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Risks and Realities of Child Trafficking and Exploitation in Central Asia 2009

ACKNOWLEDGEMENTS

This study was undertaken with financial support from the Government of Japan.

The report is based on a comparative analysis of country reports presented in the framework of the Child Trafficking in Central Asia Project supported by the Government of Japan and managed by UNICEF country offices in Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. The country reports were produced for Kazakhstan by BRIF Research Group, for Kyrgyzstan by the El Pikir Centre for the Study of Public Opinion (report author: Zosa De Sas Kropiwnicki), for Tajikistan by the Strategic Research Center under the President of the Republic of Tajikistan (report author: Robin Haarr) and for Uzbekistan by the Expert-Fikri Center for Social and Marketing Research (report author: Igor Pogrebov). The International Labour Organization International Programme on the Elimination of Child Labour (ILO-IPEC) partnered with UNICEF in Tajikistan to undertake the research.

Numerous governmental and non-governmental organizations contributed to the process. We extend our thanks to all of the individuals who gave their time to be interviewed and provide data. We are especially grateful to the researchers who carried out field interviews and to the children who shared their experiences.

This regional report was produced by Séverine Jacomy, then freelance consultant, in collaboration with UNICEF Child Protection Consultant Ana Stefanovic and UNICEF Child Protection Officer Anna Nordenmark Severinsson, and under the supervision of Jean-Claude Legrand, Regional Advisor, Child Protection, UNICEF Regional Office for CEE/CIS. Helen Moestue and Kerry Neal, UNICEF consultants in child protection, provided invaluable comments and revisions. Peer review was graciously conducted by Vincent Tourneucillert, Terre des Hommes Regional Child Protection Officer for South-Eastern Europe, and Petra Hoelscher, Social and Economic Policy Officer, UNICEF Regional Office for CEE/CIS. Following this exercise, Zosa De Sas Kropiwnicki, a consultant attached to the Save the Children UK South Africa Programme, edited and rewrote sections of the report using a child centred, participatory approach.

The UNICEF Innocenti Research Centre (IRC) contributed significantly to the development of research tools, gave technical advice on the data collection process and collaborated on the contextual analysis. Extensive inputs from UNICEF IRC Child Trafficking Officer Daja Wenke are included in the present report. Her support has been crucial to the completion of the report, as has the supervision of UNICEF Child Protection Specialist Lena Karlsson and Susan Bissell, Chief Implementing International Standards Unit, UNICEF IRC.

DISCLAIMER

The contents of this report do not necessarily reflect the policies or views of UNICEF.

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Geneva, 2009

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A youth transports a load of vegetables at a market in the Tajik capital, Dushanbe (RFE/RL, Inc.).

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ACRONYMS AND ABBREVIATIONS

CEE	Central and Eastern Europe
CIS	Commonwealth of Independent States
CRC	Convention on the Rights of the Child
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
IGO	Intergovernmental organization
ILO	International Labour Organization
IOM	International Organization for Migration
IPEC	International Programme on the Elimination of Child Labour (ILO)
IWPR	Institute for War & Peace Reporting
NGO	non-governmental organization
NHRI	national human rights institution
OPM	Oxford Policy Management
OPSC	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (also referred to as OPSA in official CRC documentation until 2006)
OSCE	Organization for Security and Co-operation in Europe
Palermo Protocol	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (one of the two protocols adopted by the United Nations in 2000 in Palermo, Italy, to supplement the Convention against Transnational Organized Crime, the other being the Protocol against the Smuggling of Migrants by Land, Sea and Air)
TIP	trafficking in persons
UAE	the United Arab Emirates
UN	United Nations
US	the United States of America

KEY FINDINGS

Child exploitation, including internal and cross-border trafficking or sale, is taking place in Central Asia, and there are conceptual, legal and methodological challenges to the adequate protection of children.

1. There is no unified understanding in Central Asia of the concept of child trafficking. There is significant variation in how key players view child migration, child exploitation, trafficking, the sale of children and elements of force and coercion in these processes.

2. There are few officially registered cases of child trafficking or sale in each country. While it is encouraging that some data exist, the accessibility, quality and reliability of data is problematic because of variations in legal definitions, registration practices and data collection across central authorities.

3. Trafficking routes are reported in a generic way and no trafficking routes have been identified as being specific to child victims. Human trafficking is reported to take place internally in each country, across borders within Central Asia, especially towards Kazakhstan, and out of Central Asia, notably to other areas of Asia, the Middle East, the Russian Federation and Western Europe. Informants argued that children might be more vulnerable to internal trafficking than cross-border trafficking.

4. Labour exploitation and sexual exploitation are the two most frequently reported reasons for presumed or alleged child trafficking or sale in the region. Illicit adoption, begging and criminal activities are far less frequently reported as motives. The research did not confirm any cases of trafficking for the purpose of the removal of organs or the use of children in armed forces or groups or in sports.

5. The level of vulnerability to exploitation, including trafficking, is extremely high among unaccompanied, working and institutionalized children in Central Asia. Socio-economic hardship, migration and weakened child protection networks constitute the root causes of children's vulnerability. These demographic, systemic and economic conditions have created a 'large pool' of children who are vulnerable to a range of child protection risks, including exploitation and trafficking. The extent to which each child is at risk of being exploited or trafficked depends upon the complex interplay of a range of individual, interpersonal and macro-level factors, including socio-economic and political processes, and societal attitudes towards children's rights and gender roles. These factors have an impact upon children's decision-making and their risk or resiliency in the context of violence, exploitation and trafficking.

6. Anti-trafficking legal frameworks do not adequately protect children. States have signed a number of relevant international child rights instruments but not all of them have ratified and enacted the national legislative framework necessary to ensure full compliance. The various national legislations are not in line with international definitions of child trafficking.

7. Policy frameworks exist but child trafficking is insufficiently or inadequately addressed within these action plans. National action plans for children and national action plans against human trafficking or the sale of persons do not fully address the specificities of child trafficking – or fail to tackle the issue at all.

8. Child protection systems need to be further reformed to provide tailored support and care for each child at risk. Current systems do not offer a continuum of community-based protection, intervention and reintegration services – but rather a weakened system of correctional and educational measures, mainly in inadequate residential settings. By failing to support parents in the face of poverty and its stressors (e.g., unemployment, alcohol abuse, etc.) and by only offering institu-

tionalization as a blanket solution to children without care, child protection systems in Central Asia increase children's vulnerability to exploitation and trafficking.

9. Child participation remains largely absent from any area of work, whether it concerns data collection and analysis, policymaking, legal procedures or design of services. It is encouraging, however, that children's views are reportedly given consideration in relation to issues surrounding their repatriation and the development of prevention activities.

10. Regional cooperation takes place within Central Asia and the Commonwealth of Independent States (CIS). Yet CIS agreements are not systematically included in national legislation. In addition, the Agreement of the States Parties of the Commonwealth of Independent States on the Struggle Against Trade in People, Human Organs and Fabric signed in November 2005 defines a child as any person below the age of 18 and uses the general definition of the Palermo Protocol but does not include paragraph 3. Thus, like the various national legislations in Central Asia, the Agreement fails to protect children against trafficking undertaken *by whatever means*.

INTRODUCTION

The reality of child trafficking has captured the attention of professionals, governments and international bodies for a number of years now. Yet, in many countries, myth and reality remain entangled. In Tajikistan, Kyrgyzstan, Kazakhstan and Uzbekistan the extent of child trafficking is not known and the issue is not always understood. Previous reports by the International Organization for Migration (IOM), Institute for War & Peace Reporting (IWPR) and others¹ have identified Central Asia as ‘fertile fields’ for trafficking. They argue that a large part of the child population is vulnerable to trafficking as a result of intense migration, involvement in informal markets, high rates of separation from parents and the re-emergence of child labour. However, these studies do not focus on children in particular.

The need for a trafficking study focused solely on children

In December 2006, at the Child Protection Forum of Central Asian countries², governments agreed that comprehensive research should be conducted in order to generate more precise information on child trafficking, ultimately to inform legislation, policies and programmes to improve the prevention of trafficking and the protection of children against trafficking.

The scope of the research was to cover both internal and cross-border trafficking, looking at children who have been trafficked as well as children in exploitative situations who are either at high risk of being trafficked or may have been trafficked but have not been identified as such. Some quantitative elements were required, but the research was essentially qualitative and exploratory in nature. In total, more than 300 interviews of adult and child informants were carried out and hundreds of documents reviewed. Country reports were produced and, for the purpose of the present regional report, data and findings from the four countries were analysed and cross-referenced.

Conceptual vacuum and legal disparities

One central concern that emerged was the lack of consensus over the actual nature of child trafficking, among both individual professionals and authorities consulted in the course of the research. This is partly due to the fact that definitions in national legislations are currently narrower than – or entirely different from – international law. The research also revealed that situations that can be qualified as child exploitation, including trafficking, are sometimes visible and socially tolerated. Children who are transported to places where they engage in hazardous work or domestic exploitation are not necessarily seen as victims. Generally, the very notion of ‘child trafficking’ does not resonate in the region.

Child trafficking as a child protection issue

The international definition of child trafficking included in the Palermo Protocol³ encompasses all persons below the age of 18 who have been trafficked, even with their own consent and without coercion or deception. The legal definition can be found in Article 3(a) of the Palermo Protocol, which defines trafficking as “... 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,

1 See reference in annex.

2 Child Protection Forum of Central Asian countries, ‘The social and legal support systems for families and children in Central Asia’, conducted by the Government of the Republic of Kazakhstan with the participation of the Kyrgyz Republic, the Republic of Tajikistan and the Republic of Uzbekistan with the support of UNICEF, Astana, 6–7 December 2006.

3 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. See definitions section of this report.

of deception, of the abuse of power or of 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." The Protocol points out in Article 3(c), as regards to children: "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." This means that any child under the age of 18 who is recruited or moved from one place to another to be exploited is considered to have been trafficked, even if no deception or coercion is used. Movement of children with an intention to exploit is central to this notion of exploitation, even where the action is thwarted and the exploitation unfulfilled.

The definition also covers exploitative purposes and conditions that are sometimes so widespread that professionals tend not to associate recruitment and movement for such activities with trafficking. This definition must be adopted, however, and specific protection frameworks and mechanisms created, if children's rights are to be truly respected.

At the same time, a child whose situation does not fit this definition may drop out of the system and fail to be given access to appropriate services and assistance. This is a particular risk in countries where the general child protection system is weak but specific responses for children who have been trafficked are promoted with priority.

Consequently, a major challenge is to broaden the perspective of the child trafficking debate. We must recognize trafficking as a broad and cross-cutting child protection concern and look beyond the narrow target group of children currently identified as victims of trafficking or sale according to the legal and operational definitions that vary from one country to another. This means acknowledging that child trafficking, the sale of children, child migration, livelihood opportunities for children, exploitation of children, violence against children and juvenile justice can all be very closely related.

It is also important to avoid the perpetuation of a dichotomy between 'deserving' and 'undeserving' children, where a child identified and recognized as a victim of trafficking or sale who might receive assistance is seen as distinct from a child identified as an 'illegal migrant' who might be subjected to criminal prosecution, detention or unsafe repatriation. The Convention on the Rights of the Child (CRC) Articles 35 and 36 clearly affirm the right of the child to be protected from abduction, sale and trafficking for any purpose or in any form, and from all other forms of exploitation. The Palermo Protocol and Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) must be interpreted against this background to provide children with the broadest possible protection from any form of illegal transfer and exploitation.

In order to provide this protection to children, it is important to acknowledge that many make daily decisions to survive and cope in spite of the multiple and often overlapping adversities they face. To empower and assist these children, it is necessary to understand their motivations. This can be achieved through the promotion of meaningful and ethical child participation as a central component of child protection research and concomitant interventions.

Time for change

In a region such as Central Asia, where there exists an exceptional disparity between national and international legal frameworks and child protection standards, there is a need to work towards a unified understanding. Chosen terms and strategies can be both in line with universal standards and meaningful for the national and regional work, rather than exclusively donor driven, and backed by awareness-raising among professionals and the public. Coherence can be achieved through joint efforts at the national level, including by policymakers, law enforcement agencies, the judiciary, service providers, neighbouring countries and international actors.

1. METHODOLOGY

The present research was coordinated by the UNICEF Regional Office for CEE/CIS in collaboration with the UNICEF Innocenti Research Centre (IRC). Training was organized for selected national researchers and standardized research tools and indicators were developed. It was agreed that the study would explore three hypotheses, each of which is based upon UNICEF experience of child trafficking elsewhere in the CEE/CIS region and on the specificities of the Central Asia subregion:

Hypothesis 1: More child trafficking occurs in Central Asia than is currently acknowledged.

Hypothesis 2: Child trafficking is closely linked to other societal issues.

Hypothesis 3: Current systems fail to adequately prevent and respond to child trafficking.

This research report has been structured around these three hypotheses. Following a discussion of the methodological and conceptual frameworks governing the research project, this report will discuss respectively incidence and prevalence, risk and resiliency, and legal and policy frameworks.

The preferred research tools and conceptual framework of the study aimed to overcome existing gaps and to use the knowledge gained from the challenges experienced in conducting research on child trafficking and exploitation in other contexts such as South East Europe and Southern Africa. By using these means, the research team hoped to elucidate the phenomenon of child trafficking and exploitation in the context of Central Asia.

Methodological challenges in existing research on child trafficking

The literature on child trafficking is marked by a number of gaps, which relate to the concepts used and methods employed in researching this issue. Research reports often give a superficial account of child trafficking, which fails to provide an in-depth, conceptually and methodologically sound analysis of the phenomenon. At a methodological level, the findings are often based on secondary data, perspectives of adult key informants or statistics that are frequently out of date or based on 'guesstimates'. At a conceptual level, taken-for-granted assumptions are rarely subject to rigorous questioning, largely because research in this field tends to arise in the context of advocacy or campaigning, meaning that attention is given to particular kinds of facts rather than to the actual lives and lived realities of trafficked and vulnerable children⁴. Emphasis tends, therefore, to be placed upon prevalence figures, trafficking routes and victim profiles, which look at the child in isolation from the family and community context. This has a negative effect upon policy and programming responses; instead of sensationalizing the issue, these responses should use research as the evidence base from which to design, implement and monitor interventions and their impact on children's lives. In this field, research should shed light on the causes and impact of trafficking on children, their families and their communities⁵.

Research on child trafficking is particularly difficult at both a conceptual and empirical level. One of the central problems is the conflation or confusion of concepts and terms surrounding illegal migration, hazardous work practices and trafficking, despite the existence of numerous internationally recognized definitions and concepts. The term 'trafficking' is often unknown or poorly understood by children, their families and their communities, and is therefore not applied to practices that may officially constitute examples of trafficking. Victims of trafficking may not want to come forward for fear of experiencing the humiliation and ostracism often associated with the stigmatized label 'trafficking'. Alternatively, they may fear incarceration and deportation to their country or towns of

4 Ennew, Judith, et al., *Children and Prostitution: How can we measure and monitor the commercial sexual exploitation of children?*, Literature review and annotated bibliography, Childwatch International, Centre for Family Research, UNICEF and University of Cambridge, 1996.

5 International Organization for Migration, *Data and Research on Human Trafficking: A global survey*, IOM, Geneva, 2005.

origin because of their involvement in illegal practices. As a result, many victims are 'hidden' from the researchers, practitioners and policymakers who seek to understand and help them.

Attempts to access this 'hidden' group of children through research are often flawed⁶ because the research is carried out by lawyers, activists or law enforcers who have little experience of moving beyond 'fact-finding' to uncover the meaning that children attribute to their experiences, and who invest little in what is often an intimidating researcher–respondent relationship⁷. Local actors are rarely involved in the data gathering process⁸ and children's participation is extremely limited⁹. Children tend to be informed rather than consulted about trafficking initiatives, despite evidence that child participation in counter-trafficking research and concomitant interventions empowers children to protect themselves, gives communities a greater degree of ownership, facilitates inter-generational communication and gives programmers a better understanding of the situation¹⁰.

When children are consulted as research subjects, they tend to be accessed through institutions, projects and programmes. This may instil a bias in the findings as children may adapt their responses to please institutional staff or avoid punishment and staff may exaggerate problems to attract more funding¹¹. In addition, these children may provide retrospective and rationalized accounts of their past experiences or only provide the viewpoint of the 'unsuccessful' migrant or working child. Furthermore, the structured questionnaires that are often employed fail to capture the contextual subtleties associated with sensitive subjects such as sexuality and abuse. Small samples are subject to inappropriate quantitative analysis and generalized to make broad-stroke conclusions and recommendations. These data are often underpinned by poor quality and out of date official data such as census material, police records and documentation from other authorities¹². Research on child trafficking is therefore often limited at a methodological level.

This research project has sought to overcome some of these gaps. In order to triangulate the data and ensure its validity, multiple secondary and primary sources have been analysed. In each of the countries studied, a comprehensive literature review was conducted, covering secondary sources – in particular, studies and reports issued by national and international organizations – and primary sources such as law and policy documents. The literature review was complemented by a semi-structured questionnaire, administered by national researchers in cooperation with UNICEF country offices and national partners, which aimed to collect up-to-date information and fill any knowledge gaps. Key informant interviews were conducted with respondents selected on a large scale from the array of state and non-state actors working in the justice, police, health, social and educational fields in various parts of each country. Children in Uzbekistan were also interviewed to illustrate the views and experiences of the thousands of children living in the region in similar situations.

6 Kelly, Liz, *Journeys of Jeopardy: A review of research on trafficking in women and children in Europe*, IOM, Geneva, 2002.

7 Dottridge, Mike, Patterns of Child Trafficking around the World: Challenges in distinguishing between trafficked children, child workers and child migrants, lecture given at 'Child Trafficking: A fatality? From field reality to better practices', Institut International des Droits de l'Enfant, Bösch, 2004; Dottridge, Mike, *Action to Prevent Child Trafficking in South Eastern Europe: A preliminary assessment*, Terre des Hommes and UNICEF Regional Office for CEE/CIS, 2006.

8 Limanowska, Barbara, *Trafficking in Human Beings in South Eastern Europe*, UNICEF, UNOHCHR and OSCE/ODIHR, 2005.

9 Dottridge, Mike, *Action to Prevent Child Trafficking in South Eastern Europe*, p. 29.

10 Ginzburg, Oren, 'Evaluation of Save the Children's Anti-Trafficking Programme in South East Europe', final report, Save the Children Norway, 2004.

11 Ennew, Judith et al., *Children and Prostitution: How can we measure and monitor the commercial sexual exploitation of children?*, Literature review and annotated bibliography, Childwatch International, Centre for Family Research, UNICEF and University of Cambridge, 1996.

12 Ibid

Desk research and mapping

The desk research identified information sources – both qualitative and quantitative – such as:

- Published work on the problem of human trafficking and children at risk in CEE/CIS;
- Published work on human trafficking and children at risk within the country;
- Reports and documents available from non-governmental organizations (NGOs) and other institutions;
- Newspaper articles; and
- National laws, policies and regulations on human trafficking in general and child trafficking in particular.

A mapping of existing initiatives, including prevention and rehabilitation programmes on trafficking or risk of trafficking, was also conducted for each country.

Semi-structured interviews with key informants and children

Informants were selected, using non-probability samplings, from the full array of state and non-state actors working in the justice, police, health, social and educational fields in various parts of each country (capital/province; rural/urban, etc.), because of their presumed first-hand knowledge/experience of child trafficking or related issues. All respondents gave informed consent prior to participation in the research project.

Semi-structured interviews facilitated the collection of information and gave the researchers the flexibility to explore different topics in depth, frame questions spontaneously and probe for different information from informants. Interviews lasted between half an hour and one hour. Focus groups were also employed with groups of key informants. The advantages of this qualitative approach were:

- The findings make great use of open-ended questions;
- The results provide details on behaviour, attitudes and motivation;
- The research was both intensive and flexible, giving latitude to researchers to expand its scope.

Notes one researcher, “No quantitative research would have allowed us to understand the respondents’ motives. This is especially important in research related to an insufficiently explored field such as child trafficking.”

Researchers differed in their data collection methods and standards, although attempts were made to manage and monitor the process at a regional level. Each country team undertook a different number of interviews, based upon its technical resources for the exercise and the availability and interest of informants contacted:

- In Kazakhstan, BRIF Research Group carried out 19 in-depth interviews in three cities (Astana, Almaty and Shymkent), and a full desk review of legislation, policy and media coverage relating to child trafficking was conducted.
- In Kyrgyzstan, field data were collected by the El Pikir Centre for the Study of Public Opinion on the basis of the checklist proposed by the UNICEF regional office. In total, 122 interviews were conducted by nine researchers, in Russian or Kyrgyz, and, in the southern part of the country, in Uzbek. An international consultant was hired to complete the desk research, analyse the data and produce the country report.

- In Tajikistan, UNICEF and the International Labour Organization International Programme on the Elimination of Child Labour (ILO-IPEC) worked in partnership with and supported the Strategic Research Center under the President of the Republic of Tajikistan, which acted as the national research team responsible for the research and also the dissemination of the findings to inform policy reform on child trafficking and other forms of child exploitation. The value in having the Strategic Research Center lead the research lay in the fact that it is the only government establishment with the commitment and expertise to conduct research and it has access to police statistics on human trafficking, legal cases and other official data and documents. The centre conducted 22 interviews in one region (Khatlon oblast). Again, UNICEF recruited an international consultant to produce the country report.
- In Uzbekistan, the research was carried out by the Expert-Fikri Center for Social and Marketing Research and involved a desk review and 47 in-depth interviews with key informants, plus 120 interviews with children (see Box 1).

Box 1: Interviews with children

Structured interviews were conducted in Uzbekistan with 120 **children across nine different locations**. The respondents were selected from two categories:

Group A: Children who had been migrating and were living without any supervision from parents or relatives, earning a living themselves (83 interviews);

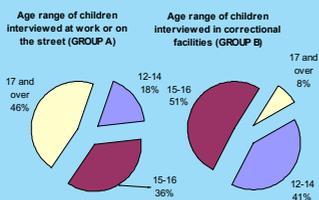
Group B: Children who had previously migrated and were identified as being at risk by police or child protection services, now living in state-run institutions (closed ‘special’ schools under the Ministry of Public Education, where children are placed under protection or correctional measures; 37 interviews).

Children from group A were identified in places where they were more likely to be found – in bazaars, cafés, parks, places of work, etc. Selection was made via direct contact and information given by the children. An agreement was made with each child on the best place to conduct the interview (on a bench, at his or her place of residence, in a car, etc.). Some employers did not give their permission for an interview. With the children from group B, interviews were conducted inside the residential institutions, with the permission of their directors. All interviews were conducted by trained female interviewers aged between 40 and 50 years. Children were clearly informed of the purpose of the interview. After the interview, children were thanked and given a gift for their collaboration. They were also provided with information about where to turn for assistance.

Characteristics of the respondents:

More boys than girls were interviewed: 72 per cent of children in group A were boys, 78 per cent in group B. The majority of children in group A were Uzbeks (70 per cent) and Karakalpaks (11 per cent). In group B, only 46 per cent were Uzbeks; the remainder being of Slavic origin (27 per cent) or from other ethnic groups (27 per cent). The average educational level among group A was eighth or ninth grade, depending on the child’s age. Among children from group B, the average was seventh grade. Hence most respondents had not completed secondary education.

Distribution by age groups:



A challenging research process

In all four countries, researchers were faced with numerous refusals and delays in obtaining official statistics from responsible state structures, refusals from individuals to participate in interviews and difficulties in identifying relevant representatives in governmental institutions and ministries – despite the Guarantees and Freedom of Access to Information national legislation. The majority of respondents mentioned their lack of awareness about the issue of child trafficking in spite of their related mandate.

Some officials were particularly unwilling to be interviewed, despite governmental support of the research process. Experts working for NGOs usually showed more interest in participating, but the information they provided was often more of a recollection of single cases from practice than a systematic observation of patterns.

An additional challenge and limitation of the present report is the scope and extent of child participation. Although the data collected from the children in Uzbekistan may reflect some of the experiences of children in other parts of the region, it is difficult to generalize these findings given the highly individual and contextual nature of children's lived realities. Despite this, children's perceptions – as reflected in the research conducted for UNICEF by Kamalot in Uzbekistan – provide a unique insight into their decision-making and actions, which are central themes of this report. One of the key recommendations of this report is that child centered, participatory research is conducted in other countries in this subregion to supplement and enrich the data collected from key informants.

Another challenge arose when analysing country reports, as the number of interviews, sampling criteria and the type of information collected varied greatly despite the common methodology. Hence this report is based on a challenging but unique process that demonstrates the diversity of working conditions and information sources across countries in Central Asia. It also reveals the strong need for further research and capacity-building in data collection and analysis surrounding complex child protection issues in all of these countries.

2. CONCEPTUAL FRAMEWORK

Research definitions and concepts

There is a dearth of international literature on trafficking in human beings and child trafficking in Central Asia, and few of the publications that do exist broach the issues of terminology, definitions and concepts¹³. Even where such terminological challenges are acknowledged, the focus of reporting and the dominant language used are aligned with the international definition of trafficking in human beings and the validity of baseline data is not further examined or questioned. In addition, the conceptual debate often overlooks the fact that the international definition of child trafficking is distinct from the definition of trafficking in human beings, which creates additional conceptual challenges. Key definitions and discussion points that constitute the backbone of the research team's conceptual framework and this report can be found below.

Child

The definition of 'child' is any person under the age of 18, as defined by the United Nations Convention on the Rights of the Child. The terms 'teenagers' and 'underage', and the qualification of various types of 'minority' or 'minimum age' for certain activities (e.g., employment, sexual consent, etc.), cover groups of children below or over certain ages but do not exclude them from being considered children under international law.

This research framework accepts this age categorization but rejects the accompanying assumptions that are often made about what childhood is or ought to be¹⁴. These assumptions often construct children as incomplete human 'becomings'¹⁵ who depend upon adult duty-bearers and require a stable, peaceful and playful childhood by virtue of their moral, cognitive and affective incapacities¹⁶. These assumptions have amounted to a global standard of child rearing and child welfare¹⁷ and have become institutionalized in politics, economics, international law and the aid and development agenda¹⁸. While this agenda has sought to ensure the protection and care of children in industrialized and developing contexts, the universality of this notion of childhood has been debunked by researchers because of the varied manner in which childhood is socially constructed across contexts, the multiple environments in which children develop and the diverse roles and responsibilities they assume within their families and wider communities. It is therefore necessary to disaggregate this view of childhood and address the differences that exist between children within and between different contexts, particularly when undertaking a regional analysis of such highly sensitive topics as exploitation and trafficking.

13 The International Organization for Migration 'Fertile Fields' report discusses the differentiation between trafficking and smuggling as well as linguistic challenges in the Central Asian context. See 'Fertile Fields: Trafficking in persons in Central Asia', an IOM report prepared by Liz Kelly, IOM, Vienna, April 2005.

14 Hoyle, Martin; Evans, Phil, *The Politics of Childhood*, Journeyman Press, London, 1989. Archard, David, *Children: Rights and Childhood*, Routledge, London, 1993. Boyden, Jo, 'Childhood and the policy makers: A comparative perspective on the globalisation of childhood' (1997) in Prout, Alan and James, Allison (Eds.) *Constructing and Reconstructing Childhood: Contemporary issues in the sociological study of childhood*, Falmer Press, London, 1997, pp. 190–229.

15 Lee, Nick, *Childhood and Society: Growing up in an age of uncertainty*, Open University Press, Philadelphia, 2001.

16 Quortrup, Jens, 'A voice for children in statistical and social accounting: A plea for children's right to be heard' (1997) in Prout, Alan and James, Allison (Eds.) *Constructing and Reconstructing Childhood: Contemporary issues in the sociological study of childhood*, Falmer Press, London, 1997, pp. 85–105.

17 Rose, Nikolas, *Governing the Soul: The shaping of the private self*, Routledge, London, 1989.

18 Woodhead, Martin, 'Psychology and the cultural construction of children's needs' (1997) in Prout, Alan and James, Allison (Eds.) *Constructing and Reconstructing Childhood: Contemporary issues in the sociological study of childhood*, Falmer Press, London, 1997, pp. 63–84.

Trafficking

The legal definition of ‘trafficking’ can be found in Article 3(a) of the Palermo Protocol, which defines trafficking as “... 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 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.” The Protocol points out in Article 3(c), as regards to children: “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.” This means that any child under the age of 18 who is recruited or moved from one place to another to be exploited is considered to have been trafficked, even if no deception or coercion is used. Movement of children with an intention to exploit is central to this notion of exploitation, even where the action is thwarted and the exploitation unfulfilled.

The Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) constitute key references. According to Article 2 of OPSC, “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.” The sale of a child does not necessarily include movement. Even though OPSC does address the sale of children in connection with exploitation, this can happen in one place, without moving the child out of his or her social environment. The ‘sale of children’ is therefore distinct from the trafficking of children, which requires movement, thus enhancing children’s vulnerability.

Article 35 of the Convention on the Rights of the Child, which acts as a fail-safe protection¹⁹ against both child sale and trafficking, stipulates: “States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.” Hence all children who are sold or trafficked, irrespective of the purpose, should receive protection and assistance from the state.

There is increasing recognition among practitioners that all ‘children on the move’ should receive this assistance and protection²⁰. This expression refers to a wide range of children including those who have been trafficked, child migrants, asylum-seeking children and children who seek family reunification, employment or education opportunities. These categories are not mutually exclusive, as a child’s situation may change over time and/or he or she may fall into two or more groups at the same time.

