases of trafficking involving 15-year-old girls from Bishkek who were taken through the Caucasus to Baku, in Azerbaijan, where the

two girls were sold to a brothel for USD 500. An attempt to traffic a girl from Tashkent (Uzbekistan) was also recorded. Forged documents were made for her in Kyrgyzstan stating that she was to be brought abroad. The girl was detained at the Manas airport. A respondent presented a case of labour exploitation of children, where two small children and five adults (their parents among these) went to Ukraine in search of better opportunities, through middlemen, and were forcefully kept as maintenance labour; they were kept locked up with insufficient food supplies. Due to IOM intervention, all the victims were returned to Kyrgyzstan and criminal proceedings were initiated in Ukraine. In Osh, the organisers of the trip were brought to trial and were sentenced to 5 years' imprisonment.

IOM representatives informed researchers about a training centre for border services which opened with support from IOM. The Centre prepares professionals who would make up the first barrier to trafficking in people and obstruct the child trade. According to IOM experts, the professionalism of employees of Border Control has considerably increased over the last 2 years.

During an interview with a staff member from the Department of Border Control, it was discovered that provisions had been developed and had become operational, whereby a minor can be taken abroad only if accompanied by his/her legal representatives (parents, trustees, guardians). Border crossing by minors with persons other than their legal guardians is possible only upon written notarised approval by the child's lawful representatives. However, the respondents admitted the possibility of child trafficking by-passing border control points.

During a roundtable discussion held by the international charitable organisation, Winrock International in Jalal-Abad *oblast'* and organised within the framework of a project on the prevention of human trafficking in Kyrgyzstan, information was received that there is a system of recruitment of young women for work in foreign countries. It appears that these women are forced to work in the sex industry in countries such as the United Arab Emirates and Turkey. There are tales of abduction of under-age girls with subsequent forceful involvement in prostitution. One of these cases was widely covered by the media.²¹ About 300 women in the *oblast'* work in the sex industry, half of them brought in by pimps from the neighbouring areas of Uzbekistan. The girls who come from Uzbekistan are often very young, and do not have passports, so it is impossible to disclose the minors among them.

During a round table in Naryn *oblast'*, Winrock International received information about a problem of debt hostages who are citizens of Kyrgyzstan, some of whom are possibly minors. The hostages were in China either voluntarily, or upon consent of their parents, a habit which is widely spread in Naryn. Businessmen who lacked the money to pay for working capital used to leave one of their relatives or children as collateral for goods taken from Chinese businessmen. After the debt was repaid, the hostages would be returned. The hostages usually live under fairly good conditions, but their lodging and meals were included in the

²¹ *Aida's Hell*, in "Vechernjy Bishkek", 31 October, 2003, p. 13.

amount of debt. The hostage's passport is usually confiscated so that he/she cannot circulate or cross the border. Some of the entrepreneurs went bankrupt; and in such cases, they would not have the opportunity to have their "hostages" returned. At present, in China there is a group of Kyrgyz citizens who have been forced to live there for a long time. Nobody knows the exact number of these hostages, but respondents assumed that in China there could be between 40 and 100 captive Kyrgyz nationals. Respondents did not have precise information about other types of human trafficking, such as the removal of people with the purpose of exploitation or use as labour in agriculture or industry.

Discussions at a round table in Issyk-Kul oblast' show that, in connection with the fact that the *oblast'* is a resort area, it has a very high level of sex industry development and there is suspected use of minors in prostitution.

Based on the data provided by the Information and Analysis Centre of the Ministry of Internal Affairs, in 1998, two people were brought to justice in Kyrgyzstan under Article 124 of the Criminal Code (recruitment of people for exploitation); in 2000 there was only one such case; in 2002, 8 criminal cases were initiated; in 2003, 7 criminal cases. Most of the experts consider that the above data are significantly underestimated and demonstrate a high level of latency for that crime, blaming this on deficiencies in the legislation. For example, only the victim of a crime – not their relatives – can apply to the Ministry of Internal Affairs in connection with abduction and exploitation. Thus, if the relatives search for their children who have been taken abroad, the police classify this under cases of missing persons, but if it is discovered that a person left voluntarily, then the case would be dismissed. Under the law, a victim of human trafficking bears the responsibility for the use of forged documents and any other accompanying offences. Experts believe that that affects victims who are unwilling to co-operate with law-enforcement structures and also promotes the concealment of similar crimes.

According to experts, the absence of international agreements on the co-operation of law-enforcement bodies (no such agreement with the UAE, for example) and the lack of financial resources present particular difficulties for disclosing crimes related to human trafficking.

As a whole, the issue of trafficking in minors exists all over Kyrgyzstan; however, it is most critical in the southern regions. Human trafficking remains especially urgent concerning young women who are recruited for work in other countries. Kyrgyzstan is a transit country for women trafficked from the border areas of Uzbekistan. Trade in women also takes place within the country when young, often underage, girls from rural regions of Kyrgyzstan are involved in the sex industry, through deception or abduction, in the capital or other cities.

8.3 Child pornography

Most of the experts mention that child pornography of domestic production does not exist.²² Only two respondents provided unsupported evidence about single instances which could probably be categorised as production of pornographic materials.

In-depth interviews with the owners and employees of DVD and video rental agencies did not reveal any information on the production or existence of Kyrgyz-made child pornography. However, the researchers managed to receive some data in two out of four photo salons surveyed, which confirms the existence of domestic child pornography, although in limited instances.

Live voices

In 2003, the Pervomajskij District Court heard a criminal case of an elderly man who took photos mostly of 10/12-year-old girls; his contacts were girls from his neighbourhood who would then find other girls for him. He made videos and photos, which he also distributed. He gave the products to the children whom he was filming and they distributed the products further. I do not know how many people got those photos and reels. I also do not have any idea about the profit he made from the activity.

An officer of the department of the interior, Bishkek

From interviews with the owners and employees of DVD and video rentals

Each rental agency has a selection of films and cartoons of erotic and pornographic nature with the participation of adult actors. Selection is rather limited since demand is low; they cost about the same as normal cassettes (10-15 som, or USD 0.35) and include a deposit of 60-80 som (USD 1.4-1.9). All the products are made mainly in Germany and Russia, but there was one cassette made in Uzbekistan that was in great demand. The main suppliers of pornographic material to Bishkek outlets are drivers from Kyrgyzstan who transport vehicles from Germany. Osh rentals receive such products mainly through Bishkek. The main customers for pornographic cassettes are young people, between the ages of 18 and 25; sometimes older men request them. According to the respondents, foreigners do not buy or rent pornographic material, nor do they ask for it. Respondents from all the outlets know that the distribution of pornography is illegal and are aware of the prohibition to supply erotic products to persons under the age of 18. However, in practice, they provide the cassettes to anyone who asks for them.