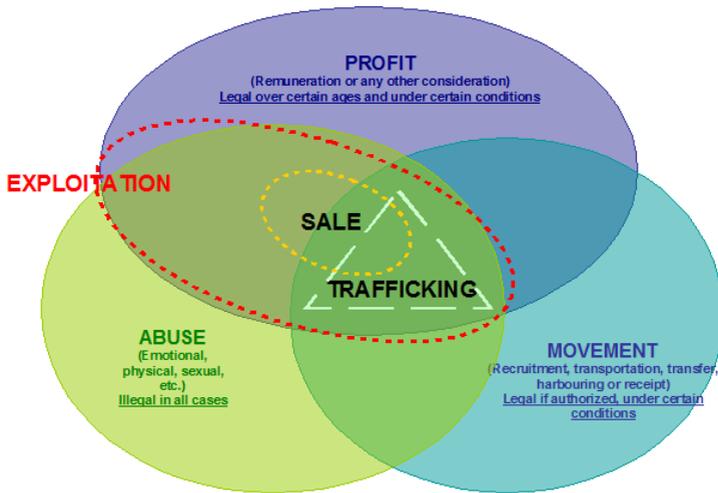
Commonalities and differences exist between the categories. The differences relate to the ‘root causes’ of the movement of children, their legal status, the criminal law response (particularly in regard to trafficking), the responses in international standards (trafficking and asylum are priority areas in international law) and the lack of specific standards for the migrant child. Common experiences and similar situations between these categories relate to the fact that these young people are ‘on the move’ (either accompanied/unaccompanied, legal/illegal, voluntary/forced) and vulnerable to exploitation and abuse. Another commonality is that all children have rights (as laid down in the Convention on the Rights of the Child, OPSC and other standards) and all groups of children need access to some kind of services.

¹⁹ Hodgkin, Rachel; Newell, Peter, *Implementation Handbook for the Convention on the Rights of the Child*, UNICEF, 2007, p. 531.

²⁰ The paragraph that follows is quoted from Cantwell, Nigel, UNICEF internal draft report on the workshop meeting ‘Children on the Move’, Zurich, 29–30 November 2007.

In order to access systems and services, vulnerable children must be identified. Identification and assessments are, however, very complex. Identification is a key issue that decides what happens to the child and determines which laws and policies apply and to which services the child may have access, but it can also block the child's access to systems and services. Since procedural frameworks are in place for asylum-seeking children, it is somewhat easier for this group of children to contact national authorities and access services than it is for migrant children (for whom procedures are lacking). Lessons learned from research on trafficking indicate that identification is not necessarily carried out in consultation with the child or in the best interest of the child.

Figure 1: Complementary concepts and definitions relating to child trafficking



Source: UNICEF CEE/CIS Regional Office

As child trafficking is defined as a child being moved by an individual or group of people intending to exploit him or her, it is essential that children are consulted about the nature of their relationship to a perpetrator over time. The intention to exploit a child is often difficult to determine, particularly since the relationship between a victim and trafficker is not necessarily fixed. Instead, power is constantly negotiated, played out and enforced in these relationships. For instance, in her study on child trafficking victims, Surtees notes that most minors who were trafficked “reported few problems and no physical abuse on a day-to-day basis”²¹. It is therefore important to understand the dynamics of the trafficker–victim relationship. A number of authors highlight the role of ‘trust’ in mediating these relationships. Children may describe their relationships in positive terms because they trust the person – a family member, relative or friend – who turns out to be a trafficker²². For instance, a Terre des Hommes report describes the following scenario: “The child might have wanted to follow an uncle or an acquaintance because he/she wanted to do something for his/her family, to contribute to the family income, to show that he/she could make it alone, to be as able as others, etc ... It is only after this initial agreement that the child (and his/her family) are misled by the trafficker. But he who is now a ‘trafficker’ in our eyes was initially a ‘friend’ in the eyes of the child.”²³

21 Surtees, Rebecca, ‘Other Forms of Trafficking in Minors: Articulating victim profiles and conceptualizing interventions’, NEXUS Institute to Combat Human Trafficking and International Organization for Migration, 2005, p. 7.

22 Dottridge, Mike, *Action to Prevent Child Trafficking in South Eastern Europe: A preliminary assessment*, Terre des Hommes and UNICEF Regional Office for CEE/CIS, 2006.

23 Shuteriqi, Mirela, et al., *Transnational Protection of Children: The case of Albania and Greece 2000–2006*, Terre des Hommes, 2006, p. 24.

Hence it is important to understand how trust is generated and manifested. For instance, trust may be associated with reciprocity, duty and obedience based on a sense of dependency: “Younger children, of necessity, rely on an adult or older child for basic needs such as meals and shelter, and, in turn, they do as they are told.”²⁴ This trust may be informed by sociocultural constructions of childhood and maturity, which are played out in a particular economic context. In order to understand the mechanisms and processes by which trafficking occurs, it is thus necessary to look at the nature of the child–trafficker relationship, as perceived by children.

Exploitation

According to ILO-IPEC, child exploitation must be seen as distinct from child work – the former relating to hazardous forms of child labour, the latter to work that does not affect children’s health and personal development or their educational attendance and performance. In fact, child work, which includes activities in the home or after school hours and during school holidays, may stimulate children’s development, skills and expertise and encourage them to participate actively and assume responsibilities in their homes and communities²⁵.

In contrast, child labour is harmful to children’s physical and mental development and, at its extreme, may involve health hazards, enslavement and the separation of children from their families. The categorization of child work as child labour depends upon the child’s age and the nature of the working conditions, including the type and hours of work performed in different social contexts. Despite the fact that this categorization may be contextually specific, ILO-IPEC has set some minimum standards to define work that is exploitative. Exploitative work includes²⁶:

- a) All forms of slavery or practices similar to slavery, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict (Convention No. 182, Art.3[a]);
- b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances (Convention No. 182, Art.3[b]);
- c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties (Convention No. 182, Art.3[c]);
- d) Work that, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children (Convention No. 182, Art.3 [d] and Convention No. 138, Art.3);
- e) Work done by children below the minimum age for admission to employment (Convention No. 138, Articles 2 and 7).

It is important to bear in mind when attempting to undertake research on, or understand the incidence and prevalence of, the mechanisms and processes by which children are exploited, many children and adolescents do not understand the notion or use the term ‘exploitation’. Many children may not regard the work that they do as exploitative because they do not have, or do not perceive themselves as having, alternative options. They may believe that they are in control of their working relationships and/or deriving some benefit from this work. This is particularly true of children subject to high levels of poverty and socio-economic inequalities, who are so desperate that they believe they would be worse off if they did not work and therefore do not contest or challenge their exploitation.

24 Dottridge, Mike, *Action to Prevent Child Trafficking in South Eastern Europe: A preliminary assessment*, Terre des Hommes and UNICEF Regional Office for CEE/CIS, 2006, p. 19.

25 ‘About child labour’, www.ilo.org/ipec/facts, International Programme on the Elimination of Child Labour website, accessed July 2009.

26 See *Child trafficking: The ILO’s response through IPEC*, Brochure, IPEC, Geneva, 2007.

Child victims and survivors: Accounting for agency

There is no international definition relating to the identification of victims of trafficking or sale. For the purpose of this study, we refer to identified or presumed cases of child trafficking or sale as reported by service providers, law enforcement and justice officials. Some professionals prefer to refer to victims as 'survivors' in order to emphasize both the life-risking experience they have endured and the active part they play in building resiliency. While victims do have an active role to play in their own recovery and children do have the right to have their views heard and taken into account, this report uses the term 'victim' to remain in line with legal references (such as, for instance, Article 39 of CRC: Rehabilitation of child victims).

Even though children may be victims of abuse, exploitation and trafficking, one cannot make assumptions about their capacities and capabilities. They are still 'agents' who, through their decision-making and actions, develop various strategies to escape and survive adverse experiences²⁷. Evidence suggests that children of different ages and different geographical and cultural backgrounds do make decisions in their everyday lives. That they are able to make a commitment to act on their environments and to motivate this with action makes them agents. In line with Bandura²⁸, many children act with forethought: they are able to set goals and structure their actions to achieve them. During this process they may weigh up alternative options on the basis of what they perceive to be available. They may also evaluate their progress and adapt their actions accordingly in line with personal goals and standards, which are linked to wider social norms. Central to this notion of agency is the child's belief that he/she is able to exercise some control and power over his/her functioning and environment in relation to others.

Such efficacy beliefs allow children to exhibit resilience in the face of adversity. Children may, for instance, seek the support of adults, through whom they may act, or may act in collaboration with their peers. Even though they may not always have the power to act directly or alone upon their environment, children may exercise their power with and through others. Despite the fact that they are not always successful in securing their outcomes – or ensuring their escape and survival, in the case of trafficking – they are still agents who make decisions. Such decisions are made in a particular social context and within particular power relationships, which influence the child's aspirations, personal standards and sense of efficacy²⁹. Through social norms and power, the social context influences the extent to which children interpret, adapt, circumvent and resist the influence and power of others³⁰.

Anderson and O'Connell Davidson argue that in order to downplay the decisions taken by child migrants or children engaged in prostitution, such individuals are categorized as trafficking victims who have little choice and power³¹. Dottridge argues that by focusing on coercion and exploitation, children's decision-making in the trafficking process tends to be downplayed. He argues that a child's role/potential role in the multiple phases of trafficking – including recruitment or movement, exploitation, withdrawal, recovery and reintegration – needs to be explained and enhanced³². The migration of children is a case in point. According to Limanowska, those victims in shelters who have

27 For further details, see De Sas Kropiwnicki, Zosa, 'The Sex-trade Hierarchy: The interplay of structure and agency in the decision-making processes of female, adolescent prostitutes in Cape Town, South Africa', Unpublished D.Phil thesis, University of Oxford (Supervisor: Jo Boyden), 2008.

28 Bandura, Albert, 'Social Cognitive Theory: An agentic perspective', *Annual Review of Psychology*, 2001, vol. 52, pp. 1–26.

29 Bourdieu, Pierre, *The Logic of Practice*, Polity, Cambridge, 1990.

30 Foucault, Michel, *The History of Sexuality, Volume 1: An introduction*, Vintage Books, New York, 1990.

31 Anderson, Bridget; O'Connell Davidson, Julia, *Trafficking – A demand led problem? Save the Children Sweden*, Stockholm, 2004.

32 Dottridge, Mike, Patterns of Child Trafficking around the World: Challenges in distinguishing between trafficked children, child workers and child migrants, lecture given at 'Child Trafficking: A fatality? From field reality to better practices', Institut International des Droits de l'Enfant, Bösch, 2004. Dottridge, Mike, *Action to Prevent Child Trafficking in South Eastern Europe: A preliminary assessment*, Terre des Hommes and UNICEF Regional Office for CEE/CIS, 2006.

been trafficked across borders against their will are in the minority³³. Most victims instead decide to cross the border on the basis of a false promise made by a person who turns out to be trafficker.

The notion of deception (even though it is not relevant to the definition of child trafficking under the Palermo Protocol) is often used to downplay children's decision-making. Although a trafficker may deceive a child through the offer of work or affection, for instance, children still make a decision to believe and/or go with this trafficker because they wish to fulfil a particular need that exists. Poor children, for instance, need employment and may therefore be more likely to believe 'false promises'. Children who have few recreational outlets may need or want entertainment and may therefore be more likely to believe in promises of an adventure abroad. Children in institutions who do not receive warmth and individualized care may need or want attention and affection; traffickers may manipulate their needs. So, while deception certainly occurs, one cannot downplay the extent of children's decision-making. In order for us to prevent child trafficking, we need to understand why children may believe and/or go with a trafficker even when coercion is not present. We can then develop interventions that target these needs and wants to prevent trafficking from occurring³⁴. Even though children's decisions may lead to a range of unwanted and negative consequences – exploitation and abuse – their choices and decision-making processes cannot be ignored. It is therefore necessary to question whether the term 'victim' is useful when trying to understand how children come to find themselves in a trafficking or exploitative situation.

According to Kelly, most trafficking victims continue to make decisions in contexts where their options and possibilities are severely constrained³⁵. Hence it is necessary to move beyond the label 'victim' in order to analyse children in their decision-making roles, the options that they perceive to be available and the actors who influence their decisions. According to Surtees, "We also need to increasingly access information about children's decision-making processes – who they consult (peers, teachers, parents, etc.), at what point they make their 'decision' and how we can reach them before their decision has been made."³⁶

A Terre des Hommes report on child trafficking and migration in South East Europe emphasizes the importance of accounting for children's motivations. It is argued that these motivations are linked to children's opportunities, goals and resources (physical, social, cultural, cognitive and affective). So, for instance, Albanian children are motivated to work in Greece by the desire to earn resources for their families. Upon arrival, the situation may differ from what was imagined and the child may find him/herself in a situation of exploitation and/or trafficking³⁷. A Save the Children Norway Child Trafficking Response Programme (CTRP) in South East Europe recently published a report on child trafficking that focuses on children's perceptions and decision-making and the manner in which children structure their actions to avoid, escape or survive insecurity and threats or to fulfil their hopes and dreams³⁸.

This overarching theme of agency or decision-making in regard to children must not be mistaken for indifference to the suffering and plight of exploited and trafficked children. It is spurious – and suspicious – to deny the violence, abuse and constraints that they face. Nevertheless, despite the

33 Limanowska, Barbara, *Trafficking in Human Beings in South Eastern Europe*, UNICEF, UNOHCHR and OSCE/ODIHR, 2005.

34 De Sas Kropiwnicki, Zosa, international consultant, author of the Kyrgyzstan country report.

35 Kelly, Elizabeth, *Journeys of Jeopardy: A Review of Research on Trafficking in Women and Children in Europe*, IOM, Geneva, 2002, p. 40.

36 Surtees, Rebecca, 'Other Forms of Trafficking in Minors: Articulating victim profiles and conceptualizing interventions', NEXUS Institute to Combat Human Trafficking and International Organization for Migration, 2005, p. 20.

37 Shuteriqi, Mirela, et al., *Transnational Protection of Children: The case of Albania and Greece 2000–2006*, Terre des Hommes, 2006, p. 24.

38 De Sas Kropiwnicki, Zosa, 'Children Speak Out: Trafficking risk and resilience in Southeast Europe', Regional Child Trafficking Response Programme report, Save the Children Albania, Tirana, 2007.

poverty, discrimination, violence and pain that many cannot circumvent, children do struggle to survive, escape or cope with these adversities. In order for us to understand how they seek to do so, it is necessary to understand what adversity means to children themselves.

Meaning refers not just to children's interpretation of events but also to the social context, norms and shared assumptions that influence this interpretation³⁹. Meaning can only be understood by means of in-depth, qualitative and reflexive research that recognizes that children do not necessarily understand or shape their world views using the same definitions and concepts as those employed by policymakers, practitioners and researchers. Hence more attention needs to be paid to children's perspectives. As Montgomery argues in reference to child sexual exploitation, "Despite the passion that child prostitution arouses, the children themselves have been largely silent. Many people are speaking in their name but very few people have listened to them and know who they are or how they perceive what they do."⁴⁰

Identification and prevention: Children 'at risk'

Research on child trafficking tends to focus on those children who have been identified by authorities and practitioners as having been trafficked. As Limanowska argues, "While many institutions are trying to assist trafficked persons, the opinions of the potential victims are not always taken into consideration."⁴¹ This is echoed in a South East European Regional Initiative Against Human Trafficking (SEERIGHTS) report, which states: "The evidence which is needed to develop useful prevention strategies is still missing and further research is necessary. This is especially in regards to the relationship between poverty, discrimination, child abuse and neglect, and trafficking as well as the demand for trafficking."⁴² The absence of this evidence base hinders the identification of potential victims of trafficking, otherwise known as children 'at risk', which in turn thwarts attempts to prevent this phenomenon using a structured approach.⁴³

A number of actors have identified the importance of understanding the 'root causes'⁴⁴ of trafficking. However, apart from a few notable exceptions⁴⁵, there have been few attempts to define or conceptualize this expression. Dottridge (2006) argues that it is necessary to distinguish between immediate, underlying and structural root causes. De Sas Kropiwnicki (2007, 2008) argues that it is necessary to distinguish between macro (economic, socio-political, cultural), interpersonal and individual factors that enhance the likelihood of a child being at risk of trafficking and exploitation. These risk factors interact in a complex and cumulative manner. Risk in this sense is highly individual, situational and contextual. Both authors argue that risk factors for trafficking, exploitation and abuse overlap; an holistic understanding and mapping of existing child protection systems is thus necessary to inform interventions that aim to protect children from a range of often overlapping and interlinked abuses.

39 La Fontaine, Jean, 'An anthropological perspective on children in social worlds' (1986), in Richards, Martin and Light, Paul (Eds.) *Children of Social Worlds: Development in a social context*, Polity, Cambridge, 1986, p. 17.

40 Montgomery, Heather, Children, prostitution and identity in Thailand, 'Social Anthropology Graduate Seminar', University of Sussex, 1997.

41 Limanowska, Barbara, *Trafficking in Human Beings in South Eastern Europe*, UNICEF, UNOHCHR and OSCE/ODIHR, 2005, p. 65.

42 Dottridge, Mike, *Action to Prevent Child Trafficking in South Eastern Europe: A preliminary assessment*, Terre des Hommes and UNICEF Regional Office for CEE/CIS, 2006, p. 13.

43 Ginzburg, Oren, 'Evaluation of Save the Children's Anti-Trafficking Programme in South East Europe', final report, Save the Children Norway, 2004, p. 37.

44 See, for example, the OSCE Action Plan, which recommends data collection and research, and greater analysis of 'root causes'. The Statement on Commitments of the Stability Pact Task Force on Trafficking in Human Beings (SPTF) 4th Regional Ministerial Forum of December 2003 included a commitment to systematically collect data on child trafficking in the area of prevention. The regional UNIFEM Economic Security and Rights Programme focuses on the importance of data analysis to understand the 'root causes' of trafficking (Limanowska, 2005).

45 See De Sas Kropiwnicki, Zosa, 'Child trafficking and exploitation in Mozambique', Save the Children Mozambique, 2008.

It is also essential to investigate 'protective'⁴⁶ or 'resiliency' factors⁴⁷ in order to understand why some children are less likely to be trafficked than others. These factors interact cumulatively to moderate and mediate the effects of adversity. Psychological research has found that not all children respond in the same manner to adversity, such as violence, and that some children survive danger and may even overcome its challenges in ways that enhance development⁴⁸. For instance, some authors argue that violence can stimulate moral development (empathy, altruism) in some children⁴⁹. Other children exhibit more social and planning behaviours because "everyday struggles for food, shelter and other basic necessities can make their need to comprehend – at times, to act, even more pressing."⁵⁰

In order to understand why some children cope better than others, Rutter (1983) believes that more attention must be directed towards different types of stress and the different ways in which individuals respond to them. He argues that vulnerability and protective factors rest upon the 'meaning' that a child attributes to an event and the manner in which he/she reflects upon his/her experiences and seeks to solve or overcome them. Research has identified a number of resiliency factors in the context of violence, including individual competencies, gender, external support, personal commitment to ideology and the nature of personal experiences of adversity. Individual coping factors include good social skills, interpersonal sensitivity, self-control, cognitive competence (an average level of intelligence), self-esteem and self-confidence⁵¹. Resiliency also depends upon relationships with others. A child's community, which widely includes relatives, teachers and other familiar adults and children, plays an important role in helping children to cope with adversity, particularly where nuclear families do not exist or are disrupted by death or displacement in times of war⁵². A further factor important in helping children manage the effects of adversity is their commitment to ideology, which provides them with an explanation for the occurrence of hardships⁵³. The extent to which the individual child recovers and relates to violent contexts depends largely upon his or her competencies and personal characteristics⁵⁴. Bronfenbrenner (1979) argues that risk and resiliency factors operate in multiple environments, including:

- The immediate environment within which children act and are acted upon (e.g., home, school, shelter, streets).
- Children's relationships with significant others such as parents and peers.
- The social settings that influence children's behaviour (e.g., parent's workplace).
- Wider belief systems and opportunity structures (e.g., socio-economic and cultural contexts).
- Temporal transitions in the socio-historical setting: how society has changed over time.

46 Dottridge, Mike, *Action to Prevent Child Trafficking in South Eastern Europe: A preliminary assessment*, Terre des Hommes and UNICEF Regional Office for CEE/CIS, 2006

47 De Sas Kropiwnicki, Zosa, 'Children Speak Out: Trafficking risk and resilience in Southeast Europe', Regional Child Trafficking Response Programme report, Save the Children Albania, Tirana, 2007.

48 Garbarino, James; Kostelny, Kathleen, 'The effects of political violence on Palestinian children's behaviour problems: A risk accumulation model', *Child Development*, 1996, vol. 67(1), pp. 33–45.

49 Gibson, K., 'Children in political violence', *Social Science and Medicine*, 1989, vol. 28(7), pp. 659–667.

50 Cohn, Ilene; Goodwin-Gill, Guy S., *Child Soldiers: The role of children in armed conflict*, Clarendon Press, Oxford, 1994, p. 33.

51 Garbarino, James, et al., 'What children can tell us about living in danger', *American Psychologist*, 1991, vol. 46(4), pp. 376–383.

52 Cairns, Ed; Dawes, Andy, 'Children – Ethnic and political violence: A commentary', *Child Development*, 1996, vol. 67(1), pp. 129–139.

53 Punamaki, Raija-Lena, 'Can ideological commitment protect children's psychosocial well-being in situations of political violence?' *Child Development*, 1996, vol. 67(1), pp. 55–69.

54 Garmenzy, N. and Rutter, M. (Eds.), *Stress, coping and development in children*, McGraw-Hill, New York, 1983.

The aforementioned can be summarized as macro (economic, political, sociocultural), interpersonal and individual levels of risk and resiliency. Although it is often difficult to categorize these factors, it is important to note the manner in which factors mediate and moderate each other in different ways for different children and to recognize that it is often difficult to attribute risk or resiliency to one single factor. It is therefore necessary to employ a cumulative model that captures the complex interaction of the range of factors influencing children's decision-making and actions, which in turn shapes their risk or resiliency in the context of exploitation and trafficking. This is illustrated on following pages by reference to some of the root causes or risk factors commonly discussed in literature on child trafficking.

Poverty

Poverty is frequently cited as a root cause of trafficking⁵⁵. The evidence is, however, contradictory. IOM statistics suggest that most assisted trafficking victims are unemployed and have low levels of education. In contrast, some studies argue that poverty is not necessarily a significant risk factor. For instance, Surtees found that identified victims of trafficking had 'average' living conditions⁵⁶. Another study on child trafficking and migration suggests that despite the role that poverty plays as a 'push factor', not all child migrants are poor: "Empirical data shows that intending migrants do not usually have a very low financial status ... in terms of an objective measure of income there is no difference between families with vulnerable girls and the average household."⁵⁷ Hence a greater understanding is required of the relationships between poverty and migration specifically and migration and trafficking generally – in particular, how these relationships translate into risk and resiliency for children. A study conducted by the Child Trafficking Resource Project (CTRP) in South East Europe found that poverty is a highly subjective and relative risk factor, which is mediated by interpersonal relationships. Children described the poverty that their caregivers experienced in different countries and at various times. They constantly compared their socio-economic position to that of others in their own community and/or in other countries; it was on this basis that children decided to migrate or accept a (false) promise of a better life elsewhere. Poverty also has an effect on parental substance abuse and the physical abuse of children by their parents, leading many children to decide to run away. It is thus important to look at the influence of poverty at the macro level and other risk factors at the interpersonal and individual level⁵⁸.

55 For instance, it is listed in the SPTF 'National Programmes to Combat Trafficking in Human Beings (National Plans of Action) Background Paper', the United Nations Convention against Transnational Organized Crime and its Protocols (Palermo Convention), and the United Nations Office of the High Commissioner for Human Rights 'Principles and Guidelines on Human Rights and Human Trafficking' (2002).

56 Surtees, Rebecca, 'Other Forms of Trafficking in Minors: Articulating victim profiles and conceptualizing interventions', NEXUS Institute to Combat Human Trafficking and International Organization for Migration, 2005.

57 El-Cherkeh, Tanja, et al., *EU Enlargement, Migration and Trafficking in Women: The case of South Eastern Europe*, Hamburgisches Welt-Wirtschafts-Archiv (HWWA) report, 2004, p. 46.

58 De Sas Kropiwnicki, Zosa, 'Children Speak Out: Trafficking risk and resilience in Southeast Europe', Regional Child Trafficking Response Programme report, Save the Children Albania, Tirana, 2007.

Migration

Migration is frequently cited as a factor that puts children at risk of trafficking. End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) argues that children who migrate alone or with their families may become vulnerable to exploitation and trafficking because their immigration status limits access to protection⁵⁹. This is exacerbated by the fact that many children are unaware of their rights and social support systems, lack information about the risks of trafficking and exploitation and do not understand the legal procedures they must follow to travel abroad. In addition, many children risk migrating abroad because of the success stories and idealized notions brought back by returning migrants⁶⁰. Existing literature thus suggests that migration may enhance the risk of trafficking.

On the other hand, it is important to note that migration is not only a source of risk, but also may provide a means of escape from risky situations for many children in adversity. For instance, a child's decision to run away from home to escape violence or to find employment elsewhere may constitute an act of resiliency rather than simply pose a risk. When weighing up available options, the risks associated with migration may prove to be less than those associated with remaining in a violent home or impoverished country of origin. Hence it is important to understand why children are motivated to migrate and how these motivations are influenced by socially accepted practices. Migration may be seen, for instance, as a normative or desirable act in communities with a history of irregular adult and child migration or in response to poverty, socio-economic inequalities and social dislocation⁶¹. Where migration is prevalent it is difficult to identify all child migrants as 'at risk' of being trafficked and it is therefore necessary to look at the effects of social norms on interpersonal relationships and individual decisions. It is also important to recognize that some children who stay behind when their parents migrate elsewhere for the purpose of work are also vulnerable to neglect, maltreatment and exploitation at the hands of relatives and other community members⁶².

Cultural factors

Surtees argues that trafficking needs to be seen as "a cultural and historical event" and analysed in light of traditional social practices⁶³. In South East Europe, the Roma (and Egyptians/Jevgjit) community is a group considered to be particularly at risk of trafficking⁶⁴. In these studies it is unclear whether this vulnerability is related to certain cultural practices (e.g., child or arranged marriages, child labour, migration patterns) or the daily discrimination that this group faces (manifested by the Roma's lack of access to education, employment and personal documents). These cultural practices are often examined in isolation, without looking at how they are affected by socio-economic and political contexts or by the actions of adults and children themselves. The differences that exist within ethnic groups in terms of language, culture and socio-economic status are often ignored, as are the strengths that exist at the level of the community, family and individual. Instead, culture is often only emphasized as a risk factor in the context of trafficking⁶⁵.

59 O'Briain, Muireann, et al., *Joint East West Research on Trafficking in Children for Sexual Purposes in Europe: The sending countries*, ECPAT Europe Law Enforcement Group, Amsterdam, 2004.

60 El-Cherkeh, Tanja, et al., *EU Enlargement, Migration and Trafficking in Women: The case of South Eastern Europe*, Hamburgisches Welt-Wirtschafts-Archiv (HWWA) report, 2004, p. 46.

61 Surtees, Rebecca, 'Other Forms of Trafficking in Minors: Articulating victim profiles and conceptualizing interventions', NEXUS Institute to Combat Human Trafficking and International Organization for Migration, 2005. De Sas Kropiwnicki, Zosa, 'Children Speak Out: Trafficking risk and resilience in Southeast Europe', Regional Child Trafficking Response Programme report, Save the Children Albania, Tirana, 2007.

62 Kelly, Liz, *Journeys of Jeopardy: A review of research on trafficking in women and children in Europe*, IOM, Geneva, 2002.

63 Surtees, Rebecca, 'Other Forms of Trafficking in Minors: Articulating victim profiles and conceptualizing interventions', p. 22.

64 Lăzăroiu, Sebastian; Alexandru, Monica, *Who is the Next Victim? Vulnerability of young Romanian women to trafficking in human beings*, IOM, 2003.

65 De Sas Kropiwnicki, Zosa, 'Children Speak Out: Trafficking risk and resilience in Southeast Europe', Regional Child Trafficking Response Programme report, Save the Children Albania, Tirana, 2007.

Interpersonal risk factors

Research and interventions in the area of child trafficking frequently employ victim or ‘at risk’ profiles without disaggregating these categories and identifying specific risk and resiliency factors at the interpersonal and individual level⁶⁶. At the interpersonal level, research suggests that some parents are involved in or aware of their child’s decision to migrate⁶⁷ but it is unclear what role they play in the trafficking process apart from isolated or sensationalist reports of parents selling their children. So-called ‘dysfunctional’ relationships within the family (e.g., intimate partner violence, poor communication, child abuse) can play a role in motivating children to run away⁶⁸. This is not always the case, however, as some children decide not to run away and are more resilient than others. In fact, in reference to some Bulgarian minors who were trafficked, Surtees notes, “Most reported coming from ‘normal’ family environments, without violence or conflict.”⁶⁹ It is thus important to understand the meaning that children attribute to violence and how this is influenced by socially constructed perceptions of child rearing and discipline.

Gender

Research has shown that the assumptions surrounding gender and trafficking need to be challenged. Trafficking is frequently associated with the sexual exploitation of females; evidence suggests, however, that boys and girls are trafficked for many purposes, including forced labour and begging⁷⁰. Despite recognition of these motives, there is little understanding of how socially constructed notions of masculinity and femininity amount to risk and resiliency factors for children in different contexts.

Educational achievement

Low educational attainment or dropping out of school is frequently cited as a risk factor that increases the likelihood of a child being trafficked. A Terre des Hommes report describes this as an “alarm bell” that a child will be trafficked⁷¹. Ginzburg argues, however, that the causal relationship between education and reduction of trafficking is often unclear: “Beyond anecdotes or common sense, is there evidence to support the claim that the non- (less-) educated tend to migrate more than the more-educated? If so, what school grade does a child need to reach in order to fall within the category of those who migrate less often? Once they have migrated, do the less educated find themselves in more exploitative situations than the more educated? If so, what grade (or age) could be considered *safe* or *safer*?”⁷² Rossi argues that in some cases victims of trafficking have higher levels of education than other children in their villages as a result of having more ambitious dreams and wanting a better life⁷³. Hence one cannot make any assumptions about the relation-

66 Dottridge, Mike, *Action to Prevent Child Trafficking in South Eastern Europe: A preliminary assessment*, Terre des Hommes and UNICEF Regional Office for CEE/CIS, 2006.