Live voices

I know that the law forbids the sale of pornography; I also know that it is forbidden to sell erotic products to persons under 18 years of age. But nowadays nobody observes these restrictions, as long as money is paid.

"Vide" rental, Bishkek

²² According to MIA statistics, two criminal cases were brought to action in 2003 based on Article 262 of the CC KR "Production and sales of pornographic articles". Both cases were registered in the south of the country for illegal showing of pornographic films in video parlours in market places.

At the time that the interviews were held in the rental agencies surveyed, researchers could not see any products with child pornography. The outlet employees explained that there was no demand for child pornography, while respondents from Bishkek underlined the decreasing demand for pornography in general. They stated that the decrease started in the late 1990s, when high-quality magazines were made available in abundance and the Internet provided new opportunities.

From interviews with photo studio owners and employees

Many photographers have albums in which they display their best pictures; many are pornographic pictures, most often for personal use. A respondent from one of the studios in Bishkek said that he had seen photos depicting child pornography taken by local photographers, and the children were Kyrgyz. The man who took the photos said that he had paid 700 som (USD 16.5) for one hour with the child. A respondent from another studio in Bishkek assumed the existence of child pornography in the photo industry, although he had never seen the products. He estimated the costs of a model's session at about 500 som (USD 11) an hour; a session with an adult topless model costs 500 som an hour. In Osh, the researchers failed to receive any data about the existence of photos of child pornography developed in the country, although respondents confirmed that some photographers have pornographic albums showing adult men and women, mainly for personal use.

From interviews with newspaper and magazine kiosk owners and sellers

Two newsagents were interviewed in Bishkek and Osh (one kiosk was selected in the centre of the city, and the second one in a "dormitory micro-district"). All the kiosks were selling erotic magazines (5 to 12 different titles) at prices ranging between 25 and 50 som; all the magazines were published in Russian. When talking to the researchers, the respondents said that the most frequent buyers of erotic magazines were men between 30 and 40 years old. The youth seldom bought such magazines. All of the surveyed kiosks did not have child-pornographic magazines; none of the sellers could remember anyone asking for child pornography. In Osh, there are cases where people ask for pornographic magazines in the kiosks, but such cases are rather rare.

From interviews with employees working at a night Internet café

Visitors in all of the surveyed cafés visit pornographic websites, including websites displaying child pornography. They are mainly youth under 25 years old. The employees of these cafes are aware of the fact that customers visit pornographic websites, but in many cases the pornographic websites open automatically with the use of codes for computer games or keys to certain programs which are frequented by youth. According to the employees, fewer people are visiting pornographic websites because there are more adults coming to use the Internet cafés, and it is mainly adolescents and youth who visit these websites often; especially in computer game clubs, where they are the majority. All the employees interviewed consider that, as long as a person *has paid to use the Internet, they can look at whatever they want*. One of the

interviewees informed the researchers that at the game club where he used to work, there were games of sexual orientation and several visitors played the games, but those games are not network ones and therefore are not very popular among teenagers. The research provided some information about the availability of pornographic films on CD and DVD, which can also be viewed in game clubs.

8.4 Early marriages

Research on the prevalence of this form of CSEC has shown that Bishkek-based participants in the research seldom face this phenomenon. Therefore, many experts were either at a loss to define the extent of the prevalence of this form of CSEC or considered that it was not widespread. Some participants of the research from among those who were from the south noted the urgency of the problem of early marriages.

The overwhelming majority of research participants in Osh are convinced that the number of early marriages is increasing and that it is a gross violation of children's rights. The experts mention that, normally, the initiators of early marriages are parents. However, in some cases, the bride, according to national tradition, is abducted by the groom. Initiators of early marriages do not take into account that according to the Family Code the age of consent is 18.

The experts from Osh consider that social reasons, such as poverty, unemployment and low income are among the main factors at play in the increased number of early marriages. Parents want to arrange marriages for their daughters as quickly as possible and as advantageously as possible; the experts also mention a revival of the tradition of payment for the bride: for this reason, large families try to marry off their daughters as soon as possible. After the daughter marries, she becomes the responsibility of the husband.

Live voices

There are many early marriages taking place. My cousin, for example, was given away when she was 15 years old, without her consent. It was a marriage of convenience on the part of her parents. They gave her away for the sake of bride-money.

A brothel manager, Bishkek

These days, early marriages in Kyrgyzstan, in most cases, are carried out by means of a Moslem ceremony called *nike*, performed by the *moldo*, the clergyman from a mosque. As such marriages are not included in state records, there is no information on the exact number of early marriages in the country. During the realisation of this project, the researchers did not manage to find any estimate of the scope of the phenomenon.

Live voices

Many early marriages were being contracted in the south; all of them are registered by a *moldo*, who performs the *nike* ceremony. It seems that there are not only economic reasons at play; the major aim is to strengthen Islamic positions. Look around, we have more mosques than schools.

A leader of the Women's Crisis Centre, Osh oblast'

Professionals from women's crisis centres and NGOs mention that there are women among those who applied to the centres who were given away for marriage at 15-16 years of age. According to the experts, such girls often become victims of violence by their husbands, who are usually much older. The girls are also extremely vulnerable and are subjected to negative social exposure.

Live voices

In Chon-Alaj rayon, one of the poorest areas in Kyrgyzstan, parents frequently sell their 11/13-year-old daughters into marriage. The main reason is to get the bride money, which is used to raise the younger children.

(Source *Lost children of the Central Asia*, in "ResPublika", no. 3 (529), 27th January 2004)

Interviews with representatives from government bodies revealed that the governmental agencies in the country do not interfere with early marriages; they consider such marriages private, family business. Because of this attitude, there are no statistics regarding the number of marriages contracted with minors, nor a clear government policy towards this issue.

As a whole, according to the researchers, the issue of the actual number of early marriages contracted in the country and the existing trends require additional study since the extent of the custom is not clear. Despite this, the experts' opinion allows for the assumption that the number of early marriages, particularly in rural areas, is growing.

8.5 Sex tourism

In the course of the survey, the researchers could not find any evidence of child sex tourism: none of the participants in the research could give any information about that phenomenon in Bishkek or in Osh. Moreover, almost all the experts underlined the absence of the phenomenon in Kyrgyzstan.

Live voices

Foreigners do not come to the meeting places, and they do not ask for little girls; they usually ask for young girls who have not given birth.

A brothel manager

Participants in the research could not remember any case where they had heard about foreigners using child sex services. At the same time, the experts know that there are cases when foreigners use adult prostitutes, but those are obviously

different cases with different clients. Most of the experts consider that there are no organised sex tours through which child exploiters arrive in the country for sex.

9. SEXUAL EXLPOITERS OF CHILDREN

Research has shown that the main perpetrators of commercial sexual exploitation of children are local men between the ages of 40 and 60 *who want to experience something new*. They are not necessarily well-to-do; they can be drivers, builders, and shuttle traders; sometimes they are officials, including high-ranking ones, people *with power*.

Live voices

The clients are mainly respectable, family people; local men prefer little girls. There are many “lovers of fresh flesh”. Most of them are middle-aged men, fed up with life. These parasites demand virgins so that can see them afraid and crying.

Aida, a pimp from Osh

Source “*Lost children of the Central Asia*”, *ResPublika* ? 3 (529) of 27.01.2004

Informed respondents also report that, frequently, consumers of CSEC are peers, street boys, and even senior high school students.

10. THE REASONS BEHIND THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

The research has revealed that CSEC in Kyrgyzstan is the result of a long-term social and economic crisis in the country, with the degradation of morals and social values. The increase in the number of poor and socially unprotected families, the homeless, and people abusing alcohol and drugs, promotes a growth in the number of minors for whom the only means of survival is involvement in CSEC.

Experts underline the positive aspects of state control over children which existed in the Soviet period. Firstly, they emphasised the obligations the state had in relation to children, such as compulsory general secondary education, free medical aid, employment, summer holidays, and attention to families at risk. It is considered that the destruction of that system of supervision over children is one of the conduits that have made CSEC possible.

According to the participants in the research, there are cases where the involvement of minors in CSEC is the only source of income for the whole family. Representatives from law-enforcement bodies are convinced that the participation of children in CSEC paves the way for their involvement in other offences such as theft, fraud, selling narcotics, and so on.

According to sources, violence against children in all spheres of their lives (in the family, at school, among peers, etc.) contributes significantly to the problem of CSEC.

The representatives of children's centres have expressed the opinion that unresolved problems of children's homelessness also promote growth of CSEC.

Experts from the education system contend that very often parents do not want to or simply cannot bring up their children; as a result, the children turn up in the street, where they risk getting involved in CSEC. At the same time, today's education system, owing to objective reasons, has lost its status as an institute of social control over children,²³ thus creating an essential gap in the field of child protection.

Some experts pointed out that it is very important that the children have access to adequate information on the issues of the protection of reproductive health and a healthy way of life. In this connection, it was proposed to introduce into the school curriculum a course which would develop students' opinions on the above issues based on a scientific approach. However, it was noted that it is necessary to place special emphasis on the idea that sexual relations be based on love, which assumes cleanliness, purity, abstention, fidelity and other moral categories, which

²³ School administrations very rarely or never control such events and factors as drug abuse by school students; sexual harassments or violence; the presence and use of weapons inside a school. From: Centre for the Study and Forecasting of Public Opinion/Academy of Education of KR, *Monitoring of learning achievements II (Grade 8)*, Bishkek, 2002.

seem to have been forgotten today, rather than on the sole promotion of safe sex.²⁴ They also expressed a wish that such a course be taught not by a teacher, but by a health-care worker. One NGO representative pointed out that the active promotion of safe sex which we are witnessing now can facilitate early teenagers' involvement in sexual activity: *if it is safe, why not try it*. In the interviewee's opinion, programmes for a healthy way of life *should meet the needs and cultural traditions of the Kyrgyz people*.

A number of experts noted the adverse effect of media effecting the eroticisation and sexualisation of children and teenagers by broadcasting ethically immoral information of a sexual nature. Child-protection professionals are particularly critical of specialised printed magazines targeting youth with a pronounced erotic orientation, including magazines for young people such as "Cool", "Cool Girl", "Yes", and "That's it!",²⁵ which actively exploit teenagers' interest in sex. The above magazines are produced by the German publisher "Burda", printed in Holland and imported into Kyrgyzstan via Kazakhstan and Russia. It was thought that the said magazines were exempt from high taxes and other duties applying to specialised erotic editions, but, on the contrary, they exploit customs and tax privileges under the disguise of education, science and culture publications.

The uncontrolled activity of the Internet and game clubs is included among the factors influencing the increase in CSEC. Officials of law-enforcement bodies know that people have access to pornographic sites at Internet cafés, but there is currently no legislative framework for inspecting and regulating the activity in these cafés.

Representatives of law-enforcement bodies consider that the lack of adequate systems of legal control also promotes the growth of CSEC. Experts mentioned that pimps working with children can be charged only under Article 157 of the Criminal Code.²⁶ Practicing lawyers state that it is extremely difficult to prove, in

²⁴ One of the experts expressed the opinion that condoms do not protect against AIDS and do not give 100% guarantee of protection against other STDs and pregnancy.

²⁵ The magazines listed are available in practically every kiosk selling printed mass-media.

²⁶ Article 157 of the CC of the KR "Involving a minor in antisocial actions":

- a) Involving a minor person in drunkenness, drug abuse or other substance abuse without a doctor's prescription; prostitution; vagrancy or begging; sexual actions; as well as actions connected to the production of materials or articles of pornographic nature, committed by a person who has reached eighteen years of age, shall be punished with arrest for the term of three to six months or imprisonment for the term of up to three years.
- b) The same acts committed:
 - 1) repeatedly;
 - 2) with the application of physical violence or its threat, shall be punished with imprisonment for the term of up to five years.

According to the commentary to the CC, involvement is an action performed by an adult person with the purpose to excite the desire of the minor to commit active illegal actions. Such actions may be committed by a minor based on promises, fraud, threats or other.

A **promise** may be expressed as the future transfer to the minor of money, gifts, a promise to receive great material benefits, a problem-free life.

A **fraud** is requesting a teenager to undertake various actions which the teenager does not think of as criminal or antisocial.

practice, an element of child involvement and that if, during a trial, it becomes known that the minor was voluntarily engaged in prostitution and the adult did not aim to receive material benefit, then the case is dismissed.

Live voices

Today, it is nearly impossible to survive on the salary of a police officer, therefore officers from law-enforcement bodies are concerned with their own survival, like any other citizen of the Republic. Accordingly, when it comes to survival, moral values such as honesty and decency are forgotten. The state itself encourages corruption among militia by fixing such [low] salaries.

An expert, Bishkek

The problem lies not only in the lack of plaintiffs in cases connected to the sexual exploitation of children, but also in the difficulty of gathering information regarding sexual abuse when it is impossible to collect evidence of a crime, such as the abuser's sperm, skin tissues and so on, and also to collect testimonial evidence. Taking into account that work is conducted with people who usually do not co-operate with the police, it is unrealistic to collect promising material for investigation and court. Therefore, operational staff are not interested in engaging in potentially unpromising cases since their work is evaluated based on the number of solved criminal cases.