67 Shuteriqi, Mirela, et al., *Transnational Protection of Children: The case of Albania and Greece 2000–2006*, Terre des Hommes, 2006.

68 Surtees, Rebecca, ‘Other Forms of Trafficking in Minors: Articulating victim profiles and conceptualizing interventions’, NEXUS Institute to Combat Human Trafficking and International Organization for Migration, 2005. De Sas Kropiwnicki, Zosa, ‘Children Speak Out: Trafficking risk and resilience in Southeast Europe’, Regional Child Trafficking Response Programme report, Save the Children Albania, Tirana, 2007. El-Cherkeh, Tanja, et al., *EU Enlargement, Migration and Trafficking in Women: The case of South Eastern Europe*, Hamburgisches Welt-Wirtschafts-Archiv (HWWA) report, 2004.

69 Surtees, Rebecca, ‘Other Forms of Trafficking in Minors: Articulating victim profiles and conceptualizing interventions’, p. 6.

70 Limanowska, Barbara, *Trafficking in Human Beings in South Eastern Europe*, UNICEF, UNOHCHR and OSCE/ODIHR, 2005.

71 Dottridge, Mike, *Action to Prevent Child Trafficking in South Eastern Europe: A preliminary assessment*, Terre des Hommes and UNICEF Regional Office for CEE/CIS, 2006, p. 55.

72 Ginzburg, Oren, ‘Evaluation of Save the Children’s Anti-Trafficking Programme in South East Europe’, final report, Save the Children Norway, 2004, p. 39.

73 Rossi, Andrea, *Building the Knowledge: Research on child trafficking*, lecture given at ‘Child Trafficking: A fatality? From field reality to better practices’, Institut International des Droits de l’Enfant, Bösch, 2004.

ship between education and resiliency. Despite this, evidence suggests that education can act as a protective factor. Dottridge argues that education can reduce children's vulnerability or exposure to risky circumstances⁷⁴. De Sas Kropiwnicki found that teachers and peer counsellors can be a source of support and advice for children facing adversity⁷⁵.

Age and risk-taking

Adolescent risk-taking, so-called 'delinquency', is also frequently highlighted as a factor that enhances the risk of trafficking⁷⁶. Barnardo's found that in the United Kingdom "propensity to take risks" is a strong risk factor for children⁷⁷. Many associate engagement in risky behaviour with adolescents' biological proclivity to flout parental rules and social norms. These accounts fail to recognize that adolescents often adopt reasonable and rational responses to hardships. Running away and substance and alcohol abuse may all be means by which to escape or cope with violence and discrimination. Many adolescents have important responsibilities within their families and may migrate to earn income for their families or to care for their siblings⁷⁸.

74 Dottridge, Mike, *Kids as Commodities: Child trafficking and what to do about it*, Terres des Hommes, 2004, p. 29.

75 De Sas Kropiwnicki, Zosa, 'Children Speak Out: Trafficking risk and resilience in Southeast Europe', Regional Child Trafficking Response Programme report, Save the Children Albania, Tirana, 2007.

76 Lăzăroiu, Sebastien; Alexandru, Monica, *Who is the Next Victim? Vulnerability of young Romanian women to trafficking in human beings*, IOM, 2003.

77 Barnardo's website, 2005.

78 De Sas Kropiwnicki, Zosa, 'The Sex-trade Hierarchy: The interplay of structure and agency in the decision-making processes of female, adolescent prostitutes in Cape Town, South Africa', Unpublished D.Phil thesis, University of Oxford (Supervisor: Jo Boyden), 2008.

Summary

- In this report a child refers to a person under the age of 18 as defined by international conventions. In terms of the analysis, however, attempts will be made to disaggregate the prevailing view of childhood, therefore highlighting the differences that exist between children in terms of competencies and capabilities relating to their individual characteristics, their interpersonal relationships and the manner in which childhood is socially constructed.
- This report will use the definition of child trafficking as set out in the Palermo Protocol, recognizing that the phenomenon is distinct from the trafficking of adults (in that coercion or deception is not a requirement) and different from the sale of children, which does not require the movement of children. In summary, child trafficking refers to the movement of a child by a person or group of people intending to exploit him/her. This movement may occur internally within a country or transnationally across borders. In terms of analysis, this report recognizes that it is important to address the relationship between a child and his/her trafficker to identify an intention to exploit.
- Exploitation in this report will refer to hazardous labour activities as outlined by ILO-IPEC. It is, however, important to recognize that children, their families and their communities do not necessarily employ or agree with this term when describing their activities or labour practices. It is thus necessary to understand the meanings that children attribute to their work.
- The term 'victim' will be used to refer to children who have been officially identified as having been trafficked. It is recognized, however, that many of these children are survivors who are resilient and have tried to cope with or escape situations of violence and exploitation. This will be conceptualized through the notion of 'agency', which refers here to the decision-making abilities of children even in situations of adversity.
- This report emphasizes the importance of understanding the factors that put children at greater risk of being trafficked at the individual, interpersonal and macro (economic, sociocultural and political) levels of analysis. Furthermore, it is important to highlight resiliency factors that protect children from trafficking and exploitation. These highly individual, situational and contextual factors interact in a complex and cumulative manner to moderate and mediate the effects of stress and trauma.

3. INCIDENCE AND PREVALENCE OF CHILD TRAFFICKING

3.1 National definitions and concepts

Attempts to determine the incidence and prevalence of child trafficking in Central Asia have been hindered by linguistic and conceptual challenges around the definitions of trafficking and exploitation. Conceptual clarity is critical whenever a variety of actors collaborate, particularly in regard to such a complex child protection issue as child trafficking, and the issue must be addressed jointly by various local, national and international actors. Interviews with key informants conducted in the context of this study suggest that the debate on child trafficking or the sale of children in Central Asian countries is still far from reaching a common understanding. All national research teams faced difficulties in data collection because of the different terms, definitions and understandings of child trafficking held by key informants and in existing literature. This issue is not, however, specific to Central Asia – child trafficking research tends to be challenging in most parts of the world, as was argued in the previous section. It is therefore important to recognize that it is difficult to determine the incidence and prevalence of this phenomenon because associated terms and concepts are often not employed or understood at national, regional and local levels.

This confusion is exacerbated by an inconsistency in the translation of international standards referring to the sale and trafficking of children. Article 35 of the Convention on the Rights of the Child stipulates: “States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.” In Russian, the word ‘sale’ is translated as ‘trafficking’ (torgovli)⁷⁹, while ‘trafficking’ is translated as ‘smuggling’ (kontrabandi). The same problem applies to the Optional Protocol on the sale of children, child prostitution and child pornography, in which ‘sale’ is again translated as ‘trafficking’ (torgovli)⁸⁰. In contrast, the Palermo Protocol does adequately translate trafficking as ‘torgovli’⁸¹, which can also mean ‘trade’. As for the ‘sale’ of children, this is also adequately translated in some recent UN documents as ‘prodazha’⁸². Hence, for the purposes of this study, the term trafficking corresponds to ‘torgovli’ and by sale we mean ‘prodazha’.

Interviews with key informants revealed significant variation in how they view migration, exploitation, trafficking, the sale of persons and elements of force and coercion. There is no unified understanding as to which of these elements form part of the trafficking concept. Many respondents referred to cases they had heard of that involved one or more elements. Where respondents are aware of child trafficking, it is often understood as the labour exploitation of a child in the context of migration or the sale of children for the purpose of exploitation. Often the terms ‘trafficking’, ‘sale’, ‘trade’ and ‘slave trade’ are used interchangeably. While some respondents understand trafficking as always taking place across international borders, others are also aware of internal trafficking. Some information on trafficking in human beings in general seems to be available, but the extent to which children are affected is far less clear.

79 CRC – Статья 35:Государства-участники принимают на национальном, двустороннем и многостороннем уровнях все необходимые меры для предотвращения похищения детей, торговли детьми или их контрабанды в любых целях и в любой форме.

80 OPSC – Факультативный протокол к [Конвенции о правах ребенка](#), касающийся торговли детьми, детской проституции и детской порнографии.

81 Palermo Protocol – Протокол о предупреждении и пресечении торговли людьми, особенно женщинами и детьми, и наказании за нее, дополняющий Конвенцию Организации Объединенных Наций против транснациональной организованной преступности.

82 For instance, in its report to the UN Committee on the Rights of the Child under the Optional Protocol, the Government of the Kyrgyz Republic rightly makes the distinction:

II. Prohibition of the sale (prodazha) of children, child pornography and child prostitution

(a) The age limit used for defining a child in the definition of each of these offences

Under article 1 of the Minors’ Rights (Protection and Defence) Act, in Kyrgyzstan children are recognized as minors until they have attained the age of 18.

Article 124 of the Criminal Code, paragraph 2(2), provides for criminal responsibility for trafficking (torgovli) in minors (recruitment, transport, concealment, procurement, transfer or sale [prodazha] of a person or other unlawful transactions without his or her consent, effected by means of coercion, fraud, deception or abduction, with a view to exploitation or obtaining advantages). (CRC/C/OPSC/KGZ/1, 31 May 2006.)

Only very few respondents recognize that, according to the international definition, child trafficking can take place even in the absence of any form of deceit, coercion or force. For others, the only difference between trafficking in adults and trafficking in children is the age of the victim. This perception creates additional challenges in the absence of a universal definition of a child. In fact, only in Kazakhstan and Kyrgyzstan is the legal definition of a child in line with the Convention on the Rights of the Child, i.e., any person under 18 years of age. In all four countries covered by this study, however, different age limits and terms exist in national law and can lead to confusion in identifying child victims of trafficking.

The difficulties in defining child trafficking further derive from the fact that officials have limited practical experience of dealing with child trafficking cases. Others see the term ‘child trafficking’ as something imported by foreign organizations and donors, which does not fit the reality of children’s situations in the region. According to a representative of a local self-governing body in Kyrgyzstan, “There might be some definitions of child trafficking agreed between government and international organizations, but we, the masses are not aware of them yet.”⁸³

A review of key informants’ statements confirms that significant challenges exist around terminology and definitions when discussing and addressing child trafficking in Central Asia. While the global trafficking debate is characterized by a lack of conceptual clarity, in Central Asia there is a huge discrepancy between the international concept and its perception as a donor driven approach on the one hand and, on the other, between the terms and definitions used at the national and regional level.

This conceptual confusion has had a significant effect upon the findings relating to the first hypothesis, which seeks to understand the incidence and prevalence of child trafficking in Central Asia. Some respondents provided unreliable examples that are anecdotal and based on hearsay to argue that child trafficking is prevalent. Others denied the existence of child trafficking altogether and argued that the discussion of child trafficking has been inflated either by international actors or by the media. Consequently, there is disagreement over the actual prevalence of child trafficking in the region while the existence of other phenomena such as child labour and migration is readily acknowledged.

3.2 Registered cases

Data on officially recorded child trafficking cases and victims are not readily available; the data that are available must be treated with caution due to several conceptual, legal and administrative challenges highlighted in the present report. In addition, the available statistics include only those cases that were prosecuted and may therefore only constitute the tip of the iceberg in regard to overall prevalence. This implies that child trafficking cases that may have been known to law enforcement authorities but were not investigated and prosecuted for whatever reason are not included. Neither are those cases that fail to be reported or referred to law enforcement authorities. Still, the information that could be collected reveals that:

- **The existence of child trafficking or sale – though not its prevalence – is reflected in the judiciary records of all four countries.**
- **There has been a gradual increase in the number of cases of child trafficking crimes registered since 2003.**

Generally, the number of identified and registered cases of child trafficking or sale is so low and derives from such different definitions that a regional comparative analysis is neither feasible nor meaningful. Existing statistics of registered cases and children identified as victims of trafficking or sale are also too low for a statistical analysis.

83 Kyrgyzstan country report.

Table 1: Official data on registered cases of trafficking or sale of children

	Kazakhstan	Kyrgyzstan	Tajikistan	Uzbekistan
2003	1	0	1	4/12
2004	0	4	13	1/16
2005	1	14	9	5/38
2006	4	9	12	-/17
Total 2003–2006	6⁸⁴	27	35⁸⁵	10⁸⁶ /83
	Ministry of Internal Affairs: Crimes committed under Article 133, of the Criminal Code, Trafficking in minors, Letter dated 9 June 2007	Ministry of Internal Affairs: Crimes committed under Article 124, Section 2, Item 2 of the Criminal Code, 'Human trafficking' in regard to a minor.	General Prosecutor's Office: Crimes committed under Article 167 of the Criminal Code, Trafficking in minors	First figure: Governmental response to CRC 'list of issues', Questions 10 a) CRC/C/UZB/Q/2, 3 February 2006. Convictions under Article 135/2, Recruitment of people for the purpose of exploitation of minors. Second figure: Ministry of Interior, as published in <i>Global Report on Trafficking in Persons</i> , IOM, 2009.

Source: Country Reports

Very few official efforts have been made to request and integrate data available from other state authorities and service providers. Nor has any effort been made to promote the synergy of data available from international agencies, foreign governments and national statistics. There have also been no attempts on the part of authorities to reconcile or challenge unofficial estimates⁸⁷.

In Kazakhstan and Tajikistan, responsibility for data collection on human trafficking has been assigned to specific state authorities. These institutions provide some data but Tajikistan is the only country that has taken some steps towards the centralization of data collection. National legislation assigns responsibility for data collection to the Inter-Ministerial Commission on Combating Trafficking in Persons and includes provisions for the collection of data, including disaggregated data. Data include criminal statistics, law enforcement records and some data provided by NGOs. In addition, the 2006–2010 Tajik National Action Plan on Counteraction of Trafficking includes activities around the collection of data on the trafficking or sale of human beings. The Plan foresees the creation of a database that will allow the systematic collection of law enforcement and prosecutorial data, national responses to address trafficking and prostitution, and information received through international and regional channels. This activity is planned for the period 2007–2009 and therefore does not impact on the quality of data available at present. This is a laudable first step towards the creation of a mechanism for systematic and disaggregated data collection. Future implementation should ensure that data collection is accompanied by systematic data analysis and public dissemination.

84 Additional figures on crimes committed under Article 128, Trafficking in persons, of the Criminal Code of Kazakhstan, appear to also include girls under the age of 18, e.g.:

- In April 2004, in WKO (West Kazakhstan Oblast), S. Bakhtiyarova by way of fraud and violence took from settlement Zelenoye of Uralsk city, a minor, P., born in 1987, in order to sell her for sexual exploitation.

- From September to November 2004, an unemployed Lepshina recruited four underage girls by promising to find them jobs as babysitters. Instead she kept the girls in rented flats and, using abuse and threats, involved them in prostitution.

- Between October and November 2005, nine underage girls disappeared from Satpaev in the Karagandinskaya oblast. In the course of the operative-search actions it was revealed that the victims were taken by citizens of the Russian Federation and, through fraud, exported out of the country. The girls were promised work as waitresses, dancers and babysitters in Europe, Asia and the Middle East. High stable earnings and safety were guaranteed. In fact the girls were redirected to Bishkek where they were given false passports and taken further, to UAE.

Similarly, in its report to the Committee on the Rights of the Child in relation to Article 133, the Government of the Republic of Kazakhstan mentions four cases in 2002–2003, and two cases in 2004, involving the sale of six girls that do not appear to be included in the statistics received (CRC/C/KAZ/3, 23 August 2006, para. 505).

85 Data were disaggregated by gender. All child victims until 2005 were girls. In 2005, boys were involved in four cases; in 2006, six cases. Statistics from the Khatlon oblast include additional cases of child trafficking for 2006–2007 that are not presented here; officials stated that these cases involved delayed registration of adoption, not trafficking.

86 The breakdown of gender and nationality is, 2003: four boys (two Uzbeks, one Russian, one Tatar); 2004: one boy (Uzbek); 2005: three girls, two boys (four Uzbek, one Russian).

87 For example, Organization for Security and Co-operation in Europe (OSCE) data cited in a Save the Children situational analysis suggest that 200,000 people, mostly women and young girls, are trafficked annually from Eastern Europe and Central Asia. A third are less than 25 years of age and 10–15 per cent are minors. Save the Children UK, 'A situation analysis of children at risk of trafficking in Central Asia', funded by the Embassy of Switzerland, Tashkent, 2004.

3.3 Incidence and prevalence per country

Kazakhstan

According to official information received from the Ministry of Internal Affairs⁸⁸, between 2003 and 2006 six cases of child trafficking were identified by the authorities. These figures do not appear, however, to include an additional two cases involving the sale of six young girls mentioned in a government report to the UN Committee on the Rights of the Child on child trafficking legislation⁸⁹. This reveals a discrepancy in official sources. In addition, the government delegation states: "It must be acknowledged that, while there is a legislative mechanism in the country for prosecuting persons who exploit minors, the penalties established under the Criminal Code are rarely enforced."⁹⁰

Secondary sources identify high numbers of identified victims of human trafficking in Kazakhstan, but these data are not disaggregated to show the proportion of child victims. Sources attest to internal human trafficking taking place, with the main destination cities Almaty, Atyrau, Uralsk and Kokshetau. As for cross-border trafficking, it is said to lead to China, Israel, Pakistan, the Republic of Korea, the Russian Federation, the Syrian Arab Republic, Turkey, the United Arab Emirates (UAE) and Western European countries in general. Kazakhstan is also regularly mentioned as a transit country for trafficking from Tajikistan, Kyrgyzstan and Uzbekistan.

Internal child trafficking is believed by key informants to be more widespread than cross-border trafficking, which entails significant difficulties and is therefore less 'cost-effective' for traffickers. Interviews also suggest that child exploitation and trafficking is seasonal, intensifying during the warm seasons – spring, summer and the beginning of autumn – when agricultural work begins in the south of Kazakhstan. During this period, more children are visible living and working on the streets and are therefore more accessible and vulnerable to potential traffickers.

Kyrgyzstan

According to police statistics from 2003 to 2006, 27 cases of child trafficking were identified by the authorities out of a total of 98 cases of human trafficking recorded during the period⁹¹.

In addition, according to a 2002–2004 governmental monitoring report on gender equality in Kyrgyzstan, based on the president decreed National Plan of Action for Gender Equality for 2002–2006, 98 per cent of trafficking victims are women, the majority between 15 and 30 years of age, with the youngest being ethnic Kyrgyz women⁹².

In 2004, El Pikir Centre for Study of Public Opinion and the Association of Independent Lawyers of Kyrgyzstan conducted a study on sexual exploitation for ECPAT International⁹³. Examples are provided of sexual exploitation as identified by IOM, including the case of a 12-year-old girl who was trafficked to the United Arab Emirates (UAE) and of two 15-year-old girls trafficked from Bishkek to Azerbaijan. Furthermore, the study report describes cases where children and adults who had been seeking employment with the help of 'middlemen' found themselves exploited and locked up in Ukraine or as debt hostages in China. Yet another case is recounted of a father who sold his

88 Letter of the Republic of Kazakhstan Ministry of Internal Affairs, dated 9 June 2007.

89 State Party Report to the Committee on the Rights of the Child, CRC/C/KAZ/3, 23 August 2006, para. 505.

90 Ibid.

91 According to figures provided by the Ministry of Internal Affairs, crimes committed under Article 124 of the Criminal Code of the Kyrgyz Republic in regard to a minor (Art. 124, section 2, item 2).

92 Results of the monitoring, in 2002–2003 and the first six months of 2004, of the president decreed National Plan of Action for Gender Equality for 2002–2006, no. 52, 2 March 2002.

93 Elibezova, E., Elibezova, L., Toktosunov, R., Selezneva, E. (El Pikir Centre for the Study of Public Opinion); Kurmanova, G. (Kyrgyz NGO, Tais Plus); and Sydykova, L. (Association of Independent Lawyers of Kyrgyzstan), *Situational Analysis of the Commercial Sexual Exploitation of Children in the Kyrgyz Republic*, ECPAT International, Bishkek, 2004.

daughter to an elderly man for the provision of domestic and sexual services. The report also states that pimps in Bishkek are approached by parents, who pay them between 500 and 1,000 soms. The study argues that, generally, internal trafficking is more common than cross-border trafficking.

Human trafficking and child trafficking in particular rarely appear in the press because journalists argue that they cannot verify reported 'stories'. The only exception is the case of the presumed trafficking of children from maternity hospitals, which received extensive publicity in Bishkek. It was verified by a large-scale investigation conducted by the Ministry of Health in April 2007, which revealed that there was no organized trafficking network. Yet irregularities in birth registrations and transfers of babies to orphanages were observed in a number of cases⁹⁴. The government officially announced sanctions against the staff concerned and determined to set up special adoption units within all maternity hospitals to prevent babies being sent to children's homes before they could be legally adopted.

The research documented the general disbelief among key informants of the incidence of child trafficking. Only a few cases were described, most of which were based on hearsay⁹⁵, but interviewees reported other cases that they qualified as exploitation. An NGO representative explained that recruiters make easy promises "and the child follows". An informant from a local Inspectorate of the Affairs of Minors knew of "several cases where the employers make children wade across the river", referring to the natural border with Kazakhstan. Hence recruitment and smuggling is conducted by employers. Another example, provided by the representative of a children's shelter, described how a boy was beaten and forced to work on a farm after his parents had negotiated his 'placement' with the employer. The common practice of land or cattle owners picking child workers off the street, paying them little and keeping them in debt was presented as mere exploitation, with many informants insisting that the term 'trafficker' does not apply in Kyrgyzstan.

Tajikistan

Official information attests that 35 children were identified as victims of trafficking between 2003 and 2006⁹⁶. These data were disaggregated by age (adult versus child) and gender, allowing for an analysis of the ratio of child victims to adult victims. From 2003 to 2005, no children were repatriated as human trafficking victims to Tajikistan, compared to 47 adult women and 1 man. Out of 91 registered crimes of human trafficking involving female victims, 23 crimes (25.3 per cent) involved girls⁹⁷.

In one region, the Khatlon oblast, additional data on human trafficking for 2006–2007 were obtained from various judicial bodies. There are disparities between figures obtained from different services⁹⁸; they display up to 13 cases of child trafficking, involving up to 32 offenders. According to court data, 18 offenders were sentenced, the penalties given consistent with legislation. As Khatlon oblast court officials explained, however, a major drawback is that these cases should not

94 Turdueva, Aziza, 'Illegal baby trade suspected in Kyrgyz hospitals', Reporting Central Asia No. 489, Institute for War & Peace Reporting, Bishkek, 17 April 2007.

95 In interviews, one respondent reported a case in which a father sold his three children to families in Batken for adoption. A representative from a family-type institution stated that he knew of a case in which a boy and a girl were trafficked. The deputy editor of a newspaper said that a boy who disappeared after being taken to Almaty by a distant relative with the promise of finding a good job was found and returned home after three months. An NGO representative heard about a mother who, when unable to feed her newborn baby, sold him for 500 soms.

96 Data obtained from the Prosecutor-General's Office in Dushanbe.

97 Two crimes appear to have been registered in relation to a single child victim, while, for the rest, one crime was registered for each of the victims.

98 The Khatlon Prosecutor's Office reported 13 cases, involving 32 offenders taken to court, as well as 4 in 2005; the Court of Khatlon Oblast reported 9 cases, involving 18 offender sentences; and the Prosecutor's Preliminary Investigation Control Department reported 8 cases, involving 17 offenders brought to trial.

be defined as child trafficking – whether or not these are actual cases of the sale and purchase of children for the purpose of exploitation – because delayed registration of adoption is listed under the same article of the Criminal Code of the Republic of Tajikistan as child trafficking (Art.167).

In terms of international sources, data on human trafficking in Tajikistan have been reported particularly well by IOM, which has provided assistance to several hundred trafficking victims, some of whom were reportedly below the age of 18.

Cases of child trafficking to Afghanistan, Kazakhstan, Dubai and other emirates of UAE were reported. It is unclear, however, by which routes children travelled to these destination countries and from which geographical areas in the country the children were trafficked. One case was mentioned in which counterfeit documents were used to bring four girls to UAE, where they were forced to engage in prostitution. One interview specifically referred to trafficking routes from Khujand to Dushanbe, Osh, Chimkent, Tashkent or Moscow, which then led on to Sharjah or Tehran before ending in Dubai.

Uzbekistan

According to official statistics⁹⁹, 10 minors were identified as victims of ‘recruitment for the purpose of exploitation’ between 2003 and 2005, out of a total of 509 cases registered under Article 135 of the Criminal Code of the Republic of Uzbekistan. The Government of the Republic of Uzbekistan also specified that, as of 1 January 2006, the authorities had taken ‘preventive measures’ against 40 girls under the age of 18 (27 for prostitution and 13 for immoral behaviour). The Government classifies all of these as ‘juvenile’ cases, and does not employ the term ‘child victim’ in reference to exploitation and trafficking, crimes for which no cases have been reported.

In addition, the Government’s report indicates: “To prevent crimes and offences related to the illicit transfer and non-return of persons – particularly children – abroad, crime prevention units dealing with illicit trafficking in persons have been established and commenced operations within the criminal police services of the internal affairs authorities, while the prevention services have also had units added for the prevention of trafficking in persons. Since the beginning of 2007, 12 instances of the aforementioned violations involving minors have been identified throughout the country, 4 of which occurred in Tashkent, 4 in Andizhan oblast, 2 in Syr-Dara oblast, 1 in Bukhara oblast and 1 in Namangan oblast. In each case, measures were taken, in accordance with the law.”¹⁰⁰ These instances may not have been included in the aforementioned statistics because of their registration as cases of abduction (Article 137 of the Criminal Code) rather than recruitment for exploitation. This also explains the higher figures from the Ministry of Interior published in the *Global Report on Trafficking in Persons* (IOM, 2009; see Table 1).

Child protection professionals speak of suspected child trafficking cases, but these fail to be reported because of a national and legal vacuum. Cases of labour trafficking are mentioned mostly in relation to Kazakhstan or as an internal phenomenon. Domestic child trafficking for sexual exploitation is believed by professionals to have increased in recent years: a growing number of girls under the age of 18 is visible in the domestic sex industry.

External trafficking for sexual exploitation is said to lead to China, the Islamic Republic of Iran, Israel, the Russian Federation, Thailand, Turkey, UAE and Western Europe. Moscow is seen as a transit point for trafficking children further on to a third country because of the lack of strict controls at the Russian Federation border, especially when travelling by train. No information is available on cases where children have been trafficked into the country from abroad.

⁹⁹ Statistical information provided by the Government of the Republic of Uzbekistan in response to the UN Committee on the Rights of the Child list of issues requesting details of the “number of children who are victims of sexual exploitation, including prostitution, pornography and trafficking; and the number of them who received recovery and/or reintegration support.” CRC/C/UZB/Q/2, question 10a, 3 February 2006.

¹⁰⁰ Uzbekistan’s report to the Committee on the Rights of the Child, CRC/C/104/Add.6, 30 August 2005, para. 317–318.

3.4 Reported trafficking routes

Official statistics and the low number of registered child trafficking cases bear no relation to the widespread human trafficking routes reported in international sources¹⁰¹. Existing reports¹⁰² suggest that trafficking in persons in the region affects men, women and children. Trafficking routes are reported in a generic way and rarely provide disaggregated data on the trafficking of adults and children. It is therefore impossible to identify specific child trafficking routes from secondary literature.

All countries in the region are reported to be countries of origin of cross-border human trafficking (see Figure 2). Kazakhstan, Kyrgyzstan and Uzbekistan are reported to also be countries of destination. In these three countries, cross-border trafficking takes place in both directions and trafficking routes lead into and out of the country. There is, however, far more information available about trafficking routes leading out of the region than routes leading in. Cross-border trafficking routes are reported to lead from Central Asian countries to the Middle East, the Russian Federation and Western Europe as well as to South and East Asia. Within the region, Kazakhstan is the only country to which persons are reportedly trafficked from all of the other three countries. Most reports mention human trafficking routes deemed to be particularly visible, such as flights from Central Asian countries to the Middle East, in particular to UAE. In contrast to many other regions, no reports exist of 'symmetric' routes, i.e., trafficking routes leading back and forth between two countries.

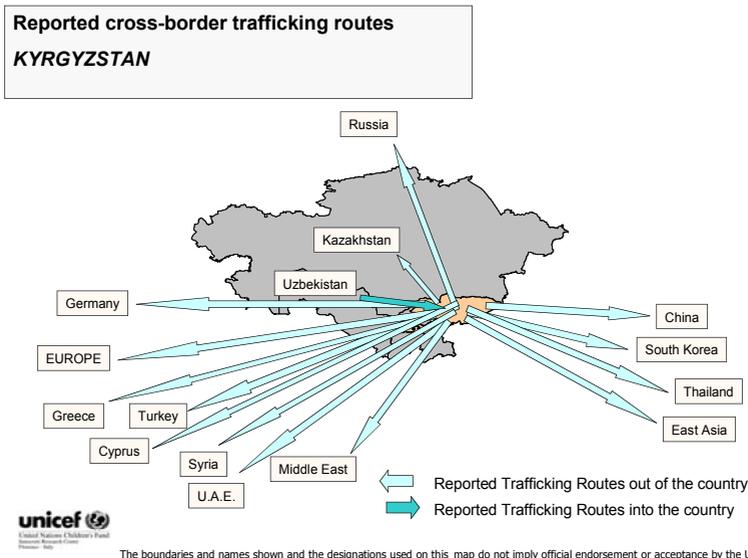
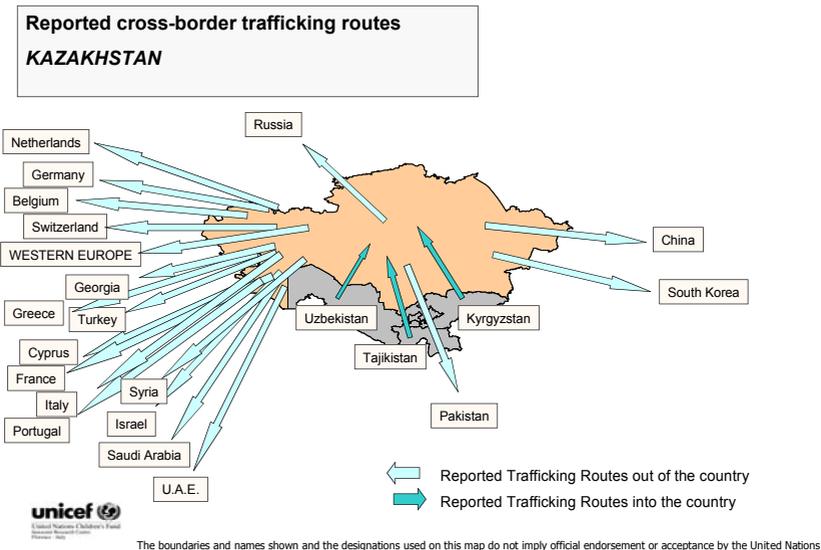
Examples of presumed or alleged cross-border child trafficking cases cited in the interviews conducted in the course of this research reflect movements from Kazakhstan to UAE; from Kyrgyzstan to Azerbaijan, Kazakhstan and Ukraine; from Tajikistan to Afghanistan, Dubai, Kazakhstan and UAE; and from Uzbekistan to Dubai, Kazakhstan, the Russian Federation and UAE.