Experts mentioned that in case of domestic sexual violence against children, mothers/relatives prefer not to report to law-enforcement bodies for various reasons, including the fear of losing a husband/partner; the fear of physical violence; social stigma; the fear of additional psychological trauma on the child during investigation; and so on. They recalled cases of domestic sexual violence that did not reach the courts because the child, being in full moral and material dependence on the mother, did not confirm the act of violence in writing or verbally, as required by the Centre for the Protection of Children (CPC), thus making it impossible to bring the perpetrator to account.

Live voices

I remember this year there was a rejection of a case involving a child in prostitution. Her grandmother filed a missing person claim, but it was later discovered that the girl was being prostituted. A criminal charge was initiated against the woman who was keeping her, but during the trial it was established that the girl had run away from home and joined the prostitutes and a pimp. The investigation failed to collect enough evidence regarding involvement in prostitution, and therefore the Office of the Public Prosecutor did not file a criminal case.

An expert, Bishkek

Other ways of involvement of a minor are connected to the kindling of base impulses; the disclosure of information dishonouring the teenager; deprivation of material support; etc. Involvement in prostitution is connected to the desire of the adult person to get material benefit.

The majority of research participants mentioned corruption in police bodies as one of the main reasons for the rise in CSEC.²⁷ According to the experts, the low wages of police officers breed corruption. The monthly salary of a patrol policeman is between 705 and 720 som (USD 16.5-17); that of a police officer is 700-780 som (USD 16.4-18). In comparison, the value of the minimal monthly basket of consumer's goods was 1,791.08 som (USD 42.6) as of June 1, 2004.²⁸

Experts noted that district policemen and patrol policemen are well informed about the areas in which prostitutes operate, but they are not interested in fully disclosing that type of information since they can get quick money from prostitutes without much trouble. The researchers obtained data stating that a policeman who wants to remain in the police force and be promoted is forced to provide gifts to his/her superior. Similar facts are periodically covered by the national press. The experts state that criminal business in this sphere has already merged with the officers of the law-enforcement bodies who, for regular bribes, do nothing against the organisers of this business.

Live voices

In fact, there is constant talk about corruption and corruption control; decrees are issued and legislation is passed [...] but nothing has been done; the law on corruption has so far not been passed. And they could have brought police to order; there is an impression that it is not in the interests of the state to have honest policemen.

An expert, Osh

There was an opinion expressed that the children's educational institutions tend to conceal the fact that some of their pupils are involved in CSEC. The experts consider that if such a case became known, the administration of the governmental institution could be severely punished, even dismissed, and held criminally liable; and if a private institution were involved, the image of the institution would be damaged, which the management would not wish to happen. The concealment of facts also promotes the spread of the phenomenon.

Some of the experts pointed out that phenomena such as early marriages, the abduction of brides, and the payment of the bride money have historical and cultural roots, thus also preparing the ground for CSEC.

According to some specialists, there are often cases where poor families give their daughters to rich urban families for an education and to help about the house. The girls seldom attend school, they are not registered with medical institutions, and there is no official information about them. Experts in Bishkek and in Osh consider that those girls are exposed to labour exploitation and are a group at risk

²⁷ 90% of respondents consider that corruption and bribery are considerably widespread in the police bodies and the internal affairs agencies. In this, they rank third in the country, following Customs and tax services. From: Centre for the Study of Public Opinion and Forecasting, *Corruption in the countries of Central Asia and the Ural-Siberian region of Russia*, UNDP Programme in Kyrgyzstan "Political and Administrative Governance at the Central Level", Bishkek, 2002, p. 23.

²⁸ Source NSC of the KR, Department of Social Policy.

for CSEC. The experts pointed out that the public opinion very often treats CSEC as separate individual cases and connects them to sexual violence and criminality. The fact that the public does not perceive CSEC as a social phenomenon prevents, in the opinion of the respondents, the development and acceptance of the programmes of counteraction to the phenomenon.

11. ORGANISATIONS TARGETING CSEC

With a view to fulfilling the provisions of the Convention on the Rights of the Child; the final comments of the UN Committee on the Rights of the Child to the National Report on Kyrgyzstan; and also the tasks set forth by the Comprehensive Framework for the Development of the Kyrgyz Republic and the National Strategy of Poverty Reduction, the Kyrgyz Government's Resolution no. 431 of August 14, 2001, has approved the State programme for the fulfilment of children's rights in Kyrgyzstan's "new generation". The creation of conditions ensuring the survival, growth and comprehensive development of all children in Kyrgyzstan, their social involvement and the strengthening of moral education of the new generation form the basis for the government policy aiming at the accomplishment of children's rights. At the same time, the institutional framework should take into account the child's needs coming both from socially "healthy" families and from families "at risk". In the latter case, special attention should be given to the implementation of preventive and educational measures with regard to children and their parents or guardians. The target groups of the governmental programme are minors and their families (subdivided by category). The programme provides for special measures for the protection of children who are in difficult situations (children in at risk groups).

The programme also provides for more serious responsibility for the distribution of pornographic material to children; for the protection of children against the use of pornographic products; and for banning the media that impose a cult of violence, alcohol abuse and sexual indulgence on the consciousness of minors.

The Kyrgyz Government's Decree no. 894 of December 30, 2002, creates an interdepartmental commission for the implementation of the State programme for the fulfilment of children's rights in Kyrgyzstan's "new generation", and also for the co-ordination and direction of all the stakeholders' efforts. The members of the commission comprise ministers; representatives of the government; non-governmental and international organisations.

In order to ensure a more comprehensive approach to the solution of the problems of child protection and a test of the management mechanism for the "new generation" state programme, pilot departments for the support of family and child (DSFC) have been created at the local level in the administrations of the Issyk-Ata and Jumgal *rajon* with support from UNICEF.

The Ministry of Labour and Social Protection of the Kyrgyz Republic (MLSP), with support from the international foundation "Every Child", has created a DSFC in oblast' and *rajon* departments of social protection in Talas and Osh. Activities of the above departments are close to that of Issyk-Ata and Jumgal DSFC. The main difference is in the target groups (low-income families in one case, as opposed to families and children in the "risk" groups) and in the extent of powers. In this connection, the activity of Osh and Talas DSFC is directed mainly at the provision of social services and the creation of self-help groups, which addresses, first and foremost, socially healthy families.

In 2004, the Ministry of Labour and Social Protection of the Kyrgyz Republic organised a unit responsible for child protection and work with families; the Bishkek city administration established a department for family, child and youth matters; and the public administration of the Jayil *rajon* established a DSFC (similar to the Issyk-Ata and Jumgal DSFC).

In April 2004, by decree of the Government, a section responsible for the issues of family, children and women was created with support from UNICEF in the Department of Social and Cultural Development within the Office of the Prime Minister of the Kyrgyz Republic, while a section for combating human trafficking was instituted in the Department of International Co-operation.

The State Labour Inspectorate in the Ministry of Labour and Social Protection of the Kyrgyz Republic is responsible for the supervision and control of compliance with the Kyrgyz legislation pertaining to labour; rules on labour safety and safety measures; standards of labour safety; industrial sanitation and labour hygiene; and also the examination of work conditions in the territories of the Kyrgyz Republic (a worker must have reached 16 years of age; in exclusive cases, as agreed with a representative body of workers in a given organisation or with the authorised state body, persons who have reached 15 years of age can be employed; students who are 14 years old can stipulate a work contract upon written consent by one of the parents or guardians for carrying out light work during their leisure, which will not cause harm to their health and will not interfere with their education).

The Kyrgyz Government's Decree no. 541 of 25 August, 2003, established a Co-ordination Council on the issues of child labour in the Kyrgyz Republic.

Governmental Decree no. 643-p of 5 October, 2004, resulted in the creation of an expert commission for additional expertise on and the revision of the draft Code on Children of the Kyrgyz Republic, which was developed by the working group which was established by Order no. 619-p of 12 November, 2002, of the Government.

The Kyrgyz legislation covering children's issues has a number of gaps, conflicts, and inconsistencies with the norms of international law. In particular, the concept of violence is not determined; the border between violence and methods of upbringing involving corporal punishment is not delineated; the legal status of neglected children is not clear; there is no regulation of the system of prevention and elimination of neglect and offences among children; and so on. The main problem is that no standard legal act contains a uniform definition of a child: in one instance a child is described as a person "under age", in another as a "juvenile".

The Inspectorates for Minors are among the key structures to work with children. Their target groups are children from families at risk and children who have committed offences. The representatives of the above structure demonstrate great interest in the solution of the problems arising from all kinds of child exploitation. However, according to expert sources, there are serious difficulties in the work of

the Inspectorate for Minors' Affairs (IMA). First of all, the number and capacity of the staff working at the IMA is a serious issue.

At present, the IMA's structure comprises 300 employees. Based on the relevant norms and provisions, each IMA employee should serve 5-6 thousand children. In practice, each inspector serves areas populated by 10-12 thousand children. Except for their basic work, the IMA inspectors – like other police officers – are involved in various actions for the protection of the social order, such as monitoring polling stations, investigating crimes, and so on. As a result, very little time is left for prevention work. The system also suffers from a problem of staff turnover; there are cases where people come to the IMA with the purpose of moving on to the police force and, after working for a few months, they ask to be transferred to more prestigious divisions. The experts consider it very important that only those with pedagogical education should work in the IMA. At present, IMA activities aimed at a reduction of CSEC are conducted mainly within the framework of the campaigns “Moth”, “Homeless child”, “Teenager”, “Care”, “Dope”.

In the cities surveyed, there is a network of non-governmental organisations which provide assistance to minors (Annex 4). The main mission of the majority of those NGOs is to provide assistance to children in difficult situations. The organisations have programmes for children's rehabilitation and social adjustment. They also provide welfare assistance with medical, psychological and legal aid. Some organisations have day hospitals, while providing an opportunity for longer stays; they also give material, moral, medical and legal support.

A number of organisations in the capital provide vocational training for children; in the majority of the organisations, attention is given to programmes aimed at a healthy lifestyle; sexual education; and the prevention of alcohol and drug abuse. They exercise social control on vulnerable families, and provide training and counselling.

There are organisations with different missions that also provide direct assistance to minors, such as women's crisis centres and women's NGOs which have recently become active; they also establish co-operation with state bodies and local-government institutions.

However, the analysis of activity by the organisations mentioned above has revealed that, at present, there are no organisations in the country whose main priority is combating CSEC. The analysis of the available programmes has shown that there are currently no social programmes under way for assistance to victims of CSEC, and that there are no special programmes for CSEC prevention either.

The research has revealed that the regions of the country covered by this analysis do not currently show any systematic and purposeful activity of governmental and non-governmental organisations against CSEC, whereas only isolated and non-coordinated actions appear every now and then.

Many of the experts interviewed mentioned insufficient levels of co-operation between all the stakeholders, and stressed that it would be useful to conduct a round table on the issue in order to identify relative priorities and positions.

12. CONCLUSIONS AND RECOMMENDATIONS

In general, the results of the research lead to the following conclusions.

The main problems in the field of child protection in Kyrgyzstan are:

- violence against children (psychological, physical, sexual) in all spheres of their lives (in the family, in society, at school, in the street);
- child neglect and homelessness;
- the exploitation of child labour;
- poor upbringing;
- the lack of clear legislation in the field of child protection;
- the lack of access to education for children from low-income families;
- dropping school-attendance figures; and
- the deterioration of health of children from low-income families as a result of poor nutrition.

With more specific reference to CSEC:

- The commercial sexual exploitation of children (CSEC) is observed in Kyrgyzstan and has been increasing rapidly over the past 3-5 years. The country lacks reliable statistical data on the number of children involved in commercial sexual exploitation, as well as on the number of homeless children and street children.
- CSEC is more widely spread in Osh than in Bishkek, owing to the greater level of poverty of the population and to the influx of sex workers or prostitutes from neighbouring Uzbekistan.
- CSEC is poorly covered by the press and most of the material is published in Russian-language newspapers, thus showing the “closed” nature of the topic for public discussion.
- The sex industry has become institutionalised, with a clear division of “labour” between recruiters, suppliers, manufacturers of forged documents, a “roof”, etc.
- There are strong indications that government employees may be involved in the sex industry.
- The prostitution of children is widely spread in the country; there are many several cases of early marriage, particularly in the southern areas of the country. Less prevalent forms of CSEC include child trafficking for sexual purposes and child pornography.
- The main consumers of sexual services provided by exploited children are older local men.
- CSEC is more widespread in bigger cities. Domestic sexual violence against children is more typical in the rural areas.
- The main group at risk of CSEC are children from socially vulnerable families; the risk of a child’s involvement in this type of exploitation is higher in families with alcohol and drug abuse.
- There are a number of organisations around the country that assist children who have fallen victim to sexual violence; however, the commercial sexual exploitation of children is mostly outside the focus of their activity.

- In the regions surveyed, governmental organisations do not have systematic and purposeful activities aimed at combating CSEC; any activities undertaken are limited to isolated actions with no mutual co-ordination.
- There is need for a round-table discussion on CSEC in order properly to identify priorities and the positions of stakeholders.
- There is need for far-reaching information and an awareness-raising campaign on CSEC with various groups of the population, with the purpose of drawing attention to possible solutions for the problem.
- There is need for a system of government supervision of children, including compulsory general secondary schooling; free medical assistance; employment-fostering policies; summer activities; attention to families at risk; and so on.