Some respondents argue that because child trafficking is more difficult across borders due to migration controls, children are actually more vulnerable to internal trafficking. Internal trafficking is said to take place from rural to urban areas, and also within rural areas to sites where there is a particular demand for cheap labour. Concrete information about the routes and patterns of internal child trafficking, which does not involve the crossing of an international border, is, however, scarce.

101 For example: "The Central and Eastern European countries, including the territory of the former Soviet Union, rank second after South Asia in regards to the scale of trafficking in human beings: 175,000 women are taken out of this area a year for the purpose of human trafficking. One third to one fifth of this figure comprises women from the Russian Federation i.e. roughly 57,750 to 35,000 women a year. Even if this estimate is high, these figures do not take into account the large flows of human trafficking of migrants for criminal purposes from the CIS republics into Russia or between the CIS republics. ... Russia is a destination country for human trafficking routes from CIS countries and poor Asian regions. Almost all CIS states are involved in the trafficking of people into Russia as origin countries. The most vulnerable populations are those from Tajikistan, Uzbekistan, Kyrgyzstan, Georgia, Armenia, Moldova and Ukraine." *Human trafficking in the Russian Federation*, Report, UN/IOM Working Group on Trafficking in Human Beings, Moscow, 2006, pp. 13–24.

102 Such as 'Fertile Fields: Trafficking in persons in Central Asia', an IOM report prepared by Liz Kelly, IOM, Vienna, April 2005.

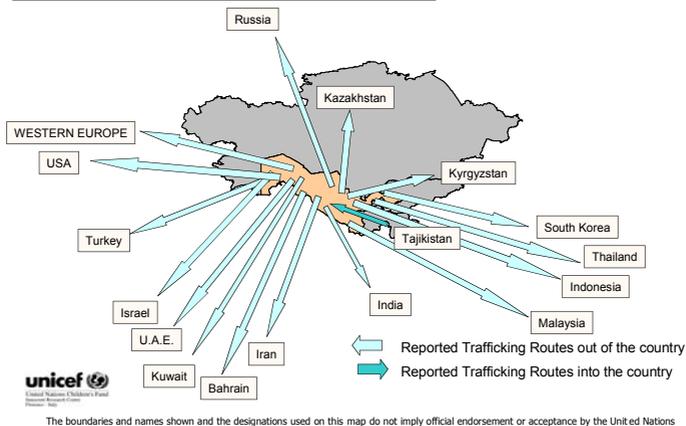
Figure 2: Reported cross-border routes of human trafficking from and to Central Asian countries



**Reported cross-border trafficking routes
TAJIKISTAN**



**Reported cross-border trafficking routes
UZBEKISTAN**



Source:
Data and analysis by UNICEF IRC, Child Trafficking Research project. Data as at November 2007.

3.5 Reported forms of exploitation

From existing literature and interviews, it is impossible to determine clear *patterns* of child trafficking within, to and from Central Asia. The *examples* of child trafficking, sale of children and other forms of child exploitation, however, confirm that groups of children from the region are exploited and that this issue needs to be addressed.

In regard to forms of exploitation, it is reported that persons from the region, among them children, are exploited in diverse situations and contexts, including in the context of migration, trafficking or sale. The following forms of exploitation are reported:

- **Labour exploitation – including in agriculture (cotton and tobacco plantations, tending cattle), restaurants, markets, factories and construction sites;**
- **Sexual exploitation – in particular, commercial sexual exploitation. Reports focus on cases of trafficking of girls for sexual exploitation to East Asia, the Middle East and Western Europe, and within the Central Asian region to extractive industrial sites such as oil fields in Kazakhstan, where the high concentration of male migrant workers creates a demand;**
- **Other forms of exploitation – such as begging or exploitation in criminal activities, reported in a few instances in the course of the research.**

Respondents from Kazakhstan stated that child trafficking for labour exploitation in agriculture is a seasonal phenomenon and is thus more prevalent from spring to autumn, at the cotton harvest time or other peak seasons when children are recruited for tasks such as weeding or processing agricultural products. They also observed that during these periods there is a greater number of homeless children and children living on the streets; these children are potentially vulnerable to trafficking. Child trafficking for sexual exploitation, in contrast, is perceived as an ongoing phenomenon that occurs throughout the year¹⁰³.

Employment, tourist, dating and marriage agencies are all reported to play a role in the recruitment of children. Community members, parents and other family members are also reported to be involved somehow in the sale of children into exploitation. Some children are reportedly abducted and then exploited. In addition, former victims of trafficking are allegedly involved in recruitment activities, reportedly returning to their home communities to recruit new persons, including children.

Means of recruitment into trafficking include promises of highly paid jobs, agencies offering marriage or participation in beauty contests abroad and invitations from relatives. Recruitment practices are enormously diverse and can be very sophisticated, sometimes involving lengthy processes to establish the victim's trust.

Traffickers are reported to use various means of coercion and threat in order to keep trafficked persons, including children, under control. These include the confiscation and destruction of identity papers, the locking up of persons in private apartments, food deprivation, threats against the person and his/her family members, physical violence and the abuse of a position of vulnerability. Traffickers also threaten to denounce their victims to local police as illegal immigrants or prostitutes. This creates in victims a fear of legal sanctions and stigmatization.

¹⁰³ Kazakhstan country report, p. 57.

In addition, information exists that children from the region are sold into various forms of exploitation that may or may not constitute cases of trafficking. Girls are sold into child marriages and prostitution and babies are paid for in the context of illegal adoption. In Kyrgyzstan, the cases of babies disappearing from maternity homes have received much public attention¹⁰⁴ and there have been reports of debt bondage, but overall there is little up-to-date, valid and reliable information about the incidence and prevalence of child trafficking in Kyrgyzstan¹⁰⁵. In Uzbekistan, children living on the streets and in institutions described sexual exploitation.

The report produced by the UN/IOM¹⁰⁶ Working Group on Trafficking in Human Beings notes, “The Russian media have produced many reports on the subject of slave labour, as well as methods of recruitment and transportation of trafficking victims abroad. In particular, they have investigated cases of children being sold into slavery by their parents. The Russian law enforcement authorities regularly rescue citizens from Central Asia and other former Soviet republics from slavery and labour exploitation in Russia.”¹⁰⁷

There is no reliable information about child trafficking for the purpose of organ transplantation, although trafficking or sale for this purpose is addressed by national legislations.

Summary

The first hypothesis that this research project sought to investigate is whether more child trafficking exists in Central Asia than is currently acknowledged. At an official level, the research found that the incidence of child trafficking or sale appears in the judicial records of all four countries and that there has been a gradual increase in the number of registered child trafficking crimes since 2003. On this basis, one can conclude that the first hypothesis is correct. This conclusion must, however, be seen as tentative given the linguistic and conceptual difficulties surrounding the terms ‘exploitation’, ‘trafficking’ and ‘sale’ of children. In the course of interviewing key informants in all four countries, it became evident that the absence of clarity around these concepts has limited the validity of data referring to incidence and prevalence. Disparate definitions and unreliable evidence have been used to support arguments that child trafficking is highly prevalent or, alternatively, non-existent. This has made it difficult to draw sound conclusions at both a national and regional level in support of the first hypothesis.

104 Turdueva, Aziza, ‘Illegal baby trade suspected in Kyrgyz hospitals’, Reporting Central Asia No. 489, Institute for War & Peace Reporting, Bishkek, 17 April 2007, referenced in Kyrgyzstan country report, p. 16.

105 Kyrgyzstan country report, pp. 14–15.

106 International Organization for Migration (IOM).

107 *Human trafficking in the Russian Federation*, Report, UN/IOM Working Group on Trafficking in Human Beings, Moscow, 2006, p. 34.

4. RISK AND RESILIENCY

The second hypothesis that this research project sought to investigate relates to the extent to which child trafficking is closely linked to other societal issues. The research found that the phenomenon of child exploitation, including trafficking, is closely associated with child migration, child work, dropping out of school and institutionalization. Respondents generally expressed that children who fall into one or more of these groups are at risk of exploitation and trafficking. But, as argued in the conclusion of the Kyrgyzstan country report¹⁰⁸, respondents' accounts also suggest that risk is so highly individual and contextual that one cannot make causal assumptions that a single factor will lead to trafficking. Risk involves the complex interaction of a number of factors, resulting in some children being more at risk of trafficking than others. In addition, some children may be more resilient than others in the face of exploitation (including trafficking) while others will need more assistance to recover or to avoid further risks. Risk and resiliency factors operate at macro, interpersonal and individual levels.

Macro level factors include poverty, inequalities and socio-economic disparities – within and between countries and communities – that have led to structural dislocation and shifts in values caused by sudden political and economic transition. Child migration is a direct consequence of these changes, and child work in the Central Asia context has changed in recent years to meet new economic realities. At the interpersonal level, the aims and quality of education, as well as the relationships between children and adults in the family, at school and in the community, play a crucial role. As for individual factors, personal character and family background can, like age and gender, enhance the risks related to work, migration and trafficking.

4.1 The macro context

Regional level

Basic data clearly show that the countries of the region are experiencing different levels of economic growth and development. The table on following pages shows that although all national economic indicators are on the increase, Kazakhstan has a GDP per capita on average 10 times higher than its neighbours. The proportion of the population living in poverty here is smaller than in other countries. In Kyrgyzstan, Tajikistan and Uzbekistan, more than a fifth of the population lives in poverty. Tajikistan's situation is particularly alarming as it combines the lowest GDP per capita and the highest proportion of the population living in poverty with the lowest percentage of government expenditure on both health and education. Strong equity and redistribution policies that have an adequate geographic, social and gender focus appear to be missing. While decentralization could risk enhancing inequalities if not supported by adequate central regulation, current centralized state systems in Central Asia do not sufficiently address the specific needs of vulnerable groups and children in particular. There exists, however, a number of significant differences between countries, which we explore in the following subsections.

¹⁰⁸ Kyrgyzstan country report, p. 65.

Table 2: Socio-economic indicators

	GDP (2006 estimate: Percentage change in real terms)	GDP per capita in US dollars (2006 estimate)	Proportion of population living in poverty (2003)	Government expenditure on health (% of GDP)	Government expenditure on education (% of GDP)
Kazakhstan	10.6%	5221	16.0%	2.3% (2005)	2.3% (2004)
Kyrgyzstan	2.7%	549	21.4%	2.3% (2004)	4.4% (2005)
Tajikistan	7.6%	426	42.8%	1.4% (2006)	4.2% (2006)
Uzbekistan	7.3%	655	26.0%	2.4% (2006)	6.2% (2006)

Source:
World Bank 2007

4.1.1 Kazakhstan



Source : UNICEF

Note: This map does not reflect a position by UNICEF on the legal status of any country or territory or the delimitation of any frontiers

Following independence in 1991, Kazakhstan was one of the earliest and most vigorous reformers among the countries of the former Soviet Union. In the early years of transition, prices were liberalized, trade distortions reduced and small- and medium-sized enterprises privatized. Treasury and budget processes were dramatically improved. Economic reforms, together with rich national energy and mineral resources, helped the country to achieve high rates of economic growth exceeding 9 per cent per annum from 2005 to 2006¹⁰⁹. Despite these achievements, land reform in rural areas, elimination of corruption and the fight against poverty are still to be addressed.

Enrolment in preschool has increased over the last few years and now stands at 27.6 per cent among children aged 1 to 6 years, despite persistent disparities between urban and rural areas and regions. Quality and inclusivity of education and care are among the challenges to be addressed. Kazakhstan has a very high number of children placed in residential care, although foster care is being developed as an alternative option.

¹⁰⁹ An evaluation of the State Program on Poverty Reduction for 2003–2005 of the Republic of Kazakhstan (draft), United Nations Development Programme (UNDP) in Kazakhstan.

4.1.2 Kyrgyzstan



Source : UNICEF

Note: This map does not reflect a position by UNICEF on the legal status of any country or territory or the delimitation of any frontiers

Since independence, and even more so since the forced abdication of President Akaev in March 2005, Kyrgyzstan has experienced political tensions stemming from the slow progress made in the development of a clear strategy on constitutional reform, good governance, rule of law and economic growth. On average, living standards in the country have slightly improved over the last five years but remain much lower than in neighbouring Kazakhstan and the Russian Federation. Hence the mountainous Kyrgyz Republic remains one of the poorest countries in the CIS. Despite steady improvement, around 43 per cent of the population still lives below the poverty line¹¹⁰, which has a particular impact on children¹¹¹. Social protection was a national priority of the Government of the Kyrgyz Republic throughout the 1990s and important resources have been channelled for social protection.

While education remains a priority, the Government struggles to meet its objectives to improve the quality of and access to education as, in real terms, public expenditure on education has dramatically declined due to the overall decreasing GDP. Primary education enrolment rates and learning achievements have been deteriorating ever since the break-up of the Soviet Union.

On the positive side, the country has an equal ratio of boys to girls in primary and secondary education, and efforts are made to enhance teacher–pupil dialogue. Kyrgyzstan has been working with UNICEF, representatives of state bodies and voluntary and international organizations to draft and implement a ‘child code’, adopted in 2006 in the context of the national New Generation programme. The code covers matters relating to child welfare, including the issues of child labour, trafficking in children, child prostitution and child pornography. The Ombudsman (Akyikatchy) of the Kyrgyz Republic is taking steps to establish a juvenile justice institute and to humanize criminal policy relating to minors.

¹¹⁰ According to the ‘Kyrgyz Republic: Poverty Assessment’, World Bank Report No. 40864, 12 September 2007: “The Kyrgyz economy grew moderately by 3.7% per annum during 2000–2005. Concurrently, poverty fell from about 63% to 43% of the population and extreme poverty from about 33% to 11%.”

¹¹¹ The recent UNICEF ‘Plus 5’ review (2007) of the 2002 Special Session on Children and World Fit for Children Plan of Action provides detailed information about child poverty in Kyrgyzstan. Referring to the National Plan of Action for realizing children’s rights (2001–2010), the state recognizes: “poverty among children has greater adverse consequences for society than does adult poverty.”

4.1.3. Tajikistan



Source : UNICEF

Note: This map does not reflect a position by UNICEF on the legal status of any country or territory or the delimitation of any frontiers

After gaining independence following the dissolution of the Soviet Union in 1991, Tajikistan endured a violent civil war (1992–1997), which impacted significantly on the country's politics, society and economy. Despite his initial weakness and over-reliance on Russian support, President Rahmonov consolidated strong presidential rule and a growing economy. Between 1995 and 2005, Tajikistan's GDP almost doubled. National wealth derived from cotton and aluminium exports benefits the elite, while poverty afflicts more than half of the population. Two thirds of children are defined as poor. The disadvantages experienced by girls are pronounced in the southern part of the country and among children living in the poorest households¹¹². Tajik families living in rural areas traditionally have many children (eight or nine on average).

The civil war destroyed most of the country's infrastructure and industry and devastated the education, health and social welfare sectors. State institutions for children and the child protection system have since remained under-funded and poorly staffed, despite an increase in the placement of children into state residential institutions. The Government of Tajikistan is gradually implementing a policy that involves deinstitutionalization and the provision of community-based support to families that have reintegrated their children. Steps have been taken to prioritize social sector reform as one of the national commitments for social protection policy development. The draft Poverty Reduction Strategy Paper includes provisions and measures for child welfare and a child-friendly juvenile justice system. In recent years, the Government has also expressed its commitment to addressing human trafficking and child rights and to eliminating the worst forms of child labour.

112 Multiple indicator cluster survey (MICS), 2005.

4.1.4. Uzbekistan



Source : UNICEF

Note: This map does not reflect a position by UNICEF on the legal status of any country or territory or the delimitation of any frontiers

Despite the challenges of transition from the former Soviet Union, Uzbekistan has been experiencing economic growth in recent years. Yet inequalities are increasing and the unemployment rate among young people is high. More than 60 per cent of the population lives in densely populated rural areas where poverty is high. The western regions of Karakalpakstan and Khorezm are particularly poor. The lack of job opportunities has forced many to migrate to Kazakhstan and the Russian Federation in search of work. Political unrest in 2005 also deeply affected the country and undermined socio-economic reform and civil society.

Uzbekistan manages to devote relatively large budgets to social protection, providing social security – including to the most vulnerable sections of the population – through pensions, unemployment benefits, social assistance benefits and child allowances. Social work is now accepted in the country as a profession and three universities have already begun to provide undergraduate level studies in line with international standards.

According to a recent United Nations Development Programme (UNDP) analysis, there is a need to strengthen the country's social policies – its 12-year cycle of secondary education and primary health care, in particular – and the system of social protection. The efficiency and equity of the country's community-based Mahalla system of social protection, which functioned fairly well during the transition period, now needs reinforcing¹¹³.

¹¹³ McKinley, Terry; Weeks, John, *A Proposed Strategy for Growth, Employment and Poverty Reduction in Uzbekistan*, Country Study, UNDP International Poverty Centre, Brasilia, October 2007.

Summary

Although each country in this study offers a unique macro context informed by history and temporal processes, some common factors are likely to affect interpersonal relationships and children's decision-making across the countries, in turn shaping children's risk and resiliency in relation to trafficking and exploitation in the region. Such factors include social dislocation and unrest associated with uneven democratization processes, centralized state systems, poverty and socio-economic inequalities, reduced government expenditure on health and education, inadequate social protection and poor quality education and care for children.

These factors have an effect upon the ways in which people relate to one another and to children in particular. Furthermore, these factors impact on children's hopes and dreams, their sense of safety and well-being, their perceived options and, in turn, their decision-making. Some of the decisions made by children place them at greater risk of trafficking and exploitation, as will be discussed in reference to six overlapping categories of children:

- Child migrants;
- Working children;
- Children who do not attend school;
- Children living in state institutions and foster care;
- The gendered child;
- Adolescents and young children.

It is important to bear in mind that these categories are largely artificial constructs and are not exclusive. For instance, many children who migrate have dropped out of school and run away from the institutions in which they had previously been placed. In the process of migrating and seeking work, these children may be trafficked. For analytical purposes, however, it is important to focus on each category individually while remembering the following caveats: the categories may overlap, many children within the categories are not at risk and the categories do not necessarily include all children at risk of being trafficked.

4.2 Child migrants

Key informants and child respondents highlighted a number of reasons why children decide to migrate. These include poverty and the need to generate income for themselves and their families, the desire to escape physical abuse or parental neglect, dissatisfaction with school and the quest for entertainment. Children's motivations differ according to their own needs and aspirations, which are in turn influenced by socially constructed expectations. The ability to fulfil hopes and dreams through migration strategies varies from child to child. While some children are successful in finding 'a better life', other children find themselves in a situation of exploitation or trafficking. For some children migration may be an act of resiliency, for others a source of risk.

According to some respondents, children migrate without weighing up the risks because they are incapable of rational decision-making. It is said that children do not have access to all of the necessary information, are lacking in the skills required to weigh up the merits of each option available and do not know how to act with forethought. On the one hand, it is said that it is a factor of their age and cognitive development that persons in early or middle childhood do not have the capacities needed to make such decisions. This inability to make decisions is also related to problems in the education system, which will be discussed in a later section. According to a crisis centre representative, many children who migrate "did not get a proper education and were not brought up properly. They don't know what they are doing. They are just concerned about living, that's it."¹¹⁴

It is also held that adolescents are more likely to be reckless and to choose the risky option, partly because "they feel themselves adults"¹¹⁵ or because they are seeking relief from boredom¹¹⁶. This 'risk-taking' behaviour is related to social factors: it is argued that in many communities few recreational opportunities exist for children, so they seek their entertainment elsewhere. Summer camps, for example, are said to be too expensive for many impoverished parents, leaving children to play on the streets, often under the influence of peers who encourage them to engage in 'risky' behaviour such as alcohol and drug abuse¹¹⁷. These peers might also encourage children to migrate. Hence many respondents in this study believe that child migration is related to irrational decision-making, which, when analysed within the social context, cannot be seen apart from poverty, a weak education system and the absence of recreation for many children. These social factors are played out at the interpersonal level, where children are influenced by their peers and other actors and in turn make the decision to migrate.

In contrast, some key informants argued that children make a rational decision to migrate. In the face of high socio-economic inequalities, some children believe that they will be better off in another community or country. On this basis, they make an active decision to escape poverty in the hope of securing their own livelihood and that of their families. Children from poor villages are said to be attracted to richer towns and on this basis travel from towns to cities, from Uzbekistan to Kazakhstan, from Tajikistan to Kyrgyzstan, from Central Asia to the Russian Federation and Turkey – and on to the Middle East or Western Europe.

Poorly irrigated regions, such as Western Uzbekistan, are reported to be areas of origin of adult and child migrants who leave to find work, notably in neighbouring Kazakhstan. In contrast, rich territories like the cotton field regions in Uzbekistan and Kazakhstan attract child and adult labour. Child migration trajectories may thus depend upon the climate, season and availability of work opportunities. Some children migrate on a temporary basis, others on a more permanent basis in order to fulfil individual needs and interpersonal obligations.

¹¹⁴ Interview with key informant from crisis centre, Jalalabad oblast.

¹¹⁵ Interview with deputy editor of a newspaper, Bishkek.

¹¹⁶ Interview with key informant from the Oblast Department of Ministry of Justice, Chui oblast.

¹¹⁷ Interview with lawyer, Batken oblast.

It is during this migration process that children become vulnerable to child trafficking, suggested key informants. Socio-economic factors that encourage child migration are thus referred to by informants as risk factors for child trafficking. For instance, “Higher wages and more work in neighbouring countries” or the “close location of countries which are more economically developed” were mentioned by informants as child trafficking risk factors in themselves. In fact, it was suggested by key informants that being trafficked to a wealthier country constitutes less of a risk for children than being trafficked internally. Children trafficked to a wealthier country were described as ‘more lucky’, suggesting that perceptions of risk are highly subjective and relative and, for some children and adults, moving across borders – even in abhorrent conditions of trafficking and exploitation – is more desirable than staying in a poverty-stricken country¹¹⁸. This perception provides useful information about the normative context in which children migrate. The widespread perception that migration is a normal and desirable practice will have an impact on children’s decision to stay put or migrate internally or abroad. While interviews conducted in Uzbekistan and information received from NGOs in the Russian Federation provide numerous testimonials of cross-border child migration¹¹⁹, earlier research carried out in Kyrgyzstan¹²⁰ revealed that the predominant form of child migration was internal.

In the interviews with children commissioned by UNICEF and conducted by Kamalot in Uzbekistan, most children who were living and working on the streets of small towns stated that their move was motivated by the absence of income-generating activities in their places of origin. Hence for many child respondents migration might be a rational decision to find a better life, given the widespread dissatisfaction with current socio-economic conditions. The expectation that life abroad is better may motivate children to migrate alone or with the support of others. This report provides a number of examples of children who choose to migrate in search of employment with the assistance of other persons. In the Uzbekistan study, 24 per cent of the children interviewed had moved with relatives (not their parents) and 60 per cent had moved with friends or acquaintances. Upon arrival, 60 per cent of these children worked alongside those with whom they had migrated, while the rest were handed over to other people for work or looked for work alone. Among this minority group, 65 per cent of children stated that someone had helped them to find a job; the remaining 35 per cent claimed to have chosen the work themselves. Case studies in this report reveal the manner in which a child’s decision to migrate with someone produces a range of negative and unintended consequences. For instance, in one case a boy who travelled to Kazakhstan with a labour recruiter who promised employment found himself on arrival working in an armed camp in the desert. In other cases, children travelled to Kazakhstan to pick cotton or work in a bottle factory – jobs promising high wages – but on arrival had their papers confiscated and were forced to work long hours with little food. These children had to escape with the assistance of other persons. Poverty or socio-economic inequalities relative to the wealth of neighbouring Kazakhstan thus emerged as risk factors for children in Uzbekistan, many of whom decide to migrate for the purpose of securing work but instead find themselves in exploitative and abusive situations¹²¹.

Parents’ migratory patterns also have a significant impact on children’s risk and resiliency. Faced with high levels of unemployment, many parents need to migrate internally or across borders in order to find paid work that will allow them to support their families. It may sometimes be safer for the child to stay behind than to migrate with the parent. The literature review provided examples of children who had been abused or otherwise put at risk when migrating with their parents¹²².

118 See Uzbekistan country report.

119 Ibid.

120 Elibezova, E., Elibezova, L., Chekirov, G., Musakozhaeva, G., Toktosunov, R. (El Pikir Centre for the Study of Public Opinion), *Problems of Street Children in Cities in Kyrgyzstan*, Study and forecast, UNESCO Almaty Cluster Office for Kazakhstan, 2003. The researchers interviewed 809 people aged between 5 and 25 years in urban centres across Kyrgyzstan. They found that 98 per cent of the young respondents came from the Kyrgyz Republic, with the remaining 2 per cent from Tajikistan (0.9 per cent), the Russian Federation (0.5 per cent) and Kazakhstan, Uzbekistan and Chechnya (0.6 per cent).

121 See Uzbekistan country report.

122 See, for example, ‘Journalistic investigation: Kyrgyz work hands on plantations of Kazakhstan’, IWPR.

As a result, in Central Asia many migrating parents leave their children with members of the extended family, generally the grandparents. While many of these children are well cared for, some may find themselves alone or subject to abuse at the hands of their caregivers. This is witnessed by educational professionals who report an absence of family members with whom to discuss problems that arise with children at school. Kamalot's UNICEF-commissioned interviews with children in Uzbekistan revealed cases of children subjected to physical abuse at the hands of the relatives charged with their care and neighbours who called the police to report such abuse. In some of these cases, children ran away from their relatives and worked on the streets until the police picked them up. In other instances, children were left with grandparents who were not financially or physically able to care for them. When the grandparents died, the children were left on their own and had to engage in a range of work practices (including prostitution) to survive¹²³.

Such children may drop out of school and migrate to ensure their own survival or find their parents and/or they may submit to exploitative labour practices in order to secure their livelihood. Despite these risks, key informants acknowledged that parental migration may also be source of survival and resiliency for children. Many parents rely on income generated abroad to fulfil their children's material needs. In addition, if the migration is well managed and children are prepared to handle their parents' temporary absence, the stress associated with this departure and absence may be reduced for children. Through such an experience, many children may in fact become more autonomous and independent. Resiliency therefore depends upon the nature and quality of the parent-child relationship and the ability of parents to communicate with their children¹²⁴.

Another risk factor that emerged in all four studies was intimate violence and child abuse in children's homes of origin. The data collected by Kamalot on behalf of UNICEF in Uzbekistan include an example of a 15-year-old girl who was raped by her boyfriend while her parents were working in Moscow. She was then physically abused by her sister-in-law. This prompted her to run away from home and become reliant upon a woman who forced her to engage in prostitution. In another example, a 16-year-old boy ran away from home after his mother died because he did not want to live alone with his alcoholic father. A 16-year-old girl stated that she decided to run away because she was sexually abused by her stepfather, and a 14-year-old girl said that she ran away after her mother tried to offer her to a man for the purpose of providing sexual services¹²⁵.

The above examples suggest that the children made what was often a rational decision to escape violence. They can thus be described as survivors who have adopted migration strategies in order to protect themselves, often because adults have violated their rights and failed to protect them. Children may be aware of the risks associated with migration but may be so desperate to leave a situation of violence and abuse that they ignore or downplay these risks. Migration is therefore the result of rational decision-making strategies adopted by children who seek to protect themselves from neglect, maltreatment and various other violations of their rights. This applies to children from all socio-economic backgrounds. For instance, according to a representative from an institution in Bishkek, "Children from well-off families can also be neglected. When a child runs away from home it can be that such child feels unwanted and abandoned even having rich parents. We had one such child. His parents were preoccupied with business, buying expensive things for the child, but they never asked him about his problems, dreams and life. In such situation the child finds a company of kids and runs away from home."¹²⁶

Hence poverty may not be the central risk factor that increases the likelihood that a child will migrate alone: interpersonal factors may be more salient in children's lives and therefore more likely to have an impact upon children's decision-making and level of risk-taking. In other cases, the peer

123 See Uzbekistan country report.

124 See, in particular, the Kyrgyzstan country report.

125 Uzbekistan country report.

126 Interview with key informant from a children's institution, Bishkek, Kyrgyzstan.

group played an important role in children's decision to migrate. For instance, a 13-year-old decided to run away with his two friends in the hope of finding work selling watermelons in a neighbouring town. He found himself working in a bakery, where he was subject to harassment and received poor wages. For some children running away is a form of escape from risky circumstances, for others it is a source of additional risks, including exploitation and trafficking.