The main causes for the increase in cases of CSEC in the country appear to be the following:

- unfavourable social and economic conditions (poverty, drunkenness, drug addiction, high rate of unemployment, labour migration);
- the crumbling of the system of state supervision over children;
- the degradation of moral values and ideas in society;
- domestic violence against children;
- a growth in the number of “social orphans”;
- a rise in the number of children dodging school;
- a lack of access to reliable information on the issues of protection regarding reproductive health, a healthy lifestyle and safe sex;
- a lack of adequate legal monitoring systems in the sphere of CSEC;
- a lack of proper legislation aiming at criminalising pimps;
- corruption within law-enforcement bodies, and the low level of wages paid to ministerial and other governmental employees;
- CSEC is not perceived by the public at large as being socially important;
- patriarchal customs and traditions creating the possibility of early marriages, bride abductions, and bride-money payment;
- insufficient coverage of CSEC problem in the mass-media; and
- the harmful effect of mass-media as reflected in the corruption of moral values for the youth and the wider population.

12.1 Proposals

With the purpose of limiting the spread of CSEC in Kyrgyzstan, the following changes and amendments are proposed to be introduced to the current legislation:

1) *The Family Code of KR of 26 June, 2003*

Part 3 of Article 61, “Child’s Right to Protection”, should read:

“The agents indicated in the law on “Social and Legal Protection against Family Violence” that are in charge of combating and preventing family violence and are aware of a threat to the life or health of a child, and of the infringement of their rights or legitimate interests, including sexual exploitation, shall be obliged to inform the institutions responsible for child care and guardianship of the whereabouts of the child. When such information is received, the institution in

charge shall be obliged to undertake the measures required to protect the rights and legitimate interests of the child”.

2) *The Law on the Departments of the Interior of KR of 11 November, 1994*

Article 9: “Rights of the Departments of the Interior” should include the following paragraph:

“To have unimpeded access to premises and grounds of citizens where there is sufficient evidence that there are children there who are being exposed to sexual exploitation, and whose lives and health are directly endangered; or to make use of emergency measures apt to resolve locally a situation which has created the above danger”.

Administrative responsibility should be established for persons who involve minors in the production of erotic articles, and also for their distribution, advertisement and sale.

3) *To make the following changes to the Criminal Code:*

- a. Article 157, “Involving a Minor in Antisocial Actions”. In order to specify the standards used in the Criminal Code, it is necessary to implement the norms of the international conventions in the national legislation. In particular, the word “involving” should be replaced with the word “coercion”. Use of children with the intent of exploitation in prostitution or other sexual activity should also be included among the goals of such coercion. The article should be extended by qualifying attributes, such as “committed by an organised group” and “committed by a parent, an educator or other person to whom the law has assigned the duties of education of the minor”. The majority of crimes involving minors in prostitution and other sexual actions are committed by organised groups. The involvement of a minor in prostitution by a parent, an educator or other person, on the other hand, represents an increased social hazard.
- b. Article 261, “Organising or Maintaining Brothels for Prostitution”, should be complemented by the following sentences: “[...] as well as acting as pimps with a commercial purpose” and “committed by an organised group, likewise by a person who has previously been convicted in relation to the organisation or maintenance of brothels; procurement; or involvement in prostitution”.
- c. To provide for criminal responsibility for pimping, or a “pimp’s activity”, as currently pimps’ actions are beyond the framework of the Criminal Code.
- d. The Criminal Code should contain an article providing for liability resulting from the production, distribution, dissemination, import, export, offer, sale or storage of child pornography. The use of children in pornography (in printed matter, video, or on the Internet) is also not considered by criminal legislation. Undoubtedly, that represents a serious public danger to society.
- e. The text of Article 124 of the Criminal Code should be complemented by such new attributes relating to human trafficking as the “offer and use” of a person. Article 124 provides for liability resulting from trade in people with the purpose of exploitation, but not for the exploitation itself. This is arguably an essential gap in the criminal legislation. This issue requires further discussion.

4) Part one of Article 9 of the Law of the Kyrgyz Republic on Licensing should be complemented by the following sentence: “[...] activity connected to the education or employment of Kyrgyz citizens outside the Kyrgyz Republic”.

5) Article 5 of the Law of the Kyrgyz Republic on Tourism should be complemented by a fifth section with the following content: “It is forbidden for anyone to come into the country under the pretence of being a tourist and with the purpose of organising the illegal departure of citizens of the Kyrgyz Republic for permanent residence abroad or for education or employment abroad, as well as for the importation of foreign labour into the Kyrgyz Republic”.

6) Article 30 of the *Law of the Kyrgyz Republic on Advertising* should be complemented by a fourth section with the following content: “An advertiser or a producer of advertisements not holding a special license in accordance with the legislation of the Kyrgyz Republic shall be held liable for the violation of the rules of presentation and reception of advertisements in mass media”.

7) Article 124, “Human Trafficking”, of the Criminal Code should be complemented by the following text: “Victims of human trafficking shall be cleared of any charges for crimes committed by them in relation to their position as victims, such as the production, sale or use of forged documents, stamps, seals, and forms; illegally crossing state borders; or the concealment of crimes, if they report the organisers, executors, and co-executors of human trafficking, so that they can be held accountable for their crimes”. The above addition is required to bring Kyrgyz legislation in line with the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, ratified by Law of the Kyrgyz Republic no. 74 of 15 April, 2003, and to introduce appropriate punishment for crimes related to trafficking in persons.

Analysis of the Kyrgyz Legislation reveals that neither the Criminal nor the Administrative Code provide for punishment for pimping. Furthermore, there is no penalty provided for financing brothels, as well as renting out of premises to people who want to use the property for prostitution or for the exploitation of prostitution. Thus, national legislation does not comply with the provisions of the *UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* in that part.

8) To provide for the possibility of actual influence to be exercised over parents who allow their children to be involved in prostitution, the following is recommended:

- to increase the interaction and co-ordination of the efforts of the government and civil sector in addressing CSEC; to conduct events to raise awareness on CSEC, as well as jointly to implement projects with government agencies and local NGOs on informing the population and the target groups at risk;
- to acknowledge an international legal principle of guarantee for children’s sexual immunity and for their protection against all forms of sexual exploitation. At the same time, taking into account that Article 13 of the

Declaration of Rights and Freedoms of the Individual and the Citizen²⁹ admits the possibility of limiting the freedom of the media in the interest of the protection of morals, the possibility should be considered to introduce reasonable limitations – complying with the norms of a civilised society – in the dissemination of information which is offensive to the public morals inherent in national and cultural traditions, and in conflict with the interests of normal development for children and teenagers;

- to recommend that the media demand from customers a copy of their hiring license when accepting advertisements for the recruitment of young girls to work abroad, and also publish the figure of the officially established quota for employment abroad;
- to develop and introduce indicators which reflect the degree of the spread of CSEC in the country among the indicators of the “New Generation” Programme;
- to use the experience of countries where the work on CSEC prevention is under way;
- to introduce statistical reporting about the number of children who are exposed to sexual exploitation and those who are victims of trafficking (subdivided by gender, age, and rural/urban origin);
- to conduct continuous awareness-raising and educational activities, especially on legal issues;
- to improve the research basis;
- to organise courses on training, retraining, or enhancing the professional skills of professionals working in the field of child care; and
- to introduce the licensing of organisations providing social services to children.

²⁹ The Declaration of the Rights and Freedoms of the Individual and the Citizen was adopted on 22 November, 1991, by the Supreme Soviet of the Russian Soviet Federative Socialist Republic, i.e. the predecessor of today’s Russian Federation in the days of the Soviet Union.

ANNEXES

Annex 1. List of participants of the research

No	Organization	Contact person	Tel.	Address
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19.	Bielovodsky Children's Home	Director		
20.	Winrock Intertational	Elmira Shishkaraeva, Manager of the Program "Prevention of Human Trafficking"	65 04 32, 65 04 31	66 Kalyka Akieva Street, Bishkek
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22.	National Library	Galia Shuliko, Expert from Processing Unit		
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44.	Family-type Children's Home			Osh
45.	Infant's Home and Home for the Elderly "Boorukerlyk"			Osh
46.	"Marriage and Family"			Osh
47.	Osh city Skin and Venereal Disease Dispensary			Osh
48.	City Educational Department			Osh
49.	AIDS Center	T. M. Mamaev	7-66-10	Osh
50.	Narcocenter			Osh
51.	Tereshkova Boarding-school			Osh
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59.	An investigator, Bishkek DI			
60.	A doctor from Bishkek city out-patient clinic			
61.	A family doctor, Osh			
62.	A photo studio in Osh			
63.	A photo studio in Osh			
64.	Hire-out of Video produce, Osh			
65.	Hire-out of Video produce, Osh			
66.	Newspaper kiosk, Osh			
67.	Internet-club, Osh			
68.	Networking games, Osh			
69.	A photo studio in Bishkek			
70.	A photo studio in Bishkek			
71.	Hire-out of Video produce, Bishkek			
72.	Hire-out of Video produce/CD, Bishkek			
73.	A private sauna in Bishkek			
74.	Internet-club in Bishkek			
75.	Game club in Bishkek			
76.	A hotel administrator on duty, Osh			
77.	A private hotel administrator on duty, Bishkek			
78.	Newspaper kiosk in Bishkek			
79.	Newspaper kiosk in Bishkek			
80.	L*** Manager of sex-work, Bishkek			
81.	M* Manager of sex-work, Bishkek			
82.	Ch* Manager of sex-work, Bishkek			
83.	B* Manager of sex-work, Bishkek			
84.	G* Manager of sex-work, Bishkek			
85.	D* CSW, Osh			
86.	R* CSW, Osh			

Annex 2. Registered Personal Crimes

	TOTAL REGISTERED					INCLUDING AGAINST MINORS				
	1999	2000	2001	2002	2003	1999	2000	2001	2002	2003
Personal Crimes Including	3056	3169	3002	2825	2745	242	252	206	213	233
Murder	457	430	386	411	420	18	14	10	16	24
Causing heavy harm to health	296	290	345	336	333	7	8	6	10	7
Beating	23	8	-	2	1	1	0	0	0	0
Rapes	285	323	338	323	296	78	76	68	62	76
Violent actions of sexual character	26	40	22	31	33	22	22	16	21	20
Premeditated light damage to health	687	718	766	675	756	35	39	15	32	36

Annex 3. List of printed mass media used in the content analysis

	Name	Status	Language	Circulation
1	Agym	Social and political newspaper	Kyrgyz	15000
2	Bishkek Times	Social and political newspaper	Kyrgyz	9200
3	V kontse nedeli	Annex to the Newspaper "Slovo Kyrgyzstana"	Russian	1500
4	Vecherny Bishkek	Daily City Newspaper	Russian	20000
5	Vecherny Osh	Weekly City Newspaper	Kyrgyz / Russian /Uzbek	3000
6	Delo ?	Social and Legal Weekly Newspaper	Russian	25000
7	Kutbilim	Social/Pedagogical Popular Scientific Edition	Kyrgyz / Russian	5000
8	Kyrgyz Tuusu	Republican national newspaper	Kyrgyz	20202
9	MSN	Social and political newspaper	Russian	4500-5200
10	Rynok Kapitalov	Journal	Russian	1000
11	Collection of proceedings of international practical conferences	Collection	Russian	500
12	Slovo Kyrgyzstana	Founder the Government of the Kyrgyz Republic	Russian	7500
13	Eho Osha	Social and political newspaper	Russian	1650
14	ResPublica	Social and political newspaper	Russian	4000

Annex 4. List of Non-governmental Organizations Dealing with Child Protection Against Violence and Interested in Activities Aimed to Reduce CCSE

Bishkek city

?	Organization	Possibilities to provide services/number	Address	Tel/ fax	E-mail	Contact person
1.	Voluntary Association "Psychic Health and Society"	Advice of a psychologist, Advice of a lawyer Representation of interests in administrative bodies and the judiciary	62-16 Toktogul Street	(312) 68 16 66, 28 96 81, 68 16 63	mhealth@ mail.kg	Chinara Ismailova, project coordinator
2.	NGO "Tais Plus"	Counselling including "peer to peer", outreaching; social escort, social marketing, access to free medical services	98 Ahunbaev Street, Bishkek	(312) 54 77 90		Shahnaz Islamova
3.	NGO "Nauchmedlait"	Diagnostics, treatment and prophylaxis of STD/HIV/AIDS among the SW, homeless children and the teenagers	Room 11, 1 Tynystanov Street, Bishkek	(312) 545860	nauchdiafarm02@mail. ru	Irina Rodkina
4.	Children's Center "Moltur Koz"	Advice of a psychologist-neurologist	76 Temiriazhev Street	(312) 65 49 37, 64 05 67, 64 05 87	moltur@ users. kynet.kg	Lola Asanalieva, director
5.	Crisis Center "Chance"	Helpline Psychological aid Medical aid Legal aid	27-503 Kievskaya Street	(312) 28 07 62 , 29 86 58	chance-cc@mail. ru	Alexandra B. Eliferenko, director
6.	Voluntary Charity Foundation "Kolomto"	Temporary shelter and assistance in further arrangements Medical aid	413 Jibek Jolu Avenue	(312) 27 34 75, 27 32 01		Aigul D. Smanalieva, director