Most informants argued that the risks associated with migration are enhanced where children cannot speak the local language, do not know about legal processes and services available and/or do not access existing services for fear of being deported or detained. Child migrants also increasingly risk being the target of racist or xenophobic attacks, notably in the Russian Federation¹²⁷. Another significant risk factor relates to the issue of documentation. Despite the CIS visa-free regime that operates between some countries, children should present either a birth certificate or parental authorization to travel with another person when arriving at borders. Children who do not possess the correct documentation may turn for assistance to a person who ultimately traffics them. Allegations exist of traffickers falsifying passports to include children not actually their own, with or without photos depending on the period and the home country requirements. Once in another country of the subregion – with the exception of Kyrgyzstan – migrants are supposed to register with local authorities within a few days and obtain a work permit, thus allowing governments to adhere to annual quotas for foreign labour¹²⁸. Most child migrants are bound not to comply with these registration requirements when they are, for example, under the minimum age of employment or do not have identification documents. As a result, many are at risk of being exploited by employers and, given their illegal status, are unlikely to complain about working conditions or seek assistance from state agencies. The fear of deportation increases a child's dependency upon an exploiter.

Internal migration is also highly controlled in Uzbekistan, where an authorization or 'propiska' is required to travel within the country¹²⁹, and regulated in Kyrgyzstan, although authorities intend to limit the practice. In Kazakhstan and Tajikistan, internal migration is uncontrolled, but any child may be requested by law enforcement authorities to justify his/her presence in a public place without an accompanying adult. Children thus rely on third parties to source papers or transport them to towns or across borders. These third parties might turn out to be traffickers who seek out unaccompanied children. Children who migrate without adults also face greater difficulties in finding accommodation, employment and food. In the interviews it was reported that children often hitchhike and rely upon the assistance of strangers who may deceive or coerce them into abusive or exploitative situations.

4.3 Working children

Unlike the issue of child trafficking, informants in Central Asia readily acknowledge the existence of child labour. Interviews suggest that before transition from the Soviet Union the involvement of children in work was presented and perceived as being part of the collective from the soviet union duties and vocational experience of adolescents; it has now largely turned into exploitation.

In Kazakhstan, despite the strong Labour Code and the listing in a decree by the Minister of Labour of manufacturing occupations and tasks in which minors are prohibited from engaging, child labour is widespread. A milestone national round table¹³⁰ and direct observation performed by ILO¹³¹

127 "Members of the Caucasian and Central Asian communities, including children, are reported to be a major target of violence by extremist groups", *Report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance*, prepared by UN Special Rapporteur Maurice Glélé-Ahanhanzo, June 2006, A/HRC/4/19/Add.3, p. 18, para. 50.

128 Black, Richard et al., 'Understanding Migration as a Driver of Poverty Reduction in Europe and Central Asia', Working Paper C9, Development Research Centre on Migration, Globalisation and Poverty, University of Sussex, Brighton, February 2007.

129 *Ibid.*, p. 36 (quoting International Centre for Migration Policy Development, 2005, pp. 251, 298).

130 Union of Crisis Centers of Kazakhstan report on holding national round table on worst forms of child labour within the framework of the ILO-IPEC regional project, Zabota Crisis Center, 2005. The national round table discussion on worst forms of child labour confirmed and listed the main spheres and forms of child labour in Kazakhstan, from agricultural work to drug trafficking. The report confirms internal, regional and external trafficking in children (aged 2 to 18 years) for the purpose of labour exploitation or sexual exploitation.

provided ample evidence of this. Cases of child labour – as well as of the sexual exploitation of juveniles – were also reportedly confirmed in Northern Kazakhstan by an inspection conducted by officials of the oblast prosecutor's office¹³². In addition, children throughout the country work as loaders, stand behind counters in stores and on markets and act as security guards in car parks.

In Kyrgyzstan, El Pikir research¹³³ not only highlighted links between child labour and socio-economic hardship, but also links between child labour and inadequate social protection and the privatization of land. Today, families rely upon their children to help with the planting, irrigation and harvesting of crops; in the past they could rely upon agricultural equipment and collective work organized by the state. Children begin working in the fields at between 5 and 10 years of age and in trade at between 10 and 12 years. They work on the family plot of land without pay, or with family members on larger plots where they earn less than adults or receive no pay if hired by relatives. Most children work between five and eight hours a day, and although the majority continue to attend school, attendance is often irregular and academic performance low. All children work during the agricultural season, irrespective of socio-economic status. Article 446 of the Labor Code of the Kyrgyz Republic does not invoke sanctions against employers exploiting children, but the Code does oblige them to ensure that children's education is not disrupted, that parents and custodians consent to the work and that children receive mandatory medical examinations and are remunerated for half-day work. The 'worst forms of child labour' according to ILO-IPEC definitions are not, however, specified in the legislation.

In Uzbekistan, no governmental statistics exist on the worst forms of child labour, as defined in ILO Convention No.182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)¹³⁴. Data collected by UNICEF during the high season in 2000 revealed that 19 per cent of children were involved in child labour, while data collected in 2007 during the low season indicated a 2 per cent rate¹³⁵. The issue of seasonal mobilization of children for the cotton harvest is a growing concern internationally and at home. In addition, children who work on the streets, in markets and in agriculture are highly visible. According to a rapid assessment study issued in 2005 by UNICEF and ILO, the main motivation for a child to work is lack of money within the family and the child's desire to contribute to the family's income. Often the child's income is comparable with the income of the adult family members and it is for this very reason that more than 20 per cent of children drop out of school. The general public does not regard the employers as lawbreakers but as 'benefactors' who provide these children with work and money.

In Tajikistan, UNICEF¹³⁶ estimates that more than 5,000 children are working in the streets and city markets to help their families; many other children and young people are being forced into prostitution and other forms of exploitative labour. According to the most recent surveys, Tajikistan now has the highest rate of child labour in the region at 10 per cent¹³⁷. In June 2005, the government ratified ILO Convention No.182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

In the course of the research, informants provided numerous examples of the abuse and exploitation of children in the work environment, as well as details of the health hazards faced by working children. The Uzbekistan researchers found that children worked on average between 9 and 11 hours a day as domestic workers or in the service industry. Children's wages were very low and

132 Oblast Prosecutor's Chief Officer Vyacheslav Bankovskiy, quoted in 'Silence of the kids', *Ekspress K* newspaper, 2007.

133 Yet to be published. The research by El Pikir Centre for Study of Public Opinion involves interviews with 100 children working on tobacco, rice and cotton plantations in the Osh and Jalalabad oblasts and a further 50 children working in the cities of Bishkek, Osh and Bazar-Korgon.

134 'ILO Conventions on Child Labour' www.ilo.org/pec/facts/ILOconventionsonchildlabour/lang-en/index.htm, ILO website, July 2009.

135 Multiple indicator cluster survey (MICS) reports, 2000 and 2007.

136 'Tajikistan: Child protection', www.unicef.org/tajikistan/protection_4684.html, UNICEF website, July 2009.

137 'Statistics by area/child protection', www.childinfo.org/labour_countrydata.php, UNICEF website, July 2009.

many were not paid on time. Many girls were subject to sexual harassment, while 4 out of 11 children living on the streets, and 3 out of 5 of those living in institutions, stated that they were providing sexual services to someone upon whom they depended¹³⁸. In many cases, children worked in exchange for food and accommodation but did not receive any money for their work. In one case, an employer made the children pay him for their own accommodation: "My brother worked in a café, but they would not take me because they said I was too young. So they sent me to clean the toilets. The manager of the bazaar had a house especially built for children who work for him in the bazaar. In one room, 10 to 12 children slept together. They have to pay 5,000 per month."¹³⁹ In several stories, children who worked independently were exploited by their clients: "Clients often cheat us. As soon as their car is loaded with the products, they drive away without paying." In other cases, children work to pay off parental debts, a practice that they regard as 'normal'.

In Kyrgyzstan, key informants described the physical abuse that children face when working in the market or on coffee or tobacco plantations. Interviews included some anecdotal reports of teachers and parents using physical violence to force children to work¹⁴⁰. At an interpersonal level, reference was frequently made to parents who force their children to work, often to support their alcoholism¹⁴¹. Key informants also argued that children living in single parent households need to work to supplement the missing income of an adult earner. An apt description of this situation is given as follows: "So for example, the guy is 13 years old. He is supposed to study at school but he is working at the animal stable of the wealthy neighbour and we are trying to force him to attend school whereas he is the eldest son in the family of six children and his mother is sick, so he cannot afford to attend school and that's why he is working."¹⁴² These interpersonal factors affect children's decision-making. Children feel pressured to work to fulfil their socially constructed roles and interpersonal duties. This may relate to gender-based constructions that cause boys to feel under greater pressure to support their families¹⁴³. So, for some children, working is a source or example of resiliency as it points to proactive behaviour in the face of poverty. It also highlights the extent to which children are able to take responsibility and act as duty-bearers in their households and communities. Many believe that they are making an active choice to work.

This sense of efficacy and responsibility is supported by the findings of the Uzbekistan research project in which 91 per cent of the children living on the streets said that they were working of their own will. As one child stated, "Nobody promised anything to me. I was the one who wanted to go to college. And when I failed, I started working as a helper."¹⁴⁴ Some pointed to the positive role played by relatives in offering them work: "My aunt offered me to join her and I accepted with pleasure. I drive a horse cart and I live with her."¹⁴⁵ Only 9 per cent of those interviewed stated that they were subject to psychological coercion and forced to work. In some cases, these children looked for work in order to purchase clothes and school accessories. According to one child, "many school children work over the summer. I also work, in order to buy clothes and textbooks for the school year and study in college."¹⁴⁶ In other cases, children tried to pay off parental debts or contribute to the household income. Twelve-year-old Nurali had to travel to another town to work with

138 Uzbekistan country report.

139 Selection of quotes and key issues taken from children's interviews conducted in Uzbekistan (2007) as part of the child trafficking study.

140 According to UNICEF global databases (2007) based on multiple indicator cluster surveys (MICS), demographic and health surveys (DHS) and other national surveys conducted in 29 countries from 2005 to 2006, Kazakhstan and Kyrgyzstan have medium level percentages of children aged 2-14 who experience any form of violent discipline method (around 50 per cent). In contrast, in Tajikistan, around 75 per cent of children report violent discipline. See: www.childinfo.org/discipline_countrydata.php, UNICEF website, July 2009.

141 Interview with key informant from Rayon Department of Education, Chui oblast, Kyrgyzstan country report.

142 Interview with key informant from the Inspectorate on Affairs of Minors, Tokmok, Kyrgyzstan country report.

143 See Kyrgyzstan country report.

144 Selection of quotes and key issues taken from children's interviews conducted in Uzbekistan (2007) as part of the child trafficking study. Uzbekistan country report.

145 Ibid.

146 Ibid.

his relatives as a newspaper seller because he was the eldest child and his father was unemployed. Hence work may be an act of agency and, often, resiliency on behalf of children seeking to survive poverty-stricken circumstances¹⁴⁷.

Some children make active decisions about the type of work that they feel is appropriate for them to pursue. One child described the manner in which her peers, who work in the bazaar as prostitutes, encouraged her to join them. She refused on the grounds "It's better to clean floors."¹⁴⁸ Some of these children described the manner in which they were promised employment and money but declined because they did not trust the intentions of the employer or recruiter. Said one child, "A guy tried to convince me to go with him. He promised that he would buy me some clothes and some food. He would take good care of me. I understood that he wanted something of me, so I refused." In another case, a child described the manner in which he was offered the chance to proffer sexual services to foreign ladies. He believed this to be a trap, as is evident in the researcher's notes: "As a boy was bathing in the river with a friend, a 15-year-old boy came out of a car and walked up to them. He proposed to have 'some rest' and provide sexual services to two foreign ladies, and earn 400 USD from each – that is 800 USD together. But he and his friend got afraid that it would be a trap and refused. The boy left." These quotes suggest that some children are able to make discerning judgements and protect themselves from exploitation and trafficking in the context of work.

On the other hand, the decision by children to work may lead to a range of risks, including exploitation and trafficking, which not all children are able to anticipate¹⁴⁹. The key informants suggested that because children often do not know their rights and do not know what constitutes exploitation, they accept hazardous and often exploitative work in order to meet their needs and fulfil their wants. It was suggested by respondents that traffickers might manipulate this need for employment and take advantage of children's lack of knowledge by offering them jobs where they can earn large sums of money quickly. It is said that on this basis traffickers are able to deceive children into travelling with them internally or across borders. These children believe that they will find work and a better life, but many are forced into situations of exploitation. The fact that they do not possess information about what constitutes exploitation could lead them to accept hazardous working conditions rather than report the case of trafficking and exploitation to the law enforcement authorities. Alternatively, children may be so desperate to earn money to support themselves and/or their families that they accept conditions they know to be exploitative. Many may not know what services are available to children seeking employment or recourse against an exploitative employer or trafficker.

Respondents suggested that employers who need and want cheap child labour to increase their profits create a demand that is then met by traffickers. These employers may use third parties to recruit and transport children to meet their labour needs, or traffickers may recruit children by deception or physical coercion with the intention of selling them or their services to employers. It is reportedly on this basis that certain children of a particular age are targeted for the purpose of forced labour. In addition, it is said that boys are targeted for labour exploitation because they are physically more capable of carrying heavy loads. According to the authors of the Uzbekistan country report, many children did not have documents – 43 per cent of children in institutions and 32 per cent of those living on the streets – and those who did have them in their possession were often forced to hand them over to their employers. In 7 out of 9 cases reported by children living in institutions, employers did not give the children back their documents. The authors argue that employers blackmail children who do not have legal documentation and thereby exploit them. Furthermore, employers rarely sign contracts with children (only 1 out of 178 cases), leaving them free to exploit children without following minimum labour standards or providing social guarantees.

147 Uzbekistan country report.

148 Selection of quotes and key issues taken from children's interviews conducted in Uzbekistan (2007) as part of the child trafficking study.

149 Interview with key informant from the Tokmok municipality, Kyrgyzstan country report.

During interviews, child welfare professionals from the four countries described the types of interventions that they believed would be needed to avoid child labour and reduce the associated risks of exploitation and trafficking:

- Employment services that assist young people to find adequate jobs;
- Labour inspections that monitor children's working conditions;
- Law enforcement and judicial support against exploitative employers.

In other words, key informants acknowledged children's need to work in contexts characterized by high levels of poverty, social inequalities and unemployment, but also recognized the importance of making work safer for children. Informants argued that positive opportunities should be (re-)created for older children and young people to earn money in safe conditions, e.g., working with small children (in day care, holiday camps, after-school activities), short term job placements and adequate seasonal jobs during the school summer holidays, offered and monitored by labour exchange points.

4.4 Children out of school

The almost universal primary school attendance witnessed in countries of Central Asia should be a source of protection for children. School empowers children to understand their environment and to gradually contribute to it in a positive way. It is the first step towards holistic development and self-protection, including against exploitation and trafficking. It keeps younger children under responsible adult care while parents are at work and it delays children's involvement in work and marriage relationships. Unfortunately, rates of enrolment in secondary education are not as high as those for primary education in the region¹⁵⁰. Informants also argued that schools in remote areas do not receive as much financial support from the state in comparison to schools in urban areas, which limits the benefits that they can offer to children.

Children reportedly drop out of school either because they are working and/or because they cannot afford to cover school costs¹⁵¹. Dropping out of school was seen by most informants as both a cause and consequence of adolescents' vulnerability to exploitation, including trafficking. The respondents highlighted various means by which children who are not attending school are at risk of being trafficked. Many of these children are illiterate and are not educated in their rights or the risks of trafficking. They may not understand the meaning of exploitation and may not know to whom they can turn when faced with such a situation. In addition, many of these children are not in daily contact with teachers who could potentially identify problems – like violence at home – that might lead a child to run away to live on the streets where they may be accessible to traffickers.

Children may not feel that education gives them the necessary skills to find employment. On this basis, they may decide to drop out. As a result, many of these children do not have skills and qualifications and are thus likely to find it difficult to find employment in the formal market. These children might seek work in the unregulated and often illegal employment market, where they may be vulnerable to exploitation. They might be desperate for employment and may therefore be deceived by an offer of employment abroad.

Children who are badly treated by teachers and peers may choose to drop out of school. These children may spend extensive periods of time on the streets and may come under the influence of their peers. Children who drop out may abuse alcohol and drugs, engage in petty criminal activities and might even be exploited by their peers.

¹⁵⁰ The average rate of enrolment in basic education in Central Asia is close to 95 per cent, whereas the upper secondary enrolment rate is below 50 per cent. United Nations Children's Fund, *Education for Some More Than Others?*, UNICEF, Geneva, 2007, Fig. 3.3 and 3.5, pp. 80–85.

¹⁵¹ For instance, a study conducted by Childhood Poverty Research and Policy Centre (2004) estimates that 15–20 per cent of children in Kyrgyzstan do not attend school or only attend irregularly. This is attributed to the impact of child labour on attendance and also to the unofficial costs (school repairs, textbooks, etc.) that parents are expected to pay. Many schools rely upon parents' contributions because they have limited facilities and buildings are in a state of disrepair.

Research in the four countries suggested that schools could assist vulnerable children in a number of ways:

- Identification and reporting of child victims of exploitation and abuse and/or children who have gone missing;
- Awareness-raising around the risks of exploitation and trafficking;
- Developing interpersonal skills to oppose abuse and threats;
- Prevention and outreach targeted at isolated communities that may not otherwise benefit from awareness-raising campaigns.

In all four countries, the opinion was expressed that when a child appears to be at risk of exploitation and abuse, teachers should report this to the school authorities¹⁵², which in turn should report the case to local social services. If children do not attend school, teachers may visit the family and identify problems. On the other hand, this reporting mechanism is limited by the fact that it is secondary to the educational mandate of schools and currently functions on the basis of individual teachers' goodwill, capacities and availability. Another problem with relying on teachers to identify and assist children at risk is that many vulnerable children do not attend secondary school.

In Kazakhstan, the inclusion of child rights awareness in the curriculum is an additional vehicle of prevention. NGOs and service providers cooperate with schools, but cooperation depends upon a specific school's management and upon subjective factors such as the relationships established between the school and certain groups of children.

In Kyrgyzstan, some measures were established to ensure that children who drop out from school still receive services and support. During the summer, children's camps are organized by schools for children from low-income families. Centres that train adults in vocational and entrepreneurial skills are also open to children, and correspondence education courses exist by which working children can complete their final high school years. Labour exchange points and class mentors also try to ensure that working children can continue their studies. When teachers urge parents to send their children to school, parents ask whether the school will compensate them by handing over the money that their children would otherwise be out earning. In some locations, the authorities respond by providing free meals.

Schools are also criticized by child welfare professionals, for failing to adequately equip children with the skills that are in demand in the labour market. Vocational training (e.g., sewing, handicrafts) is increasingly lacking. Children reportedly receive little information about future job opportunities, professions in demand and labour rights. The quality of education and problems of violence within schools throughout Central Asia are also issues of increasing importance. Verbal, and sometimes physical, abuse on the part of school staff is contrary to their protective and educational role, while teacher training and status are said to be going downhill. Hence schools play an important role in equipping children against exploitation, including trafficking, but they do not benefit all children and sometimes act as a risk rather than a protective factor.

¹⁵² This was the 'common sense' opinion expressed by many respondents, but further research should be conducted to determine whether reporting by teachers of presumed child abuse or exploitation is mandatory. The interviews suggest quite frequent or systematic reporting or referral of children by teachers to social services or the police.

4.5 Children in institutions and foster care

The research revealed examples where parents were reportedly instrumental in allowing or facilitating the trafficking of their child. In other cases, parents are the primary or sole active protective agents. Some parents do everything in their power to ensure the return of their child – especially when he/she has gone missing after leaving home on the basis of a serious job offer that they have approved. Unfortunately, parents alone are often helpless.

Assessments of child care system reform have demonstrated that child poverty and the lack of family-based alternative care and family support services are issues common to all countries of Central Asia despite the huge socio-economic differences at the national level¹⁵³. Good practices are emerging, and these include the establishment of child rights departments in Kyrgyzstan and Tajikistan. High rates of family separation in the region indicate, however, that families remain extremely vulnerable and therefore cannot alone protect their children against external threats.

At the community level, the double legacy of the Soviet collective system and the traditional Central Asian local community structures maintains some measure of basic prevention and intervention in favour of children at risk. For example, an important role is reportedly played by elders sitting on neighbourhood committees in Kyrgyzstan, despite the fact that their influence may be decreasing in some communities. The existence at the local level of such informal but accepted scrutiny of child well-being can provide powerful leverage for both prevention and intervention in cases involving family problems, the unexplained disappearance of a child or the presence of potential traffickers.

Whilst child welfare professionals generally argue in favour of civil society playing a stronger role in prevention, some interviewees expressed doubts about the validity of developing community or family-based support for children who have been trafficked and cannot be cared for by parents or relatives. Interviewees feared, for example, that foster families would be unqualified and motivated only by financial gain. This reflects the fact that the experience of foster care and community-based reintegration schemes in the region so far remains too limited¹⁵⁴.

In countries of Central Asia, where residential care is usually long term, it is starting to be considered unsuited to children's needs. In addition, although institutionalization protects children from some dangers, it exposes them to others. First of all, institutionalization goes against the principle that for the full and harmonious development of the child, he/she should grow up in a family environment¹⁵⁵. For an abused child, institutionalization, especially without full psychosocial support, may hinder emotional and behavioural development. In many cases, children suffer additional violence in institutions¹⁵⁶.

Secondly, the research suggests that residential institutions could enhance the risk of abuse or exploitation for some children. Staff members are often not trained to actively listen to children's concerns. This hinders staff members' ability to identify children 'at risk'. Children who are unhappy may run away and fall prey to traffickers. In addition, social workers who work in institutions are often not adequately trained to raise children's awareness about the risks of trafficking. As these children do not possess information about the dangers of trafficking, they may be easily deceived.

153 Evaluation on the contribution made by UNICEF to child care system reform in Central Asia, Oxford Policy Management, 2007.

154 According to the recent evaluation of the contribution made by UNICEF to child care system reform in Central Asia, "Foster care has been introduced on a systematic basis in Kazakhstan only, where the government has allocated significant resources for that, although practical implementation of foster care in that country is still imperfect. In the Kyrgyz Republic and Uzbekistan foster care still remains a pilot activity, and it is completely absent in Tajikistan and Turkmenistan." Oxford Policy Management, February 2008, vol. 1, p. 14.

155 Convention on the Rights of the Child, General Assembly Resolution A/RES/44/25, United Nations, 20 November 1989. Preamble.

156 See, for instance, UNICEF, *The Untold Stories of the Silent Walls*, Bishkek, 2006. The study conducted for UNICEF by SIAR-Bishkek Agency found that caregivers often neglected children and even used physical and emotional forms of violence against children. In addition, in 2 out of 12 institutions children raised sexual abuse as an issue of concern. Physical abuse and exploitation by peers were other areas of concern. The report concluded that, in general, no mechanisms for control exist in institutions and the activities of staff and children are insufficiently regulated and monitored. Many respondents emphasized the inadequacy of institutions in regard to protecting children. See also Uzbekistan country report, para. 171, p. 34.

Finally, the research revealed a small number of cases in which the staff members of residential institutions were directly involved in child trafficking for sexual exploitation or the exploitation of children for labour. Kamalot's interviews with children in an institution in Uzbekistan suggested that 3 out of 5 children in the institution were providing sexual services to someone upon whom they depended, and in one case a child was involved in prostitution¹⁵⁷.

4.6 The gendered child

In terms of gender factors, trafficking patterns and assumptions expressed in adult interviews strongly reflect the traditional perception of indoor/outdoor gender roles. Most respondents acknowledged that girls are exposed to trafficking for the purpose of commercial sexual exploitation or domestic slavery and boys for labour exploitation in agriculture, begging or construction. Little mention was made in interviews of boys being vulnerable to sexual exploitation, and although girls may be involved in exploitative manual labour, the respondents did not list this as a female type of activity when asked about gender.

Governments and communities in Kazakhstan and Kyrgyzstan have acknowledged that gender discrimination against women and girls increases their vulnerability to trafficking. A similar governmental stand has not yet been made in other countries of the subregion. Strong patriarchal trends in Uzbekistan¹⁵⁸, as well as Tajikistan¹⁵⁹, have been internationally denounced as a "root cause of women's disadvantaged position in the labour market, their difficulties in accessing their land rights, the continuing existence of polygamy, domestic violence and the high dropout rates of girls from school." These trends increase girls' vulnerability to violence, abuse and exploitation, including trafficking. High birth rates and taboos around sexuality were also mentioned in some interviews as factors affecting child trafficking.

At the same time, as in other regions of the world¹⁶⁰, anti-trafficking efforts are typically designed around gendered assumptions that women and girls are 'vulnerable' and 'passive' victims. Men and boys are therefore rarely, if ever, identified or registered as trafficking victims. As a result, boys may have remained 'invisible' victims of trafficking in the eyes of governments, local authorities and victim support service providers.

157 Uzbekistan country report, p. 8.

158 Concluding Observations of the Committee on the Elimination of Discrimination Against Women, Uzbekistan, CEDAW/C/UZB/CO/3 (2006): "The Committee continues to be deeply concerned about the persistence of patriarchal attitudes and deep-rooted cultural stereotypes regarding the roles and responsibilities of women and men in the family and society in Uzbekistan, as expressed in the previous concluding comments. While noting the State party's stated goals to ensure women's equal opportunities in political and public life and in the labour market, these stereotypes, including the State party's explicit recognition of women's alleged primary responsibility in rearing children, providing care to family members and providing moral advice in the community, present a significant impediment to the implementation of the Convention and are a root cause of the disadvantaged position of women in a number of areas. In addition, the Committee is concerned that educational programmes developed under the National Plan of Action for the elimination of patriarchal attitudes within the family are targeted only at women and girls, and not at men and boys."

159 Concluding Observations of the Committee on the Elimination of Discrimination Against Women, Tajikistan, CEDAW/C/TJK/CO/3 (2007): "The Committee is concerned about the resurgence of patriarchal attitudes subordinating women and of strong stereotypes regarding their roles and responsibilities in the family and society in the context of the breakdown of the previous political system, the civil war (1992–1997) and rampant poverty. These attitudes and stereotypes present a significant impediment to the implementation of the Convention and are a root cause of women's disadvantaged position in the labour market, their difficulties in accessing their land rights, the continuing existence of polygamy, domestic violence and the high dropout rates of girls from school."

160 See: Haarr, Robin, 'Researching trafficking of males in the Greater Mekong subregion', Eastern Kentucky University, 2006. Jordan, Ann D., 'Human rights or wrongs? The struggle for a rights-based response to trafficking in human beings', Gender and Development, 2002, vol. 10(1), pp. 28–37. UNICEF Innocenti Research Centre, Child Trafficking Research Central Asia, IRC, 2007.

Box 2: Cultural challenges¹⁶¹

When respondents answered questions about cultural practices and gendered norms around marriage, it emerged that developing an understanding of sociocultural norms in relation to concepts of exploitation, including trafficking or sale, is particularly important.

Dowry

A community leader in the Osh region in Kyrgyzstan was incensed that the dowry could ever be associated with, or described as, a potential form of exploitation: “How can you call the dowry the sale of a girl? It is an ancient tradition. If no dowry is given for the girl, it means she is not respected, her parents are not respected, and she is not valued. Not a single wedding takes place without a dowry, whether it involves a rich official in Bishkek or a poor man in the village. So would you say that all parents sell their daughters?”

Bride kidnapping

According to an NGO, ‘bride kidnapping’ in contemporary Kyrgyzstan has increased since it was banned during the Soviet era. Young couples now often arrange this practice themselves:

“Kidnapping often takes place at the consent of the young people, and not forcefully. The young people do it because it reduces time and less customs have to be observed. Secondly, it is cheaper and not disgraceful because it is our tradition.”

Beyond the coercion that is reported in certain cases, it is the exploitative purpose of the bride kidnapping that qualifies the practice as trafficking in the case of a minor. Where the central motivation for bride kidnapping is for the groom to obtain a free domestic or agricultural worker for his family, the purpose may be considered exploitative. Bride kidnapping may also be a way for traffickers to disguise their illicit transportation of victims procured for ‘clients’. The research did not document any such cases, however.

The complexity of questioning traditional practices

When attempting to identify child victims of trafficking, it is important to account for the cultural and socio-economic context. The practices of dowry and bride kidnapping may be ways for young people to pacify their elders and manage or control the transition from a traditional society to a modern one with associated roles and values. Young people may fully adhere to such practices as ancestral traditions. They may make the decision to partake in these practices as long as they are not exploitative.

A blanket classification of all these traditions as trafficking would fail to account for the macro, interpersonal and individual complexities that surround them. Similarly, failing to classify any of these practices as exploitative simply because they are ‘traditional’ would downplay the occurrence of serious violations of human rights.

In other words, the definitions of trafficking used to identify and assist victims must be adaptable and sensitive to the particular social context and the norms and values that underpin it. At the same time, all children must benefit from protective environments and mechanisms against all types of exploitation and abuse, even if they take place as part of traditional practices.

¹⁶¹ See Kyrgyzstan country report.

4.7 Age

Official records and intergovernmental organization (IGO) statistics on victims of human trafficking sometimes include children without disaggregating data or even distinguishing minors from adults. This is especially striking in relation to teenage girls trafficked for sexual exploitation. For example, in Kazakhstan, perpetrators in some cases in which victims were under the age of 18 were tried for 'human trafficking' (Art. 128 of the Criminal Code) rather than 'trafficking in minors' (Art. 133)¹⁶². According to a governmental monitoring report on gender equality in Kyrgyzstan, "Ninety-eight per cent of trafficking victims are women. The majority are between 15 and 30 years of age"¹⁶³. Thus no distinction is made between victims under the age of 18 and adult victims.

Hence, being above the legal age of employment and/or sexual consent, adolescents are at high risk of being trafficked and registered as if they were adults. Due to the visa-free regime between some CIS countries, they are also more likely to cross borders without being asked to present their passport and, if they do have a passport, are not required to have parental consent to migrate¹⁶⁴.