7.	Foundation in Support of the Children "Aitana"	Temporary shelter and assistance in further arrangements Psychological aid Medical aid	46-23 Toktonaliev Street	(312) 54 00 61, 54 40 92		Tamara I. Berezina, head
8.	Center for Support of Children and Teenagers "Strannik"	Temporary shelter and assistance in further arrangements Psychological aid	68-122, 5 micro-district	(312) 41 89 66	strannik_center@mail.ru	Vladimir Agafonov, head
9.	Crisis Psychological Center for Women and Family "Sezim"	Helpline Temporary shelter Psychological aid Legal aid	31-59, 15 micro-district	(312) 55 27 46 , 55 27 47, 97 20 24 (cell. of the director)	sezim@freenet.kg	Bubusara R. Ryskulova, director
10.	Center for Adaptation and Rehabilitation of the Minors in the Department of the Interior of Bishkek	Temporary shelter and assistance in further arrangements Medical aid	1? Kalyka Akieva Street	(312) 65 54 83, 65 54 41		Kulat T. Jylkychiev, head
11.	Center "Mloserdiye"	Temporary shelter and assistance in further arrangements	10 Trudovaya Street	(312) 24 33 77		Raia Asanalieva, director
12.	Center for Child Protection	Keeping and bringing up the children, assistance in their education Psychological aid Medical aid	31 Astrahanskaya Street	(312) 65 42 02, 69 50 03, 69 50 02	cpc@mail.kg	Mira Itikeeva, director
13.	Voluntary charity Foundation "Svetly Put"	Keeping and bringing up the children, assistance in their education Psychological aid Medical aid	14 A Jukeev-Pudovkin Street, 8 micro-district	(312) 47 29 70		Valentina S. Kochetkova, director

14.	Center of social adaptation of children in Bishkek city hall	Keeping and bringing up the children, assistance in their education Psychological aid	70 Kurchatov Street, micro-district "Jal"	(312) 48 55 20, 48 36 85		Lilia G. Madiarova, director
15.	Center for Rehabilitation of the homeless children in Bishkek city hall	Keeping and bringing up the children, assistance in their education Psychological aid Medical aid	1 Novaya Street	(312) 54 90 11, 54 90 13		Alexey V. Petrushevsky, director
16.	Legal Clinic "Adilet"	Legal aid	39 Umetaliev Street	(312) 65 14 52, 65 35 14 (? ???)	legal@elcat.kg	Aibek Akmatov, a lawyer
17.	Voluntary Association "Alliance on Reproductive Health"		101/135 Sovestskaya Street	28-54-21	galina_ch@netmail.kg	Galina Chirkina, executive director

Osh Oblast'

?	Organization	Types of services/responsibilities	Address	Tel/ fax	E-mail	Contact person
1	Crisis Center "Meer Ban"	Psychological assistance Legal assistance	78 Kyrgyzstan Street, Osh city	(3222) 7 40 26, 2 31 84	meerban@mail.ru	Lilia Ismanova, executive director
2	Voluntary Foundation (VF) "Center for Human Rights and Democracy"	Legal assistance	93? -203 Kyrgyzstan Street, Osh city	(3222) 3 77 42, 3 77 44, 2 44 27	hrdc@ktnet.kg	Akjol Berdiev, president
3	VF "Podruga"	Psychological assistance Legal assistance				Natalia Shumskaya, director
4	Alliance on Reproductive Health					Zeinep Israilova, director
5	Children's Media Center, CNN					Elmira Aralova, director

6	VF "Rainbow"					Fatima Koshokova, director
7	VF "Center for Protection of Human Rights and Democracy"					Otabek Mamajanov, director
8	Moral and Psychological Center "Ak-Jurok"	Moral and psychological assistance, issue of booklets, seminars	Room 3, 221 Lenin Street, Osh city	(03222) 5 73 74		Darika Asylbekova, director
9	PSI Central Asia, Project "Reduction of Drug Demand"					Zairbek Kyrgyzbaev, coordinator of the youth center
10	Voluntary organization "Ene Nazary"	Psychological assistance, Medical aid Issue of the newspaper "Ene Azyr"	Gulcho village, Alay rayon, Osh oblast	(03234) 26033		Oktomkan Abdyldeeva, director

Jalala-Abad Oblast'

?	Organization	Types of services/responsibilities	Address	Tel/ fax	E-mail	Contact person
1	Charity Center "Jalal-Abad" in the Jalal-Abad City Hall	Temporary shelter, assistance in further arrangements Medical aid	No 7, 1-st Chehov's tupik, Jalal-Abad city	(3722) 3 42 83		Ryspek K. Kochobaev, director
2	Fund for Legal Knowledge and Education of the Youth "Youth Human Rights Group"	Hotline Legal assistance	27 Erkin Too Street, Jalal-Abad city	(3722) 3 11 19		Bahadyr Ismailov, deputy executive director
3	Center "Kaniet"	A shelter, psychological assistance, medical assistance	7-1 Toktogul Pereulok, Jalal-Abad city	(3722) 5 50 84 5 23 27		

Batken Oblast'

?	Organization	Types of services/responsibilities	Address	Tel/ fax	E-mail	Contact person

1	VF "Omur Bulagy", Center "Janyl Murza"	Hotline Legal assistance	Oblast Social Fund, 3 Sydykov Street, Batken city	(03622) 3 63 70		Toktokan Mambetova, Director
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Naryn Oblast'

?	Organization	Types of services/responsibilities	Address	Tel/ fax	E-mail	Contact person
1	Voluntary Organization "Tendesh"	Helpline Temporary shelter Psychological assistance Legal Assistance	31-3 Kyrgyz Street, Naryn city	(3522) 2 18 55 , 5 02 70	tendesh@ktnet.kg	Sveta S. Sayakbaeva, Director
2	NGO on Legal Support to Children	Psychological assistance Legal Assistance	Naryn city	(3522) 5 06 25, 2 34 49		Kububu Shamurova, Director

Issyk-Kul Oblast'

?	Organization	Types of services/responsibilities	Address	Tel/ fax	E-mail	Contact person
	Center "Altynai"	Helpline Temporary shelter Psychological assistance Legal Assistance	221 Sovetskaya Street, Cholpon Ata	(3943) 4 41 37	Altynai1951@mail.ru	Jyrgal M. Ainabekova

Talas Oblast'

?	Organization	Types of services/responsibilities	Address	Tel/ fax	E-mail	Contact person
	Center "Maana"	Helpline Psychological assistance Legal Assistance	274, 2 Moskvichenko Street, Talas city	5-38-18		Lira Tantabeva, leader