At the other end of the spectrum, younger children are at high risk of trafficking as they may be more dependent on adults and can be trafficked with false – or genuine – parental consent and identification documents.

Interviews with children in Uzbekistan¹⁶⁵ demonstrate that the older the children become, the more they put themselves at risk by leaving home alone to find work or 'a better life' in a city or abroad. The younger children are, the more they perceive themselves to have been forced to migrate and work and the more vulnerable they are to being targeted specifically as children for exploitation and trafficking (i.e., older adolescents are not targeted because they are under the age of 18; instead they are trafficked like adults).

This age divide is generally mirrored in basic child protection and law enforcement practices. The children interviewed in Uzbekistan, who had been placed in residential institutions as a result of being at risk, had been identified at a young age. In contrast, older children still working and/or living on the streets reported having been arrested and released by the police after a mere check-up or sent back to their relatives or employer/exploiter without any further support from the child protection system.

¹⁶² See, for example, the footnote on Kazakhstan in Table 1.

¹⁶³ Results of the monitoring, in 2002–2003 and the first six months of 2004, of the president decreed National Plan of Action for Gender Equality for 2002–2006, no. 52, 2 March 2002.

¹⁶⁴ One study conducted in Uzbekistan in 2004 classified passport-holding children aged 16–18 years as a separate high risk group, arguing that children under the age of 16 are mostly at risk of trafficking if: i) their parents are involved, ii) they have run away from an institution, iii) they are unaccompanied and/or working children who go unnoticed. 'Juvenile trafficking problem in the Republic of Uzbekistan', Human Resources Development Center, Tashkent, 2004, p. 9.

¹⁶⁵ See Box 1 for details.

Summary

The second hypothesis that this research project sought to investigate is whether child trafficking is closely linked to other societal issues. Secondary literature, key informant interviews and interviews with child respondents suggest that this hypothesis holds true across the region but that it should be expanded to include the risk of exploitation, which was more commonly referred to and understood by respondents in this study. Trafficking and exploitation are linked to societal issues such as child migration, child labour, children not attending school and children living in institutions and foster care.

Although a number of significant differences exists between the four countries represented in this study, overlapping macro risk factors at the subregional level include: social dislocation and unrest associated with uneven and often slow democratization processes; centralized state systems; poverty and socio-economic inequalities; reduced government expenditure in health and education; inadequate social protection; and poor quality education and care for children. These macro factors are played out at the level of children's relationships with one another and their parents, relatives, peers, school teachers, social workers and other people in the community. In terms of risk, this is manifested in intimate partner or domestic violence, poor intergenerational communication, corporal punishment, physical, sexual and emotional abuse and neglect. These macro and interpersonal factors are in turn influenced by – and exert influence upon – children's individual characteristics, capabilities and capacities, including personality, educational achievement, self-efficacy and disabilities. The complex interplay of such macro, interpersonal and individual factors has an impact upon children's decisions to drop out of school, migrate and work. It also has an impact upon the extent to which children are at risk or resilient in the face of trafficking and exploitation.

The cumulative nature of risk and resiliency, and the complex manner in which moderating and mediating factors interact for different children facing a diverse range of stressors in different contexts, means that there is no single pathway to child trafficking and exploitation. The next section argues, however, that increased efforts should be made to build and enhance child protection systems so that all children can be empowered and protected from the interlinked child rights violations associated with violence, exploitation and trafficking.

5. LEGAL AND POLICY FRAMEWORKS

5.1 International legal framework

There is an insufficient level of ratification by Central Asian countries of international instruments relevant to the fight against child trafficking. Uzbekistan displays a very low level of ratification of international instruments in general. In this context, the strong implementation and monitoring capacities of both the Convention on the Rights of the Child and the Convention on the Elimination of Discrimination against Women are particularly welcome.

The general lack of specific commitments to the issues of international adoption (Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoptions) and commercial sexual exploitation of children (Stockholm Agenda for Action and Yokohama Global Commitment) across the region is of particular concern.

Table 3: Ratification of key international instruments

Relevant international instruments	<u>Kazakhstan</u>	<u>Kyrgyzstan</u>	<u>Tajikistan</u>	<u>Uzbekistan</u>
Convention on the Rights of the Child (Art. 35) (1989) (referred to as CRC)	X	X	X	X
Optional Protocol to CRC on the sale of children, child prostitution and child pornography (2000)	X	X	X	NO
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention against Transnational Organized Crime (2000) (known as the Palermo Protocol)	NO	X	X	NO
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)	X	X	X	NO
ILO Worst Forms of Child Labour Convention No. 182 (1999)	X	X	X	X (Signed March 2008)
ILO Minimum Age Convention No. 138 (1973)	X	X	X	X (Signed March 2008)
Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoptions (1993)	NO	NO	NO	NO
Convention on the Elimination of Discrimination against Women (1979)	X	X	X	X
Stockholm Declaration and Agenda for Action Against Commercial Sexual Exploitation of Children (1996)	X (2001)	NO	NO	NO
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)	NO	X	X	NO

Sources:

Office of the High Commissioner for Human Rights (OHCHR); United Nations Treaty Collection; International Labour Organization (ILO), Hague Conference on Private International Law (HCCH).

International legal standards on children's rights and trafficking in human beings complement each other. In order to ensure the full protection of children's rights, all relevant treaties must be ratified and effectively implemented.

- **Convention on the Rights of the Child (1989)**

The Convention on the Rights of the Child is the most comprehensive legal instrument for the protection of the rights of the child. The all-inclusive provisions of the Convention and its near universal ratification make it indispensable in addressing the exploitation of children in any form, including in the context of trafficking and sale.

The Convention obliges States parties to address all forms of exploitation and abuse of children as well as their illegal transfer. Articles 9 and 10 stipulate that children must not be separated from their parents against their will, except where separation is in their best interests. Article 11 requires States parties to combat the illicit transfer of children. Article 35 specifically addresses the trafficking and sale of children, as mentioned earlier.

Article 32 recognizes the right of the child to be protected from economic exploitation. Article 34 provides for States parties to protect children from all forms of sexual exploitation and abuse. Article 36 aims to protect children from any other form of exploitation that is prejudicial to the child's welfare. Under Article 21, States parties shall ensure that intercountry adoption "does not result in improper financial gain".

While the Convention does not specifically address the situation of migrating children, the non-discrimination clause provides that the Convention applies to all children irrespective of their residency status. Article 3 provides that in all actions concerning children, "the best interests of the child shall be a primary consideration."

Moreover, the Convention recognizes children's agency by reaffirming their rights to be consulted on matters affecting them, to express their opinions and to seek, impart and receive information. Article 12 requires that States parties assure the child the right to express his or her views freely in all matters affecting the child, and that the views of the child are given due weight in accordance with his/her age and maturity.

- **Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC; 2000)**

The Optional Protocol provides that States parties shall criminalize certain activities relating to the sale of children, child prostitution and pornography, whether these are committed domestically or transnationally or on an individual or organized basis (Article 3). In the context of the sale of children, States parties shall criminalize as a minimum the "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." Under Article 3, the sale of children shall further be criminalized when related to "improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption".

- **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the, UN Convention against Transnational Organized Crime (Palermo Protocol; 2000)**

The Palermo Protocol defines trafficking in persons as 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 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." It points out, as far as children are concerned (Art. 3(c)), "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." The Palermo Protocol supplements the Convention against Transnational Organized Crime and therefore focuses on aspects of criminal law, including border control and security of documents. It aims to address trafficking in human beings through "a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims"¹⁶⁶. The Protocol commits States parties to "protect and assist the victims of ... trafficking, with full respect for their human rights."¹⁶⁷ Articles 9(a) and 9(b) refer to policies to prevent the re-victimization of trafficked persons, with special consideration given to children.

The Optional Protocol contains more explicit measures to protect the rights and interests of child victims. Unlike the Palermo Protocol, which is vague about the language of assistance measures, the provisions of the Optional Protocol are mandatory. The two Protocols complement one another, each approaching the issue of child trafficking and child exploitation from a different perspective. The ratification of both instruments is therefore essential to provide a broader protection for children who have been trafficked or sold into exploitation. Only Kyrgyzstan and Tajikistan have ratified both Protocols, however.

- **Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (No. 33)**

The most important international document governing the intercountry adoption of children is the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. It is designed: "a) to establish safeguards to ensure that intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights as recognized in international law; b) to ... ensure that those safeguards are respected and thereby prevent the abduction, the sale of or traffic in children; and c) to secure the recognition in Contracting States of adoptions made in accordance with the Convention" (Article 1). Moreover, the Hague Convention prohibits "improper financial or other gain in connection with an adoption", noting, "only costs and expenses, including reasonable professional fees of persons involved in the adoption, may be charged or paid" (Article 32).

- **ILO conventions**

[The ILO Minimum Age Convention No. 138 \(1973\)](#) and [ILO Worst Forms of Child Labour Convention No. 182 \(1999\)](#) are particularly relevant to the protection of children from labour exploitation, and both have been almost universally ratified. The Minimum Age Convention aims to abolish child labour. It provides for States parties to "pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work" (Article 1). The minimum age "shall not be less than the age of completion of compulsory schooling and ... shall not be less than 15 years" (Article 2.3). The Worst Forms of Child Labour Convention reinforces the intent to abolish child labour. It reiterates, in the specific labour perspective, some important provisions of the Convention on the Rights of the Child and its Optional Protocol, and has some overlap with the Palermo Protocol.

¹⁶⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, General Assembly Resolution A/RES/55/25, United Nations, 8 January 2001. Preamble.

¹⁶⁷ Ibid., Article 2(b). Emphasis added.

- **International standards protecting the rights of migrant workers**

[The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families \(1990\)](#) provides measures to protect migrant workers against slavery and forced or compulsory labour (Article 11). It also renders it a criminal act for “anyone, other than a public official duly authorized by law, to confiscate, destroy or attempt to destroy identity documents” (Article 21), a practice that is often reported in the context of trafficking in human beings. Children are not specifically addressed by the Convention, but they are included under its provisions as family members of migrant workers. Adolescents who migrate alone for work are disregarded.

Article 25(1) of the Convention provides that migrant workers shall enjoy equal treatment and conditions of work to nationals in regard to – amongst other things – remuneration, hours of work, weekly rest, holidays with pay, safety and health. Most importantly, these rights are applicable irrespective of the migrant worker’s legal status in the country.

The Migrant Workers Convention is in line with the [ILO Migration for Employment Convention No. 97 \(1949\)](#) and also the [ILO Migrant Workers \(Supplementary Provisions\) Convention No. 143 \(1975\)](#), which refers more directly to trafficking as it sets a framework for the prosecution of trafficking for labour exploitation.

5.2 National legislations

All four countries have in place laws that can be used to address some elements of trafficking in human beings and child trafficking. A huge diversity of legal definitions exists, however, and the scope and comprehensiveness of national laws and the ways in which they address trafficking in human beings and child trafficking vary greatly. In some countries, trafficking and sale of children are addressed together or are interlinked. The discussion around the definitions presented in Section 1 provides the context for the conceptual clarity required for a discussion of national anti-trafficking legislation in Central Asian countries.

In each of the four countries, trafficking in human beings is addressed by one single law (‘anti-trafficking law’) or article in the relevant criminal code. This can be applied in combination with other pieces of the legislation according to the forms of exploitation that have occurred, the age of the victim (adult or child) or other factors relating to aspects of movement or consent. The separation of legal provisions creates some overlap, which may be difficult to resolve in individual cases, and increases the diversity of national laws across countries. In turn, this inhibits a uniform application and can lead to gaps in child protection in regard to the sentencing of perpetrators and the identification and protection of victims. In terms of the legal prosecution of traffickers, however, the use of different areas of the criminal code is standard procedure. The Palermo Protocol requires only that the crimes covered by the trafficking definition are criminalized; they do not necessarily need to be identified as trafficking within a discrete law in the criminal code per se.

No harmonious approach exists in the region on how provisions concerning children can be incorporated into national legislation on trafficking and sale. In some cases, provisions on children are subsumed under the general provisions and definitions of the trafficking or sale of adults, with or without the provision of aggravating circumstances. In other cases, provisions are addressed separately by a specific article, which sometimes includes a distinct definition. A separate definition is particularly important if the special rights of the child are not guaranteed under the general definition. Theoretically, the only rights of the child specific to trafficking that depend upon identification as a victim of trafficking are those under Article 6.6 of the Palermo Protocol, which concern civil measures for compensation. The other protection rights of the child apply whether or not he/she is a victim of trafficking. As these rights are not systematically implemented, however, a specific

article would allow the reiteration of these rights in the case of child trafficking victims. A separate article may also be favourable to the collection of disaggregated criminal statistics for adults and children, if cases are recorded according to the article under which they are prosecuted.

Where laws cover only the abduction of children and the sale of children for exploitative purposes, all of those cases in which a child has been recruited by traffickers without involving the sale, buying or abduction of the child will not be covered and children may remain unprotected. In addition, where definitions of crimes committed against adults and children differ, the definition for adults can also be applied to children, which also diminishes protection.

The definitions in the region differ on multiple levels, including in regard to:

- The inclusion of the definition of trafficking and sale of persons in one single definition;
- References to the illicit means employed to sell or traffic a person, including deceit, coercion, threat, violence and abuse of a position of vulnerability;
- The relevance of a person's consent;
- References to specific forms of exploitation and their scope;
- References to the element of movement in the concept of trafficking or sale of persons and the applicability of the definition at national and cross-border levels;
- The degree to which provisions on victim assistance are incorporated into national law; and
- The degree to which specific attention is paid to crimes committed against children through a specific article or definition or via the provision of aggravating circumstances.

With such a high level of variation among just four countries in the same region, it is obvious that cross-border cooperation faces a number of challenges. The ratification and effective implementation of international standards is key to promoting a universal level of protection – across the different national definitions and laws – as the basis upon which effective cooperation can be established within and beyond the region.

The effect of the ratification of international instruments is not yet clearly and sufficiently reflected by national law. As regards to the Palermo Protocol definition of trafficking in human beings and child trafficking, Kazakhstan has incorporated elements of the Protocol into national law despite not yet having signed it. Tajikistan, on the other hand, has ratified the Protocol but has incorporated the definition in such a way that child trafficking is not fully criminalized under national law (i.e., limiting trafficking to sale). Uzbekistan's law on 'countering human trafficking' states that international agreements on trafficking ratified by Uzbekistan take precedence over national law. Yet Uzbekistan has signed but not ratified the Palermo Protocol.

Table 4: Elements of national legislations related to child trafficking

	Legislation includes a full definition of trafficking (in this or in a related article)	Legislation includes a full definition of exploitation (in this or in a related article)	Legislation makes consent irrelevant for child victims	Legislation makes means (coercion, fraud, deception and abduction) irrelevant for child victims	Remarks
Kazakhstan Criminal Code Article 133 (trafficking in minors) and 128 (human trafficking)	NO, the definition does not sufficiently cover child trafficking without sale	YES	YES	NO, in the case of prostitution	According to the Committee on the Rights of the Child, exploitation for forced labour is insufficiently covered and another article (Art. 270) mentions specific means for recruitment of a child in prostitution to be criminalized
Kyrgyzstan Criminal Code Article 124.2 (human trafficking, with a paragraph on minors) and 2005 law on trafficking	YES	YES	YES	NO	Assistance to victims and protection of witnesses are also guaranteed under other laws
Tajikistan Criminal Code Article 167 (trafficking in minors) and 130.1 (human trafficking) and 2004 law on trafficking	NO, the definition is limited to sale and the law on trafficking is limited to cross-border	YES, the law on trafficking does not use the term exploitation but does list types of exploitation	YES	YES	
Uzbekistan Criminal Code Article 135 on the 'recruitment of people for exploitation'	NO	NO	Not addressed	NO	This may be supplemented by the use of Articles 137 and 245 of the Criminal Code, on the 'abduction of children and the taking of child hostages'
Law on 'countering human trafficking' (adopted in March 2008)	YES	YES	NO	NO	Article 11 on rendering assistance to child victims of human trafficking establishes responsibilities for referring child victims to guardianship agencies for potential placement in state care and to locate relatives/family ties

There is little experience upon which to base an evaluation of the effectiveness of the diverse national legal approaches that aim to address the sale and trafficking of persons and protect the rights of children who have been sold or trafficked.

Box 3: National legislation on child trafficking

Kazakhstan

In Kazakhstan, the sale and trafficking of children is criminalized under one definition in one article of the Criminal Code (Article 133), separate from the sale and trafficking of adults (Article 128). As there is no stipulation of illicit means used to sell or traffic the child, internally or across borders, this approach is in line with the concept of child trafficking provided by the Palermo Protocol. The definition covers not only the sale, but also the buying, of a person and 'other bargains' (commercial transactions). This definition provides broad protection against the sale of children, as it criminalizes the seller and the buyer. It combines both acts if they are committed for the purpose of exploitation.

The notion of exploitation is defined in a separate article and includes forced labour as well as commercial exploitation resulting from involving a person in prostitution or other services. Exploitation is therefore explicitly linked to financial gain. This may leave unaddressed some forms of exploitation in which financial gain is an indirect rather than direct effect of exploitation, e.g., domestic servitude and non-commercial forms of sexual exploitation. A separate article addresses the illegal transfer of human organs and tissues¹⁶⁸. In addition, Kazakhstan has reinforced its legislation in relation to the deportation and temporary residence of victims of trafficking¹⁶⁹.

On the occasion of Kazakhstan's reporting under OPSC¹⁷⁰, the Committee on the Rights of the Child found this legislation too weak in relation to child labour and child prostitution. According to the Committee: "Article 270 of the Criminal Code regarding recruitment for prostitution mentions specific methods of this recruitment but does not make punishable the recruitment of a child for prostitution regardless of the methods used." Although the scope of OPSC is different from that of the Palermo Protocol, remarks made by the Committee are also relevant to the issue of child trafficking. As well as providing legal recommendations, the Committee's concluding observations were particularly strong in recommending greater protection of the rights and interests of child victims, and data collection and preventive measures.

Kyrgyzstan

Article 124 of the Criminal Code of the Kyrgyz Republic prohibits human trafficking, including child trafficking¹⁷¹, but the definition entails both lack of consent and either coercion, fraud or deception, which does not fully protect children. A note to the article defines exploitation as the involvement in criminal activities or coercion of a person into "prostitution or other forms of sexual activity, forced labour or services, slavery, adoption for commercial purposes or the use in armed conflict". The law therefore does not cover non-coercive forms of exploitation, which may leave room for interpretation in cases where hidden forms of manipulation are used. The legislation includes provisions on victim assistance. Traffickers risk between 5 and 20 years' imprisonment and expropriation.

168 Criminal Code of the Republic of Kazakhstan, Article 113.

169 Pursuant to the Law On Introducing Changes and Amendments into some Enactments of the Republic of Kazakhstan on Suppressing Trafficking in Persons, changes were made in the Code on Administrative Infringements to allow administrative proceedings for deportation outside of Kazakhstan, as well as provision of the status of 'temporary resident' to foreign citizens acknowledged as victims of grave crimes,

170 Concluding Observations of the Committee on the Rights of the Child, Kazakhstan, CRC/C/OPSC/KAZ/CO/1, 17 March 2006.

171 Under Article 1 of the Minors' Rights (Protection and Defence) Act, children in Kyrgyzstan are recognized as minors until they reach the age of 18. Article 124 of the Criminal Code of the Kyrgyz Republic, paragraph 2 (2), provides for criminal responsibility for trafficking in minors (recruitment, transport, concealment, procurement, transfer or sale of a person or other unlawful transactions without his or her consent, effected by means of coercion, fraud, deception or abduction, with a view to exploitation or obtaining advantages). The footnote to Article 124 of the Criminal Code indicates that exploitation is understood to mean enticement into criminal activity, coercion of a person into prostitution or other forms of sexual activity, forced labour or services, slavery, adoption for commercial purposes or use in armed conflicts. Information submitted by the Government of the Kyrgyz Republic in its State Party Report to the Committee on the Rights of the Child on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography, CRC/C/OPSC/KGZ/1, 31 May 2006.

The 2005 Law on Prevention and Combating Trafficking in Persons also puts in place a framework for a coordinated response by the government, NGOs and international organizations to fight trafficking, prevent trafficking and related activities, and protect and assist child trafficking victims. The Witness Protection Act was signed in 2006 to provide incentives for victims to come forward. Implementation and enforcement of legislation is reportedly limited. On the one hand, this relates to a lack of understanding or knowledge of the legislation, on the other, a lack of scrutiny on the part of border guards and police officers.

Tajikistan

In August 2003, Article 130.1 was included in the Criminal Code to provide a legal basis for combating human trafficking and Article 167, Trafficking of Minors, was developed to criminalize the ‘sale or purchase’ of a minor – in any form and by whatever means. This legislation fails to protect victims of trafficking who are not sold per se, i.e., in instances where financial gain is an indirect rather than direct effect of exploitation, such as in domestic servitude and non-commercial forms of sexual exploitation. It defines penalties in terms of imprisonment from 5 to 15 years depending upon the actions of the crime, with the deprivation of the right to hold a certain position or be involved in certain activities for 2 to 5 years. In addition, other articles of the Criminal Code can be used to address child trafficking¹⁷².

In August 2004, the President of the Republic of Tajikistan enhanced legislation by signing the Law on Combating Trafficking in Persons. Children are not specifically mentioned by the definition, nor are aggravating circumstances provided if the crime is committed against a child. The definition is only applicable to cases that take place across borders. Cases involving the sale of children within Tajikistan therefore must be referred to Article 167 of the Criminal Code.

The Law on Combating Trafficking in Persons is also limited to ‘sale or purchase’. In addition, the recruitment, harbouring, transportation and transfer of a person – the processes of trafficking provided under the international definition – are included as one of the illicit means of selling or purchasing a person, along with deceit, abduction, abuse of a position of vulnerability and coercion. The element of receipt is missing in the list of illicit means, leading to a situation in which the perpetrators acting at the final stage of a trafficking chain can only be held criminally responsible under this legislation if they have ‘bought’ a person for exploitation, i.e., if a commercial transaction was involved. Trafficked children therefore remain unprotected in all cases that do not involve the sale of the child.

The law classifies four different types of human trafficking according to the form of exploitation involved: exploitation for human physiological organs, exploitation for labour, exploitation for sexual purposes and exploitation of a person for participation in armed conflicts or military operations. Articles 6 to 10 identify various entities and their responsibilities for addressing human trafficking. These articles also establish and define the activities of the Inter-ministerial Commission on Combating Trafficking in Persons. The law provides for victim assistance measures, including special provisions for children. This is a welcome addition, but as the law applies only to cross-border situations, internally trafficked children cannot benefit from such provisions.

¹⁷² Criminal Code of the Republic of Tajikistan: Article 122, Compulsion to Donating; Article 130, Kidnapping; Article 131, Illegal Deprivation of Liberty; Article 132, Recruitment of People for Exploitation; Article 134, Coercion; Article 149, Illegal Restriction of Rights to Move, Free Choice of Place of Residence, Departure from the Republic of Tajikistan and Return of a Citizen; Article 166, Involving a Minor in Committing Anti-Social Actions; Article 172, Illegal Adoption; Article 238, Involving in Prostitution; Article 239, Organization or Maintenance of Dens, Pandering; Article 335, Illegal Crossing of the State Boundaries; Article 339, Damage or Theft of Documents, Stamps and Seals; Article 340, Forgery, Manufacturing or Sale of Forged Documents, State Awards, Stamps, Seals or Letterheads.

Since May 2007, the International Organization for Migration has been working on developing a new Article 130.1 in conjunction with the Inter-ministerial Commission on Combating Trafficking in Persons, the Council of Justice of Tajikistan and Centre for Socio-Economic Development and Human Rights Protection IMRAN. The aim is for the new Article 130.1 to comply with international standards and the existing criminal law enforcement practices of the Republic of Tajikistan¹⁷³.

Most recently, in October 2007, the Government of the Republic of Tajikistan approved Regulation No. 504, the Standard Statute on Centres for Provision of Support and Assistance to the Victims of Human Trafficking. These centres will be established in the future as specialized organizational structures that support and give assistance to adults and minors who have been identified as human trafficking victims. This newly created regulation emphasizes the involvement of international donor organizations and provides opportunities for local NGOs to develop support centres for human trafficking victims. The Government also established a new Department for Rendering Social Services and Family and Child Protection Issues¹⁷⁴ under the Ministry of Labour and Social Protection. The new Department, and its corresponding departments at local level, will be responsible for the development of policy on family and child protection issues and the implementation of that policy; for coordinating issues of social protection, re-integration of children, prevention of forced labour and other forms of exploitation of children¹⁷⁵.

Uzbekistan

Legislation and national policy on child trafficking are not developed in Uzbekistan. One article of the Criminal Code – Article 135¹⁷⁶ – stipulates punishments for crimes of “recruitment for the purpose of exploitation”. Aggravating circumstances are defined if the victim is a child or if recruitment is conducted for the purpose of trafficking a person abroad.

This legislation fails to define exploitation and trafficking. Recruitment for the purpose of exploitation is only one aspect of the international definition of trafficking, and the legislation does not cover the full chain of operations and perpetrators that may be involved in trafficking cases. In addition, the legislation only covers exploitation by deceit and limits the scope of trafficking to cross-border cases. As such, the legislation falls far below the minimum requirements set by international standards.

Certain crimes that may be committed in relation to some forms of human trafficking can be prosecuted under national law. These include rape, compulsion of a woman into sexual intercourse, sexual intercourse with a person under the age of 16 and the forced illegal deprivation of liberty.

Nevertheless, the complex nature of the exploitation of adults and children in cases of trafficking and sale remains unaddressed by national law. There is no legal basis by which to identify victims, or to determine their legal status as victims and their entitlement to assistance under international law as a result of this status. This also means that Uzbekistan law is inadequate in regard to prosecuting perpetrators, protecting victims and cooperating with other countries that have already introduced to their legislation the notion of child trafficking.

173 International Organization for Migration, IOM Tajikistan Newsletter (April–June 2007), IOM, 2007. See: http://www.unj.org/files/Press-releases/IOM_Newsletter_April-June_2007_English.pdf

174 Order on the Department for Rendering Social Services and Family and Child Protection Issues (2007).

175 Legal analysis of the child protection system in Tajikistan conducted by the Commission on Child Rights under the Government of the Republic of Tajikistan, C.Hamilton, September 2008, p.7.

176 Criminal Code of the Republic of Uzbekistan, Article 135, Recruitment of People for Exploitation: “Recruitment of people for sexual or any other exploitation by deceit shall be punished with fine from one hundred to two hundreds minimal monthly wages or correctional labour up to three years, or arrest up to six months, with or without forfeiture of property. The same action committed: (a) repeatedly or by a dangerous recidivist; (b) by a previous concert by a group of individuals; (c) in respect of a juvenile – shall be punished with imprisonment up to five years, with or without forfeiture of property. The same action committed with a purpose of traffic of such persons outside the Republic of Uzbekistan – shall be punished with imprisonment from five to eight years, with forfeiture of property.”

5.3. Policy frameworks

An effective national response to address and prevent child trafficking, the sale of children and related child rights violations requires a political commitment to establish, maintain and monitor a national policy framework that includes specialized national bodies, cooperation and coordination mechanisms that clearly assign leadership, and national action plans or strategies.

As child trafficking and sale in Central Asia is reported to take place within countries and across borders, cooperation between governments in the region and beyond is particularly important to ensure the efficacy of initiatives. This is particularly relevant as internal and cross-border migration and movement take place in the region and beyond. Some targeted national policy responses to address child trafficking and/or the sale of children are in place in Kazakhstan, Kyrgyzstan and Tajikistan, but are scarce in Uzbekistan.

5.3.1. National action plans

A national action plan sets out the policy priorities in a specific field¹⁷⁷ and the terms and conditions for their implementation. A national action plan is not usually legally binding, but it does constitute a political commitment for which a government may be held accountable.

National action plans on trafficking in human beings

National action plans on trafficking in human beings and/or sale are in place in Kazakhstan and Tajikistan, while Kyrgyzstan is in the process of developing a second action plan following the expiry of its first (2002–2005). These action plans are adopted for a multi-year time frame, which is important in enhancing the sustainability of efforts (two years in Kazakhstan; four years each in Tajikistan and in the draft action plan of Kyrgyzstan). In Uzbekistan, a plan of action for the prevention of trafficking has been drafted and submitted to the Cabinet of Ministers for approval.

The objectives of the national action plans in Tajikistan and Kyrgyzstan focus on protection and assistance measures for children who have been trafficked or sold. Kazakhstan goes further by also including some provisions for awareness-raising in secondary schools, law reform to regulate the adoption of children from Kazakhstan by families abroad, and management of criminal statistics. All existing action plans include provisions for children, but specific action plans on the trafficking and/or sale of children are not in place in the region.

Some key determinants can help to assess whether national action plans are well equipped for effective implementation:

Budget

Only for the current action plan in Kazakhstan is information available on specific funding needs. Other activities are integrated into the general budgets of the implementing agencies and will therefore not receive additional funding. The allocation of a sufficient budget is, however, critical to effective policy implementation.

¹⁷⁷ "When complex policy issues, such as policies to prevent and respond to human trafficking, involve multiple national and international actors, national action plans are a useful tool to coordinate a multisectoral approach. Action plans also enhance the transparency of national policies and the monitoring of their implementation. To be an effective policy instrument, a national action plan must provide a concrete and realistic description of activities to be undertaken and objectives to be achieved. It must identify responsible stakeholders, set a time-frame for implementation, and include a budget that provides sufficient financial resources to each of the actors involved in the implementation process." UNICEF Innocenti Research Centre, *Child Trafficking in Europe: A broad vision to put children first*, IRC, Florence, 2007.

Responsible stakeholders

The action plans of Kazakhstan and Tajikistan specify which national institution or ministry is responsible for the implementation of the activities listed. In either country, cooperation between state authorities and NGOs and civil society organizations (CSOs) is included as a specific commitment in the action plan. In addition, IOM and OSCE appear as responsible stakeholders for the implementation of specific activities under Kazakhstan's action plan. The inclusion of civil society actors, NGOs and international organizations is of particular importance in enhancing cooperation between national authorities and non-governmental actors, including service providers. Yet none of the countries directly include NGOs as implementing partners in their national action plans.

Time frame

A concrete time frame for implementation is specified for the action plans of Kazakhstan and Tajikistan, while in Kazakhstan every single activity has a specific time frame for implementation, thus facilitating accurate monitoring of timely implementation.

Monitoring

The action plans of Tajikistan and Kazakhstan both also include provisions on how to monitor implementation. In Kazakhstan, the national bodies responsible for action plan implementation are obliged to submit updates on the status of implementation twice a year to the Ministry of Justice. In Tajikistan, monitoring action plan implementation is the responsibility of the Inter-ministerial Commission on Combating Trafficking in Persons. The Executive Secretary of the Commission reports once a year to Parliament on progress.

Box 4: National policy on child trafficking

Kazakhstan

Since the early 2000s, the Government has recognized trafficking as a problem. In 1998, the President of the Republic established the National Commission on Women and Family Affairs, the main focus of its work being to prevent violence against women. According to various sources, the Commission has conducted most of the work to fight human trafficking, which includes reinforcing control over travel agencies.

On 26 September 2003, the Government established an Interdepartmental Committee on human trafficking to develop proposals on prevention and intervention¹⁷⁸. The Committee has developed a number of amendments to the country's criminal and administrative codes with the aim of filling in the legislative gaps in this area.

The Government subsequently approved two National Action Plans on Control and Prevention of Human Trafficking Crimes for 2004–2005 and 2006–2008. The National Action Plan for 2006–2008 lists activities in 16 areas, as well as responsible entities, terms of execution, estimated costs and sources of financing. It contains no child-specific items but includes the implementation of Article 133 of the Criminal Code and general anti-trafficking measures that may benefit children. A regional plan for East Kazakhstan oblast was also adopted and, in Karaganda, a coordination board on the issues of illegal human importation, exportation and trafficking control was established¹⁷⁹.

178 The basic tasks of the Committee are: analysis of current situation in regard to illegal import, export and trafficking in human beings; initiating offers and recommendations on public informing, improving legislation, increasing the effectiveness of interested state bodies' cooperation, protecting and rendering help to victims of illegal import, export and trafficking in human beings. Source: Resolution of the Government of the Republic of Kazakhstan No. 983, 'On Establishment of the Interdepartmental Committee on Issues of Control of Illegal Human Exportation, Importation and Traffic', 26 September 2003.

179 Both NGO and state representatives sit on this local coordination board. The coordinators are the Centre for Legal Assistance for Mass Media, which is the official partner of IOM and a member of the international NGO network against trafficking, and the Department of Justice of Karaganda Oblast. According to Project Coordinator Olga Arkadeva, "The given coordinating council will have real rights and opportunities."

The Government also announced the establishment of a victim tracing system and appointed an NGO based in Almaty as the official organization to which victims can turn for assistance¹⁸⁰. Under the Gender Equality Strategy for 2006–2016, Kazakhstan plans to establish a national coordination centre for the control of human trafficking, plus rehabilitation centres at border checkpoints for the placement of presumed trafficking victims during case assessment and rights determination. Several sources report that currently functioning in the national territory are around 30 crisis centres for women victims of violence – a number of which occasionally deal with human trafficking victims.

On 11 January 2006, the Committee on the Rights of the Child examined Kazakhstan's initial report on the implementation of OPSC. The government delegation indicated its determination to cooperate regionally and internationally against the sale of children and child pornography. The Committee welcomed the country's plans of action against trafficking but remained concerned about the prevalence of child trafficking. The Committee encouraged the Government to strengthen awareness and protection of victims, enter into bilateral and multilateral protection and repatriation agreements, and ratify the Palermo Protocol¹⁸¹.

On 18 January 2007, the Government reported to the Committee on the Elimination of Discrimination Against Women. The Committee members stated that the authorities must take more decisive measures in fighting the trafficking of women for the purpose of sexual exploitation. Experts were surprised that although prostitution is prohibited in Kazakhstan, no punishment for prostitution is provided for in the legislation. The Committee remained concerned about the persistence of trafficking in women and girls and issued strong recommendations in regard to the enforcement of existing policies and legislation¹⁸².

The 2007 US Trafficking in Persons Report notes that legislative amendments enacted in March 2006 were expected to improve the ability of the Government of the Republic of Kazakhstan to convict traffickers and increase the amount of resources devoted to victim protection. Despite implementation of the Law on Social Assistance, passed in April 2005, which provides a mechanism to allow the Government to provide grants to NGOs, the Report argues that government funding for anti-trafficking NGOs remains nominal: "Government resources devoted to victim protection remain insufficient. Government efforts to assist and protect victims improved over the reporting period; however, additional resources should be devoted to assisting trafficking victims. Kazakhstan has not devoted sufficient resources to effectively provide protection to identified trafficking victims."¹⁸³

Kyrgyzstan

Kyrgyzstan officially recognizes the occurrence of child trafficking and has a legal framework in place for law enforcement, prosecution, prevention, assistance and child protection.

In its recent report under OPSC, the Government of the Kyrgyz Republic makes a strong statement recognizing the cross-border nature of child trafficking and recalling efforts made by Kyrgyzstan and Kazakhstan to address the phenomenon: "It is well known that, in Kyrgyzstan, victims of trafficking

180 'Serf traffic in the former USSR, 2003 results', Washington Profile, 2004.

181 Concluding Observations of the Committee on the Rights of the Child, Kazakhstan, CRC/C/OPSC/KAZ/CO/1, 17 March 2006.

182 Concluding Comments of the Committee on the Elimination of Discrimination Against Women, Kazakhstan, CEDAW/C/KAZ/CO/2, 2 February 2007.

183 Trafficking in Persons Report, US Department of State 2007.

in persons are not only women and children who were exploited in the sex industry in Turkey, China and the United Arab Emirates, but also citizens of Kyrgyzstan who have been sold in Kazakhstan to work on tobacco plantations. With a view to putting an end to trafficking in persons and solving problems of migrant workers whose rights are violated by their Kazakh employers, on 9 July 2002 the Governments of Kyrgyzstan and Kazakhstan signed the Agreement on Labour Activity and Social Protection of Migrants Employed in Agriculture in Border Areas. The purpose of the Agreement is to protect migrant workers and members of their families from any unlawful acts.¹⁸⁴

Two government bodies have a mandate to work in the area of child trafficking in collaboration with central and local agencies in the judiciary and other sectors. They are: the National Council on the Fight Against Illegal Smuggling and Trade in Persons (hereafter referred to as the National Council) established under the President of the Kyrgyz Republic in 2002, and supervised by the Prime Minister's Office from 2004 to 2007; and the Sector on the Fight Against Illegal Smuggling and Trade in Persons under the State Committee on Migration and Employment, under which the National Council has now been moved.

The two bodies have made efforts to combat trafficking in the areas of prosecution, prevention and assistance, but many of these efforts are insufficient or flawed according to the secondary literature. One potential concern is that the National Council has been 'demoted' from the Prime Minister's Office to the Sector on the Fight Against Illegal Smuggling and Trade in Persons under the State Committee on Migration and Employment. This reveals the overarching association of child trafficking with child labour and migration. It is unclear what this 'demotion' means in terms of resource and budget allocation, but it is likely to have had an impact upon bureaucratic procedures and staff. This may prolong the time it takes to develop a national counter-trafficking programme. In addition, the National Council has a high turnover of ministers and deputy ministers, which affects not only the length of time it takes to develop a national programme but also likely hinders knowledge accumulation, sustainability and execution.

Tajikistan

The National Action Plan on the Prevention of Human Trafficking 2006–2010 adopted by Tajikistan does not specifically address child trafficking. The Plan is articulated around six main objectives: monitoring; training; addressing social root causes; creating conditions for the return, reintegration and rehabilitation of victims; improvement of the national legislation; and development of international cooperation.

The only consideration given to child trafficking is the development of high school student-focused educational programmes for trainers of short term courses on the prevention and elimination of human trafficking. This programme activity, however, has little to do with directly preventing or combating child trafficking. The National Action Plan also calls for the regulation of youth centre activities and the establishment of youth centres in rural areas, and for vocational guidance and training of young unemployed people. It is unclear how these efforts will combat trafficking of the most vulnerable children: orphaned, abandoned and street children, as well as runaways and children already involved in prostitution and informal labour markets.

Nonetheless, Article 19 of the Law on Combating Trafficking in Persons provides that specific attention be given to assisting child trafficking victims and maintains that children must be accommodated separately from adults in support centres. A review of the Standard Regulations on

184 Initial report to the Committee on the Rights of the Child, Kyrgyzstan, CRC/C/OPSC/KGZ/1, 31 May 2006, p. 10.

Support Centres for the Victims of Human Trafficking maintains that such centres will be established in close coordination with the Inter-ministerial Commission on Combating Trafficking in Persons. It is not yet clear which government body, IGO or NGO will be responsible for establishing and running the support centres but mention is made of separate support centres for child victims.

The National Action Plan on the Prevention of Human Trafficking has apparently helped to improve communication between the Government of the Republic of Tajikistan and anti-trafficking NGOs, to which the Government has begun providing some 'in kind' support such as office space and utilities¹⁸⁵.

Box 5: National action plans

In 2007, the Children of **Kazakhstan** National Program (2007–2011) was developed. The lead agency is the Child Rights Protection Committee in the Ministry of Education. The Program follows up the implementation of the Convention on the Rights of the Child in regard to issues including: improvement of legislation; establishment of child rights monitoring mechanisms and certification; combating worst forms of child labour; and establishing services for children living in the street, in family-based care and with special needs. Child trafficking is not addressed.

Kyrgyzstan has developed a national strategy for children in its New Generation State Programme on Implementation of the Rights of Children of Kyrgyzstan, which was adopted by the Government of the Kyrgyz Republic in 2001 and is valid until 2010. It specifies certain activities for a number of ministries in a matrix for implementation, with some focus on the prevention of child trafficking and sale.

In Tajikistan, the National Plan of Action for the Interests of the Child for 2003–2010 [was approved by governmental decree in 2003. This Plan has no focus on child trafficking, sale or exploitation.

In Uzbekistan, the National Plan of Action for the Well-being of Children for 2007–2011 was developed and approved by the cabinet of ministers. Child trafficking is not included.

185 US Department of State, Trafficking in Persons Report, 2006.

5.3.2. National bodies and leading institutions

National bodies on the sale and trafficking in human beings

In order for a country to develop and implement targeted policy responses, national bodies are established and each given a specific mandate to address trafficking and sale of persons. These national bodies are located in various ministries or other national institutions and include cooperation mechanisms such as inter-ministerial groups and working groups comprising governmental and non-governmental actors.

Due to the complexity of child trafficking and the diversity of national actors involved, effective responses to child trafficking require mechanisms for cross-sectoral cooperation and coordination among government bodies. A lead institution must be clearly assigned for such mechanisms. Cooperation and coordination must also involve civil society actors, ideally in an institutionalized form, to provide long term and stable cooperation agreements, including financial support and the monitoring of service quality. In addition, it is important that children's organizations themselves are actively involved in the development of national policies and the review and evaluation of their effectiveness and impact on children.

Besides central cooperation mechanisms, cooperation and coordination are also important between the various stakeholders active at the national, provincial and local levels, in order to ensure that policies are fully understood, promoted and implemented at the level of communities, including in cooperation with community members.

The institutional affiliation of national bodies and lead institutions is telling in regard to national priorities in approaching trafficking and sale of persons. While the focus on criminal justice relating to human trafficking is mirrored in other regions, national policies on human trafficking and sale in Central Asian countries also give high priority to issues associated with labour migration.

All four countries have established specialized national bodies to address trafficking in human beings and one lead institution responsible for the development and implementation of corresponding policies. None of these have a focus on children, however. By respectively establishing an inter-ministerial group and commission, Kazakhstan and Tajikistan have institutionalized cooperation across ministries. Cooperation with civil society and children's organizations is scarce, however, and should also be included within these cooperation mechanisms.

Box 6: National bodies

The inter-ministerial group on trafficking in human beings in **Kazakhstan** comprises members of the Ministry of Justice, National Security Committee, Prosecutor-General's Office, Ministry of the Interior and Agency for Migration and Demography. Given this representation of ministries, the national approach to trafficking and sale is clearly focused on criminal aspects of trafficking and sale, including issues of national security, justice, prosecution and migration control. Policy responses include special provisions for children and maintain a focus on irregular cross-border migration into and out of the country. The role of each of the lead institutions in Kazakhstan is strengthened by its mandate to monitor the implementation of policies by all state actors with the assistance of independent experts, evaluation specialists and scientists.

Tajikistan has a relatively high number of specialized national bodies on trafficking and sale: an inter-ministerial commission, an inter-departmental group and a national working group that includes representatives of relevant ministries, international organizations and NGOs. In addition, Tajikistan has a special law enforcement unit on trafficking in human beings. The Inter-ministerial Commission on Combating Trafficking in Persons is responsible for the development and coordination of state policy on trafficking and sale. Nearly all deputy ministers are members of the Commission. It is chaired by the head of the law enforcement and security department of the Presidential Office.

In **Kyrgyzstan**, the lead role resides in the National Council on the Fight Against Illegal Smuggling and Trade in Persons, established by the President of the Kyrgyz Republic and now located in the Sector on the Fight Against Illegal Smuggling and Trade in Persons under the State Committee on Migration and Employment, which demonstrates an approach to trafficking and sale that emphasizes aspects relating to migration and employment. Two service provider organizations are members of the National Council. In addition, all of the mandates of the major national ministries in some way address trafficking in human beings¹⁸⁶. While most of the ministries focus on issues around criminal justice and border control, the ministries concerned with labour and social affairs, education and health are also represented. Such a wide scope facilitates a broader approach to trafficking and sale. Some ministry mandates include children's rights, but no national institution working specifically for children is involved in the National Council.

Uzbekistan has established a specialized agency within the Ministry of Internal Affairs: the Department for Combating Crimes Related to Recruiting Persons for the Purpose of Exploitation and Trafficking. According to the March 2008 law on countering human trafficking, an Inter-institutional Commission on Countering Human Trafficking will also be created, to coordinate the activities of the various state institutions engaged in countering human trafficking.

Effective policies to address and prevent child trafficking must, however, go beyond the criminal justice approach and include national actors working with and for children and families. It is not clearly established whether the lead role on child trafficking lies with the lead institution on trafficking in human beings or the national institution responsible for policies on children and child rights protection. Effective cooperation and coordination between both institutions is therefore not only particularly important but also creates additional challenges in determining responsibility and liability.

In order to develop effective policy responses to address and prevent child trafficking, it is important to ensure that the lead institution is equipped with political will and a mandate that provides it with sufficient decision-making power and resources to allow coordination with national actors and cooperation with international actors and donors.

¹⁸⁶ General Prosecutor's Office; Ministry of the Interior; Ministry of Foreign Affairs, including diplomatic representations and consulates; National Security Service; Frontier Service; Department of Customs Service of the Incomes Committee under the Ministry of Finance; Ministry of Labour and Social Protection; Ministry of Education; Ministry of Health; local authorities; State Committee on Migration and Employment.

National bodies on child rights and child protection

While no national bodies deal specifically with child trafficking and sale, all countries do have specialized institutions for child protection that can address child trafficking and sale within each of their broader mandates on children's rights.

Kazakhstan has set up a Child Rights Protection Committee under the Ministry of Education and Science. The Committee implements national policies on children within the mandate of the Ministry, and has special executive and control functions within its competency. In addition, the central and local executive bodies are responsible for child care and guardianship.

In Kyrgyzstan, the lead role on child rights protection has been assigned to the State Agency for Physical Education, Sport, Youth Affairs and Child Protection, a specialized body under the Prime Minister. In addition, the Commission on Children's Affairs and the Family and Children Support Division take charge of child rights issues.

In Tajikistan, a number of ministries' mandates include selected child rights issues, in particular those of the Ministry of Education, the Ministry of Labour and Social Protection and the Ministry of Health. In addition, the National Commission on Child Rights was established in 2001 to coordinate national policies on children's issues. At provincial and district levels, the National Commission operates through an executive pilot organ, the Child Rights Department. Further involved is the Committee on Family and Women's Affairs.

In Uzbekistan, the implementation of the National Plan of Action for the Well-being of Children for 2007–2011 is coordinated by the cabinet of ministers. The Commission for Minors is headed by the General Prosecutor at national level and by mayors at local level.

Independent human rights institutions for children

One of the general measures of implementation of the Convention on the Rights of the Child is the establishment of national human rights institutions (NHRIs) for children. NHRIs are to be seen as complementary to government bodies and structures for children and, according to the Committee on the Rights of the Child, their role is " ... to monitor independently the State's compliance and progress towards implementation and to do all it can to ensure full respect for children's rights."¹⁸⁷

While none of the countries in Central Asia have established an independent human rights institution specifically for children, Uzbekistan has a national human rights institution¹⁸⁸ that addresses children's rights as part of its broader human rights agenda. Kyrgyzstan is in the process of setting up an independent national institution for children.

The role of civil society and NGOs

In none of the Central Asian countries covered by this study has the government systematically engaged in agreements with NGOs or service providers to institutionalize cooperation on the issue of trafficking and sale. In Kazakhstan, one NGO has been appointed as the official focal point for the reporting and tracing of missing persons who are potential trafficking victims, but other forms of multi-sectoral cooperation are scarce. In Kyrgyzstan and Tajikistan, NGOs are participating alongside government representatives in national working groups on trafficking and sale.

¹⁸⁷ Committee on the Rights of the Child General Comment No. 2: The Role of Independent National Human Rights Institutions in the Protection and Promotion of the Rights of the Child, CRC/GC/2002/2, 15 November 2002, para. 25.

¹⁸⁸ The Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman).

In Kyrgyzstan, the legislation explicitly legitimizes cooperation between government agencies and non-governmental organizations on issues of human trafficking; however, there are as yet no inter-sectoral agreements.

Experience shows that the involvement of NGOs and CSOs is important in supporting child victims of trafficking to claim their rights to assistance, protection and compensation. NGOs must be empowered to support all child victims of exploitation and abuse. No hierarchy should exist between trafficked children (identified or not) and non-trafficked children who may also be in need of protection. Anti-trafficking policies should contribute to strengthening the legitimacy and funding of NGOs that do, however, support trafficked children among others.

5.4 International cooperation

Bilateral and trilateral agreements

All countries in the region have concluded bilateral or trilateral agreements with neighbouring countries or countries in other regions, including the Middle East and Europe and with the European Union. In particular, Kazakhstan, Kyrgyzstan and Tajikistan engage in bilateral cooperation in the region and beyond. Bilateral agreements have been adopted to regulate cooperation between countries on criminal and judicial matters, including transnational organized crime, terrorism, drug trafficking and other crimes. One focus of such agreements is cooperation between law enforcement and the judiciary on matters of mutual legal assistance¹⁸⁹.

There are, however, no bilateral agreements specifically focusing on children. Existing agreements on labour migration consider children as members of the family of migrant workers.

Cooperation agreements of the Commonwealth of Independent States

A number of agreements are in place between participating States in the Commonwealth of Independent States (CIS). These focus on cooperation on combating organized crime and irregular migration¹⁹⁰. While there is a strong focus in the agreements on the control of irregular migration, no information is available on whether the agreements seek to encourage and create opportunities for safe and regular migration at the regional levels.

In addition to agreements on organized crime and irregular migration, CIS has also adopted specific cooperation agreements on trafficking in human beings and on the return of unaccompanied and separated children to their country of residence.

The Agreement of the States Parties of the Commonwealth of Independent States on the Struggle Against Trade in People, Human Organs and Fabric (Moscow, 25 November 2005)¹⁹¹ was signed to establish the basic principles of a joint CIS strategy against human trafficking. The Agreement defines a child as any person under the age of 18 and uses the definition of the Palermo Protocol, but it does not include paragraph 3. Thus it fails to protect children against trafficking undertaken *by whatever means*.

189 UNICEF Innocenti Research Centre, Child Trafficking Research Central Asia, Questionnaire, Kazakhstan, June 2007, pp. 53–57. UNICEF Innocenti Research Centre, Child Trafficking Research Central Asia, Questionnaire, Kyrgyzstan, June 2007, pp. 22–25. UNICEF Innocenti Research Centre, Child Trafficking Research Central Asia, Questionnaire, Tajikistan, July 2007, pp. 24–26. UNICEF Innocenti Research Centre, Child Trafficking Research Central Asia, Questionnaire, Uzbekistan, July 2007, pp. 21–22.

190 CIS agreements on combating organized crime and irregular migration: Agreement on Cooperation of Ministries of Internal Affairs of CIS in the Sphere of Combating Crime (1992) Agreement on Cooperation of Ministries of Internal Affairs in the Sphere of Combating Organized Crime (1994) Agreement on the Cooperation of the CIS Member States in Fighting Illegal Migration and Organized Crime (1998), signed by all CIS countries, except Turkmenistan. The Agreement includes cooperation and coordination in the area of immigration control, coordination of legislation and deportation processes, and exchange of information on irregular migration. Parties to the Agreement also agreed to create a common database on irregular migration, with the Russian Federation responsible for database functioning and input. According to the US State Department, reporting in 2006, however, although the Agreement has proved effective and the common database has been established, the effective exchange of data has not taken place.

191 The States parties to the Agreement are Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, the Republic of Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan. Not all States parties have ratified the agreement yet, however.

In addition, a decision signed in Minsk on 28 November 2006 approves a CIS Program of Co-operation to Combat Trafficking in Human Beings for 2007–2010. The main objectives of the Program are:

- Expanding and strengthening the international legal basis for cooperation of the CIS countries;
- Improvement and harmonization of national legislation;
- Concerted legal action, prevention, intelligence and special operations;
- Provision of information and scientific cooperation, and cooperation in training and improving skills.

The Program does not include any child related organization in the list of bodies in charge of its implementation. It does, however, recommend accelerating the implementation of domestic procedures necessary for the entry into force of the existing agreements, and it invites the Inter-parliamentary Assembly of States Members of CIS to develop in 2008:

- A draft model legislation to combat trafficking in persons;
- A draft model legislation to assist victims of trafficking;
- Recommendations on the unification and harmonization of the legislation of the CIS States Members on combating human trafficking.

Furthermore, the Program recommends taking legislative and other regulatory acts:

- Aimed at protecting the rights and interests of victims of trafficking, and their physical, psychological and social rehabilitation;
- Providing for licensing of international marriage brokering businesses, model employment agencies and citizens' overseas tourism;
- Providing for increased control structures in the field of tourism, employment of citizens abroad and the adoption of children by foreign citizens.

Also contained in the Program is an array of activities to enhance prevention, protection, prosecution of offenders and rehabilitation of victims, including training and databases.

The Agreement of the States Parties of the Commonwealth of Independent States on the Return of Minors to their State of Permanent Residence (Chisinau, 7 October 2002)¹⁹² was adopted in an attempt to enhance regional cooperation and information exchange in regard to the return of unaccompanied migrant children. The Agreement sets out provisions for children who have left their country of permanent residence without the permission of natural or legal persons with the right of parental guardianship and who are identified on the territory of another country participating in the Agreement. It provides that these children will be placed in institutions for juvenile offenders or children without parental care of the country in which they are identified according to the conditions stipulated by the national legislation of that country.

The Agreement is an important step towards enhancing regional cooperation on children. It makes reference to the Convention on the Rights of the Child. It does not, however, define special assistance and protection measures and services that must be in place for non-national migrant children without parental care. The Agreement also does not give a universal definition of 'child' but refers to the relevant yet diverse definitions under the national legislations of the participating countries.

The Agreement should be amended in light of international standards and good practices that define standards for the treatment and care of unaccompanied and separated children and which call upon States not to detain children simply because they are unaccompanied or because their immigration status is unclear. In particular, the Committee on the Rights of the Child, in its General Comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin, affirms that unaccompanied or separated children should not, as a general rule, be de-

¹⁹² The States parties to the Agreement are Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, the Republic of Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan, www.cis.minsk.by/main.aspx?uid=3474, CIS Human Rights Treaties 1991 – 2007, p. 13.

tained and that States should ensure that such children are not criminalized solely for reasons of illegal entry or presence in the country¹⁹³.

The Organization for Security and Co-operation in Europe Action Plan and Addendum

The OSCE Action Plan to Combat Trafficking in Human Beings was adopted in December 2003 by ministerial representatives of the 55 participating States of OSCE, including the Central Asian countries¹⁹⁴. OSCE established the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings as a mechanism to support the development and implementation of anti-trafficking policies in OSCE participating States¹⁹⁵. The OSCE Action Plan provides participating States with a toolkit to implement commitments to address trafficking in human beings. In July 2005, the OSCE Action Plan was supplemented by the Addendum Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance¹⁹⁶, which supports activities for prevention, victim protection and prosecution of perpetrators.

The OSCE Action Plan and Addendum address all forms of trafficking. As the development of these documents was based upon experience in addressing trafficking for sexual exploitation, however, OSCE continues to expand its work on special responses to trafficking for labour exploitation, taking into account emerging issues that are insufficiently addressed under the OSCE Action Plan. Some of these issues were addressed in the OSCE Ministerial Council Decision No. 14/2006: Enhancing Efforts to Combat Trafficking in Human Beings, Including for Labour Exploitation, Through a Comprehensive and Proactive Approach¹⁹⁷. So far, children who migrate for work or who are trafficked into labour exploitation are not specifically addressed by these measures. Initiatives must be extended to include specific measures for children and young people.

As mentioned earlier in this report, the control of child migrants varies from one country to another. Children below the age of 16 must be inscribed in a parent's passport, but this need not necessarily be accompanied by a picture. Alternatively, a child migrant must present his or her birth certificate and a parent's notarized proxy authorizing travel with another adult. Children over 16 years of age must have a passport to cross the border, but benefit from the CIS visa-free regime between some countries in the same way as adults. In some cases, as in Uzbekistan, strong migration control mechanisms exist, including within the national territory. In other cases, migration is uncontrolled. In addition, various requirements to register and obtain a work permit once in a foreign CIS country cause most migrant children to reside illegally because their employers are unwilling to request a permit.

Literature on migration in Central Asia argues that "lack of legal and institutional coherence and cooperation has resulted in a proliferation of illegal and irregular migration, and high levels of violation of basic human rights and freedoms experienced by migrants ... Governments have put their resources into the development of restrictive and punitive policies towards migration flows ...

193 Committee on the Rights of the Child, General Comment No. 6: Treatment of Unaccompanied and Separated Children Outside their Country of Origin, CRC/GC/2005/6, 1 September 2005, para. 61–63.

194 Organization for Security and Co-operation in Europe (OSCE) Ministerial Council Decision No. 2/03, Combating Trafficking in Human Beings, Maastricht, 2 December 2003.

195 See 'Secretariat – Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings', OSCE website, www.osce.org/cthb/.

196 OSCE Permanent Council Decision No. 685, Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the special needs of child victims of trafficking for protection and assistance, 7 July 2005.

197 See OSCE Ministerial Council Decision No. 14/06, Enhancing Efforts to Combat Trafficking in Human Beings, Including for Labour Exploitation, Through a Comprehensive and Proactive Approach, 5 December 2006. See further: OSCE Office for Democratic Institutions and Human Rights, 'Discussion paper on standards and new developments in labour trafficking', Warsaw, August 2007.

In contrast, the social stigma attached to trafficking prevents victims from voicing their experience.”¹⁹⁸ The diversity of national laws to regulate the migration of children nationally and across borders is likely to cause difficulties in monitoring implementation in a region with such a high child migration rate as Central Asia. Harmonization of laws and regulations – and their full implementation – across countries in the region, giving due consideration to the rights and special vulnerabilities of children, would enhance children’s protection, including from exploitation and detention for violation of migration regulations.

Box 7: International cooperation

Kazakhstan

The Government of the Republic of Kazakhstan has signed agreements to increase cooperation in the fight against trafficking with Germany (1997); Bulgaria (2004); Romania (2004); Estonia (2004); Poland (2005); and the United States of America (2006), as well as with the Russian Federation and the Kyrgyz Republic. At the regional level, Kazakhstan has signed the various CIS agreements relating to trafficking as well as the Minsk Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases (1993) and the Chisinau Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases (2002). Since the visa-free movement regime between CIS States was recognized to have led to uncontrolled migration of teenagers without adult supervision, the CIS Agreement on the Cooperation of States Parties on the Return of Minors to their State of Permanent Residence has been ratified by the Parliament of Kazakhstan¹⁹⁹.

Kyrgyzstan

In its recent report under OPSC, the Government of the Kyrgyz Republic made a strong statement recognizing the cross-border nature of child trafficking and recalling efforts made by Kyrgyzstan and Kazakhstan to address the phenomenon: “It is well known that, in Kyrgyzstan, victims of trafficking in persons are not only women and children who were exploited in the sex industry in Turkey, China and the United Arab Emirates, but also citizens of Kyrgyzstan who have been sold in Kazakhstan to work on tobacco plantations. With a view to putting an end to trafficking in persons and solving problems of migrant workers whose rights are violated by their Kazakh employers, on 9 July 2002 the Governments of Kyrgyzstan and Kazakhstan signed the Agreement on Labour Activity and Social Protection of Migrants Employed in Agriculture in Border Areas. The purpose of the Agreement is to protect migrant workers and members of their families from any unlawful acts.”²⁰⁰

Tajikistan

Article 21 of the Law on Combating Trafficking in Persons makes provisions for the establishment of international cooperation to combat human trafficking, but the Government of the Republic of Tajikistan has yet to enter into regional or bilateral cooperation agreements with other governments to combat child trafficking specifically. Article 18 of the Law obliges diplomatic missions and consular offices of the Republic of Tajikistan to protect the rights and interests of citizens of Tajikistan while abroad and to render Tajik trafficking victims assistance and protection in host countries – as well as assist their return to Tajikistan. On several occasions, the Government has cooperated with regional transit and destination countries to assist Tajik trafficking victims.

198 Black, Richard et al., ‘Understanding Migration as a Driver of Poverty Reduction in Europe and Central Asia’, Working Paper C9, Development Research Centre on Migration, Globalisation and Poverty, University of Sussex, Brighton, February 2007.

199 By decree No. 756 of 12 July 2004.

200 Initial report to the Committee on the Rights of the Child, Kyrgyzstan, CRC/C/OPSC/KGZ/1, 31 May 2006, p. 10.

Tajikistan has signed the various CIS agreements potentially relevant in the fight against child trafficking. The Government has also signed memoranda of understanding with various intergovernmental organizations (IOM, ILO, UNICEF, the American Bar Association²⁰¹, the European Commission²⁰² and OSCE) to develop and implement general awareness-raising and anti-trafficking programmes, trafficking shelters for victims, information centres for migrants, and research. ILO and UNICEF agreements have a focus on helping to shape national policies and programme initiatives focused on child trafficking, as well as other child protection and welfare issues.

Uzbekistan

Uzbekistan has signed, but not ratified, three of the key CIS agreements that can relate to child trafficking:

- Agreement on the Cooperation of States Parties on the Return of Minors to their State of Permanent Residence of 7 October 2002 (yet an agreement on similar issues, signed at Bishkek on 9 December 1992, has been ratified);
- Agreement of the State Parties of the Commonwealth of Independent States on the Struggle Against Trade in People, Human Organs and Fabric, 25 November 2005; and
- CIS Program of Co-operation to Combat Trafficking in Human Beings 2007 - 2010.

Officials of the Ministry of Internal Affairs of the Republic of Uzbekistan have participated in a study visit to Ukraine on the issue of human trafficking. A delegation also participated in the OSCE Meeting of Police Experts on Improving the Effectiveness of Law Enforcement in Preventing and Combating Trafficking in Persons, Especially Women and Children, held in Vienna in 2003²⁰³.

201 In 2006, the ABA/CEELI Criminal Law Program organized seminars for practising lawyers in Khujand to discuss the problem of human trafficking around: the concept and elements of trafficking in both national legislation and international documents; characteristics of trafficking and the distinction between human trafficking and migration; protection of the rights of victims of trafficking; global reasons for trafficking; and analysis of relevant sections of the Criminal Code of the Republic of Tajikistan, the National Action Plan on Counteraction of Trafficking 2006–2010 and international documents in the field of human trafficking and transnational organized crime.

202 As part of the project activities, Modar (an NGO) led a series of round tables designed to assist the Government of the Republic of Tajikistan with the development of the National Action Plan on Combating Trafficking in Human Beings.

203 Report given by Uzbekistan to the Committee on the Rights of the Child, CRC/C/104/Add.6, 30 August 2005, para. 333.

6. RESPONSES TO CHILD VICTIMS OF TRAFFICKING AND EXPLOITATION

6.1. Reporting, identification and prevention of presumed child trafficking and exploitation cases

In order to access systems and services, child victims of trafficking and exploitation must first be identified by service providers. Moreover, in order to devise adequate responses to child exploitation, including trafficking, governments and communities must be aware of the nature and prevalence of the phenomenon, notably through the registration and documentation of cases.

Reporting by children, families, communities and child care professionals

General mistrust of law enforcement authorities across Central Asia means that child trafficking and exploitation victims are unlikely to be registered since individuals are often afraid to come forward to report cases. Similarly, the fact that child victims of trafficking are involved in illegal practices such as child prostitution, or have crossed a border without papers, is likely to deter them from approaching law enforcement officials for fear of being detained or deported. The reluctance to come forward is also based upon the reported abuse committed by some law enforcement officials themselves²⁰⁴.

An inspector on minors' affairs in Kyrgyzstan explained that success in locating missing children is often dependent upon how long parents wait to report a case. Meanwhile, other informants argued that many parents do not report such cases, simply hoping that the child will return in a few days, out of fear that the child will be sent to an institution if found by the police²⁰⁵. This situation deprives children of protection through effective intervention and implies that official data on missing children and actual cases of trafficking do not reflect reality.

NGOs are perceived as less threatening than official services and are therefore considered more successful in encouraging the reporting of presumed child trafficking cases. Hotlines are reportedly the most important and useful means of reporting a case, whether services are managed directly by a national ministry, decentralized and/or managed by an NGO. According to a testimonial from Uzbekistan, contacting a hotline was the first step in some parents' efforts to organize the return of their daughters from Kazakhstan²⁰⁶.

Finally, interviews reflected that professionals working with children have little faith in the current system of assistance provided to child trafficking victims. Rather than facilitating child trafficking victims' entry into formal care, professionals may prefer to continue offering support to such children without officially acknowledging their trafficking experience. For example, child welfare professionals who come across former child trafficking victims in health services, or even in the school context, will provide support without necessarily referring cases to the child protection agency or the judiciary in order to avoid the children's placement in residential care.

Identification and registration of cases by the police

Presumed victims of child trafficking should be identified and registered by the police. Yet, according to testimonials of key informants, police officers are not interested in registering victims since the opening of a criminal case entails an inquiry. Since child traffickers are rarely identified, registering child victims has a negative impact on the rates of successful police inquiries and case closures. Hence the police tend to send presumed victims back home, onto the street or into the care of local child protection agencies, which, as a rule, place the children in residential care without specifically registering them as child victims of trafficking. Law enforcement officials may also register child trafficking cases under other articles of the national criminal code, to simplify inquiries and enhance the likelihood of proving the guilt of perpetrators.

204 See testimonials in Kazakhstan and Uzbekistan country reports.

205 Kyrgyzstan country report, p. 56.

206 Uzbekistan country report, para. 166, p. 33.

Children who are officially identified as victims or at risk of trafficking are usually interrogated by police or juvenile police officers. Because of the lack of a specific child focus in national anti-trafficking policies, police officers are unlikely to have been trained to conduct the initial questioning and/or interviewing of child victims of trafficking. Thus police officers may not be sufficiently aware of or sensitive to key ethical principles; may not know how to gain children's trust so that they can be encouraged to open up; and may not know how to handle cases where children misrepresent the truth to cope or survive.

Interviews carried out with children in Uzbekistan²⁰⁷ demonstrate that questioning is sometimes performed by an agent of the opposite sex to the child²⁰⁸. This is especially problematic for girls who have been abused, sexually or otherwise, by men in the past. For boys, depending upon the kind of abuse they have experienced, it may also be better to be interviewed by a woman, for the sake of preserving their 'honour'. Of 37 children interviewed, 6 said they had been threatened with "being made responsible for what happened". Alleging consent to and responsibility for entering into an exploitative situation further victimizes the child.

General principles²⁰⁹ in the protection of child victims of exploitation

Although some national and regional texts on trafficking contain references to the Convention on the Rights of the Child²¹⁰, the respect for general principles in the protection of child victims of trafficking is patchy. General principles that should guide the protection of child victims of trafficking are not proactively disseminated or used as part of current anti-trafficking policies.

In dealing with children identified as victims or at risk of trafficking, professionals reported being motivated to serve children's 'best interests', yet this principle did not appear to formally orient decision-making and procedures. No standards exist for the determination of 'best interests'. Taking into account the 'views of the child' is not a central concern. Some children interviewed in Uzbekistan acknowledged, however, that they had been asked their opinion when their potential return to the family or deportation to the home country was in question²¹¹. The right to information and confidentiality was not specifically addressed in relation to child victims of trafficking.

Despite testimonials attesting that children are all treated in the same way, 'non-discrimination' was reported as a challenge for law enforcement officials when it came to dealing with foreign migrant children from certain minority groups²¹². Children from discriminated groups thus appear more likely to be labelled as 'delinquents' and illegal migrants – and hence experience ill-treatment – than correctly identified as victims of exploitation, including trafficking.

Policy frameworks for children within anti-trafficking work

Current national plans against human trafficking lack specific measures for child victims. In addition, implementation of these existing legislations and policies is reportedly poor in relation to children, because of a number of factors. State officials admit to having little understanding of the definition of child trafficking and the legislation to which it pertains. Some law enforcement agents have been reported to act in direct contradiction to the law.

207 See Box 1.

208 In the interviews conducted with children in institutions in Uzbekistan, 6 out of 8 girls and 10 out of 25 boys said they had been interviewed by an officer of the opposite sex. Uzbekistan country report, para. 103, p. 19.

209 See United Nations Children's Fund, Guidelines on the Protection of Child Victims of Trafficking, Technical Notes, UNICEF, September 2006, chapter 2.

210 Article 19 of the Law of the Republic of Tajikistan on Combating Trafficking in Persons; and preamble to the Agreement on the Cooperation of States Parties on the Return of Minors to their State of Permanent Residence.

211 Of the 37 children in institutions interviewed in Uzbekistan in the course of the research, 5 of the 9 foreign children were asked if they were willing to go back to the country of their residence or citizenship. See Box 1.

212 Interview transcripts and newspaper articles collected in the course of the research provide examples of discrimination against Roma (in Kyrgyzstan) and against Karakalpaks from Western Uzbekistan (in Kazakhstan). See country reports.

Positive state will is often contingent upon a particular committed individual rather than the wide-reaching institutional commitment to child rights that is actually required. High staff turnover in the ministries and departments that may deal with child trafficking affects long term, sustainable and effective interventions. Problems exist in coordinating, monitoring and evaluating all activities relating to child trafficking – both across sectors and between central and local levels. The lack of active networking prevents key players from anticipating the actions of potential traffickers²¹³.

In Kazakhstan and Tajikistan, action plans against human trafficking and networks of state and non-state support centres have little or no focus on children. As a result, before presumed victims or at risk children can be referred to mainstream child protection agencies, they are taken into isolation and observation centres of the interior ministry instead of more specialized interim care. Similarly, the anti-trafficking bodies established in Kyrgyzstan do not appear to have any specialization in children. In Uzbekistan, little evidence of a national policy on human trafficking existed at the time of the research. Documentation on children in formal care does not record whether a child has a trafficking background, further limiting retrospective analysis and support.

Interim care, services and justice for child victims of trafficking and exploitation

The research uncovered only limited information in regard to the appointment of guardians to children who have been identified as victims of trafficking²¹⁴. This limited information reflects some good but non-systematic practice.

For their interim care, children are either detained in temporary isolation and observation centres or sent to temporary shelters. From here, they are transferred to statutory child protection bodies. Unfortunately, no information was provided on the length of time spent by children in interim care in the countries of the region.

In each of the four countries, there are some support centres that specialize in working with victims of trafficking or exploitation, but these tend to be mainly support centres for women victims of trafficking for sexual exploitation purposes. In Uzbekistan, one informant argued that ‘public organizations’ (i.e., NGOs) used to provide temporary shelters, but that these have been closed because of lack of funding²¹⁵. Other informants referred to existing shelters in Tashkent and Bukhara, as well as SOS Children’s Villages, but argued that the number of beds and type of services that these can offer are limited. More commonly found children’s homes, meanwhile, are reportedly not tailored to children who have been victims of exploitation, including trafficking²¹⁶. On the other hand, it is reported that in Kazakhstan, national and local authorities cooperate with NGOs to provide accommodation and protection to victims of trafficking: 7 out of the 30 crisis centres for women victims of violence have shelters, but none specifically address children²¹⁷. One shelter for minors established in Khujand (Tajikistan) reportedly focuses on providing rehabilitation services, including medical assistance, psychological adaptation and reintegration services, to underage trafficking victims²¹⁸.

213 “Anti-trafficking initiatives must strategically get involved both at the recruitment and exploitation ends of the trafficking chain and anywhere in between. It means working in a network of like-minded organizations, just as traffickers work in networks.” Dottridge, Mike, *Action to Prevent Child Trafficking in South Eastern Europe: A preliminary assessment*, Terre des Hommes and UNICEF Regional Office for CEE/CIS, 2006, p. 67.

214 See Uzbekistan country report. In only 27 per cent of cases (10 children) were guardians appointed. As a rule, all of the children knew their guardians by name. According to all of the children, guardians spoke to them in a friendly and polite manner. Guardians attended almost all of the meetings between their charges and other people, i.e., guardians fulfilled their responsibilities quite well. Only half of the guardians told children about their rights, however. All those guardians who told children about their rights mentioned the right to a safe place of residence, the right to food, the right to medical assistance and the right to education. Only in half of the cases did guardians also mention the right not to be accused for the work that they do and the right not to testify before a court in any criminal case.

215 Uzbekistan country report, para. 168, p. 34.

216 Ibid., para. 172, p. 34.

217 Kazakhstan country report, pp. 140–142.

218 International Organization for Migration, 2007.

Yet there exists no supported network of day care services and specialized professionals to which child victims of trafficking or sale can be referred for psychosocial assistance once they have been safely returned to their family, placed in family-based substitute care or supported to live independently.

Child victims of exploitation also have very limited access to justice. Very few mentions were made in interviews of cases in which child victims of exploitation (trafficking or otherwise) accessed justice and no cases of reparation or compensation were reported. In most instances, complaints did not lead to a judgement or sentences handed down were suspended.

Lack of anti-trafficking prevention policies tailored to children

Current prevention activities included in national anti-trafficking policies do not focus much on children. Interviews confirmed that some awareness-raising activities have been developed for children, notably in Kazakhstan²¹⁹. In the Eastern part of the country, school directors and teachers are especially targeted by these campaigns²²⁰. Nevertheless, key informants argued that effective approaches involving greater participation by children, and the active involvement of members of the wider community, would be welcome. In raising awareness, international organizations and donors reportedly play very diverse roles across Central Asia, ranging from taking a lead role in Kazakhstan to doing very little at all in Uzbekistan.

Yet prevention concerns more than awareness-raising. It requires a combination of protective and empowering frameworks and actions designed to complement one another and respond to the capacities and vulnerabilities of various target groups (i.e., age, gender and mainstream/at risk groups). The child protection system of each country can potentially play a key role in this respect, but institutions and professionals from other sectors (health, education, sports, culture, etc.) should also be more involved. Given adequate materials, guidance and support, such institutions and professionals could assist in the development of preventive initiatives adapted to children within the framework of national anti-trafficking policies.

Box 8: Prevention of child trafficking - learning from South Eastern Europe

1. Trafficking in children cannot be eliminated or substantially reduced without prevention.
2. Success of prevention depends for a large part on the effectiveness of the child protection system.
3. Prevention strategy must be two-pronged:
 - strengthening the protective environment around children
 - empowering children (knowledge and skills, participation and respect of their views).
4. International child rights standards must guide the strategic design and implementation of prevention activities.
5. Multi-sectoral co-ordination at national and local levels, partnership between public and private organizations, including NGOs, and inter-country and international co-operation are crucial for building synergy between prevention efforts.

Source: Dottridge, Mike, Action to Prevent Child Trafficking in South Eastern Europe: A preliminary assessment, Terre des Hommes and UNICEF, 2006.

²¹⁹ In addition to many general awareness-raising activities included in the framework of IOM 'Counteraction to trafficking human beings in Central Asia', an information campaign was developed especially for teenagers and individual work conducted with unemployed teenagers willing to leave the country. See Kazakhstan country report, p. 154.

²²⁰ Kazakhstan country report, p. 143.

6.2. Assistance available from existing child protection systems

Law enforcement and child protection

The police force traditionally plays an important role in child protection in countries of the former Soviet Union, with experienced ‘juvenile police officers’ responsible for the front line in the absence of social workers in the field. A common practice exists in Central Asia as in other countries in the world, however, in which children found on the street are rounded up in order to check their status and select those entitled to state protection or sanctions²²¹. These police raids are usually repressive by nature – or at least perceived as such by children and communities – and push children into hiding instead of improving the preventive and protective role of the police. Police raids lack entirely the sensitive and individual approach required for effective child protection, and leave the door open to hasty or arbitrary decision-making and abuses. Furthermore, such raids entail deprivation of liberty and the stigmatization of children in need, contradicting children’s most basic rights.

The perception of law enforcement officials as repressive agents is evident in the data from the UNICEF-commissioned interviews conducted by Kamalot with children in Uzbekistan, in which children describe the manner in which they sought to evade and escape the police. For instance, a 16-year-old mentally disabled child who works on the streets washing cars or cleaning apartments said he had “been lucky to escape the police so far”. Another 17-year-old child who works at a bakery complained that he has to constantly hide from police officers, who raid the streets of his city. Some children try to resist law enforcement officials, for instance, by supplying a false address or lying about their age. For example, a 13-year-old child who was working in a bakery and selling watermelons lied to police officers about his home address to thwart their attempts to return him to his home of origin.

Case studies from Kamalot’s interviews with children suggest that law enforcement officials step in to ‘arrest’ and remove children who are regarded as acting counter to social norms and legislative frameworks, rather than to protect children from maltreatment and exploitation or help them to survive in the face of poverty and parental neglect. For instance, a 13-year-old girl received little support from the police when she was being exploited by a man who used threats to force her to sweep the market and drive carts for his customers. Yet the police stepped in to take her to a detention centre when she was suspected of robbing someone in the market. The girl’s parents did not want to take her home as they were unable to support her financially. In another case, a child who was offered to her mother’s friends for sexual services ran away; instead of receiving support from the police, she was arrested for stealing in the market. So, in a sense, intervention by law enforcement officials occurs too late: instead of preventing abuse and exploitation, law enforcement officials simply respond to the symptoms of this abuse and exploitation. Often law enforcement officials fail to provide long term sustainable support to children; consequently, many children find themselves repeatedly returned to detention centres or situations of risk. For instance, a 16-year-old child who sweeps the market and works on construction sites recounted how he had been taken on numerous occasions to detention centres only to find himself back working on the streets again soon afterwards.

221 For example, Kyrgyzstan describes this practice in its report under OPSC: “One effective method for identifying antisocial children has been to conduct special preventive measures, which have had such titles as ‘Homeless Child’, ‘Teenager’, ‘Concern’, ‘Butterfly’, ‘Doping’, and so forth. All told, 606 initiatives were conducted over a period of 10 months, during which 4,843 minors were detained for various infractions. More than 1,049 minors were turned over to and detained at the Bishkek and Osh adaptation and rehabilitation centres for juveniles. Of that number, 6 female minors were arrested for prostitution and were subsequently registered at the national dermatological and venereal health centre and a community inspection centre for minors.” Initial report to the Committee on the Rights of the Child, Kyrgyzstan, CRC/C/OPSC/KGZ/1, 31 May 2006.

Box 9: Useful tools to enhance the protection of the rights of child victims of trafficking

The *Guidelines on the Protection of Child Victims of Trafficking* (UNICEF, 2006) provides standards for:

- Proactive identification measures of child victims
- Positive presumption of age
- Appointment of a guardian
- Special measures during questioning and initial action
- Referral and coordination
- Interim care and protection
- Regularization of status – Temporary Humanitarian Visa
- Individual case assessment and identification of a durable solution
- Ensuring implementation of a long term durable solution.

The *Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe* (UNICEF Regional Office for CEE/CIS, 2006; available in Russian) complements the official Guidelines. The Reference Guide:

- Constitutes a practical tool to assist in implementation of Guidelines.
- Explains and illustrates implications of each of the standards and measures and their interconnections.
- Gives examples of good and bad practices.
- Guides policymakers, legislators and practitioners responsible for child victims of trafficking in setting up policies and specific actions.
- Provides checklists with practical advice.

Combating Child Trafficking: Handbook for parliamentarians (Handbook No. 9, UNICEF, 2005; available in Russian) is a useful introduction to the issue and covers:

- Definition of the problem
- The protective environment
- A summary of key recommendations and examples of provisions
- Sample agreement and memorandum of understanding.

Individual case assessment and appointment of guardian

In all four countries, the relevant family code and additional legislative and normative acts²²² define local self-governing bodies as the 'child trusteeship and guardianship agencies' responsible for deciding the appropriate type of care/placement for all children at risk (including child trafficking victims). These bodies are further responsible for organizing and appointing guardians/caregivers and for monitoring the living conditions of the children concerned. In the case of migrant or trafficked children, the responsible agency is ultimately that of the district or city in which the child and his/her parent(s) were living before the child left the locality/territory.

²²² Decree of the Government of the Republic of Kazakhstan 'On Approval of Standing on Bodies of Guardianship in Republic of Kazakhstan, on Patronage, and Rules of Organization of Centralized Registration of Children Left without Parental Guardianship', approved in 1999, amended in 2002. Decree No. 547 of the Government of the Kyrgyz Republic 'On the Status of Child Trusteeship and Guardian Agencies', approved in August 2006. 'Status of Child Trusteeship and Guardian Agencies', approved by Resolution No. 98 of the Government of the Republic of Tajikistan, 11 March 2000. Family Code of the Republic of Uzbekistan, Articles 21, 176–178 and 238.

The CIS Agreement on the Cooperation of States Parties on the Return of Minors to their State of Permanent Residence regulates procedures of extradition and accompaniment of children from one state to another by their guardian or by the staff of special institutions.²²³ Individual case assessments are thus made by local committees or commissions for minors, which are reportedly overburdened by numerous other child protection cases and other tasks including decision-making around the allocation of cash benefits to families in need. Although these commissions have an essential role to play, it is currently impossible for them – despite their best efforts – to undertake an in-depth and truly individual assessment of each and every complex child trafficking case.

Hence, in the perceived absence of possible family reunification, most children identified as being in need of protection are placed in state-run institutions (generally special schools under the ministry of education). In practice, this means that children are placed in institutions under educational, medical, correctional or protective measures, without legal ties to any external adult. The prospects of reintegrating into a family-based setting or returning to ‘normal life’ following such a placement are slim.

The research conducted by Kamalot in Uzbekistan found that only 10 per cent of the children living in an institution had appointed guardians. Gender was not taken into consideration in the selection of guardians: for two of the seven boys, a female guardian was selected; for one of the three girls, a male guardian was chosen. Guardians were described by children as friendly and polite and had reportedly attended almost all of the children’s case meetings. Only half of the guardians told children about their rights, however. All those guardians who told children about their rights mentioned the right to a safe place of residence, the right to food, the right to medical assistance and the right to education. Only in half of the cases did guardians also mention the right not to be accused for work that they do and the right not to testify before a court in any criminal case. The authors suggest that this oversight is related to staff shortages and lack of resources. It is also related to a larger structural issue in the area of child protection, namely that service providers are not aware of children’s rights and that little systematic effort is made to ensure that each child receives individualized and targeted support, care and protection over the short and long term.

Rather than being appointed a guardian from the community, guardianship for children placed in state residential care is usually entrusted to the director of the institution. The practice of having one institutional official acting as the guardian of an entire group of children is acceptable in large-scale emergencies²²⁴, but it is not adequate as part of regular individual case management. The guardian of a child has a series of time-consuming and sensitive responsibilities²²⁵, which cannot be fulfilled by the director of a residential institution for children under his/her care. A conflict of interest arises where an institutional official is responsible for both guaranteeing the individual child’s rights and care and for running the institution in which the child lives.

223 For example, Article 6 specifies: “Minors held in specialized institutions will be referred/transferred to accompanying person(s) exercising parental authority or guardianship, or to the staff of the specialized agencies of the State of permanent residence, based on the relevant documents. Upon notification of the impossibility for persons referred to in the first part of this article to escort a juvenile held in a specialized institution, within 30 days after notification, the juvenile must be sent to the closest specialized institution of the State of residence, indicated in the annex of the present Agreement, accompanied by officials of the specialized agencies of the host country.” Agreement on the Cooperation of States Parties of the Commonwealth of Independent States on the Return of Minors to their State of Permanent Residence, Chisinau, 7 October 2002, signed by all CIS Member States except Turkmenistan. For original text, see: www.cis.minsk.by/main.aspx?uid=1462

224 In large-scale emergencies where it is difficult to establish guardianship arrangements on an individual basis, the rights and best interests of separated children should be safeguarded and promoted by States and organizations working on behalf of these children. See Convention on the Rights of the Child, General Assembly Resolution A/RES/44/25, United Nations, 20 November 1989, General Comment No. 6, c. 38; and International Committee of the Red Cross, *Inter-agency Guiding Principles on Unaccompanied and Separated Children*, ICRC, Geneva, 2004, p. 47.

225 Convention on the Rights of the Child, General Assembly Resolution A/RES/44/25, United Nations, 20 November 1989. Article 20; General Comment No. 6, c. 25, c. 28.

Institutionalization of children without parental care

In countries of Central Asia, residential or institutional care for children without parental care is usually long term. Despite the growing awareness that institutionalization is unsuited to children's needs and may, in fact, expose some children to greater dangers, the findings of this study suggest that residential care is still seen as the blanket solution for children who receive inadequate care at home and/or who are engaged in activities that counter social norms.

Children placed in institutions have often suffered from neglect and maltreatment. Stories from children interviewed in the Uzbekistan study include cases of mothers who are disabled, abusing alcohol or involved in prostitution, and fathers who have abandoned their families or who perpetrate various forms of intimate violence against their wives and children. This is reflected in the following quotes from children in institutions: "Before I used to live with my parents who died of alcoholism. Then I lived at my aunt, but I often ran away and spent the night in construction sites or basements." Another child said, "My relatives have not come. My aunt was meant to come but she has no money. Mummy is in hospital so as not to drink. She is being cured for alcoholism. We are here [in the children's home] with my sister. She is five years old."

Instead of supporting parents who are faced with unemployment, alcohol addiction and intimate violence, in turn helping to prevent further abuse and neglect, states provide a 'band-aid' or reactive solution to children who have suffered from these hardships. Rather than improve the support available to the extended family and to other community actors who could look after children – through income-generating activities, caregiver support groups and so forth – states provide institutionalization as the blanket solution for children receiving inadequate parental care. As a result, few alternative options to children's homes exist for vulnerable children.

Given the absence of viable alternatives and the normative value attached to residential care in many communities, some children may themselves see institutionalization as the only solution to their problems. After weighing up their options, children may decide to approach law enforcement officials or local child protection committees to request that they be placed in an institution. For some children, it is a means by which they can overcome parental absence and neglect. For instance, a child whose mother had died asked the police to place him and his younger brothers in a children's home because his aunt was unable to care for them. He was particularly happy about the fact that he no longer had to work in the fields, that he was sent on a holiday camp and that he now received educational support: "I just finished the sixth class and now they promise to prepare me so that I can be transferred in the ninth class with the peers of my age."²²⁶ In another case, a child asked the director of a children's home to accept her because her mother and grandmother, with whom she had poor relationships, were not able to support her on their social security grants: "My mum and my grandmother's pensions were not enough even for bread, and anyways I am no one to them. I was accepted in the children's home. I'm glad because here it's good and nobody bothers me."

So, on the one hand, institutionalization may assist children who, for a range of reasons, do not receive adequate care. On the other, institutionalization may lead to greater trauma for children who do not want to live in an institution, do not understand why they are placed there and/or are forcibly separated from their caregivers and siblings. For instance, one child interviewed in Uzbekistan stated that she had asked to be placed in a children's home with her younger brother and sister because both of her parents were in jail and her grandmother was too old to care for them. She was subsequently separated from her sister, who was placed in a closed institution. In another case, a child was forcibly removed from his home and taken to an institution by police officers who failed

²²⁶ Selection of quotes and key issues taken from children's interviews conducted in Uzbekistan (2007) as part of the child trafficking study.

to recognize that the child was trying to support himself and his grandfather by working as a car washer and painter. This is yet another example of the manner in which institutionalization goes against the principle that, for his/her full and harmonious development, the child should grow up in a family environment – even if it is an irregular or fluid family environment²²⁷. The study also reflects the fact that the particular situations and problems faced by children are not adequately assessed on a case by case basis. For instance, in the case of the child living with his grandfather, providing case support in terms of income-generating activities or social grants for the grandfather may have been a better solution than removing the child from his home and family environment.

For an abused child, institutionalization – especially without full psychosocial support – may hinder emotional and behavioural development. In many cases, children suffer additional violence in institutions²²⁸. A quote from a key informant working in an institution reveals the presence of corporal punishment to maintain order: “We need to secure strict control and discipline. Sometimes we beat them. This helps a lot, by the way – force is the only thing such children can understand. If some of our children have done something wrong, we are punishing him.”²²⁹ As corporal punishment often amounts to a form of physical abuse, and is often perceived as such by children, it is likely to have a negative effect on children’s sense of well-being, safety and security. Many may even attempt to run away, going back onto the streets to escape this violence. In a small number of cases, staff members of residential institutions were found to be involved in sexual or labour exploitation. Furthermore, the findings suggest that staff are unable to raise children’s awareness about trafficking risks or identify and assist children ‘at risk’ because they have not received adequate training in these areas.

Preparation for safe and independent living

The follow-up support received by children who leave institutions varies in duration and type. Some NGO-run institutions and state-run boarding schools are said to monitor the educational progress of children and ensure that they secure employment after leaving vocational school, ‘just as parents would have done’.

Other institutions reportedly provide little or no follow-up support²³⁰ as it is administratively required that a case is followed only until the child turns 18 years old. The lack of follow-up support for children who leave institutions or prisons can be a strong risk factor for later trafficking, which current policies fail to address.

227 Convention on the Rights of the Child, General Assembly Resolution A/RES/44/25, United Nations, 20 November 1989. Preamble.

228 See, for instance, UNICEF, *The Untold Stories of the Silent Walls, Bishkek*, 2006. The study conducted for UNICEF by SIAR-Bishkek Agency found that caregivers often neglected children and even used physical and emotional forms of violence against children. In addition, in 2 out of 12 institutions children raised sexual abuse as an issue of concern. Physical abuse and exploitation by peers were other areas of concern. The report concluded that, in general, no mechanisms for control exist in institutions and the activities of staff and children are insufficiently regulated and monitored. Many respondents emphasized the inadequacy of institutions in regard to protecting children. See also Uzbekistan country report, para. 171, p. 34.

229 See, for example, Uzbekistan country report, p. 34.

230 See, for example, Kazakhstan country report, p. 157.

Box 10: The way forward

Kazakhstan

Kazakhstan is faced with the double challenge of preventing its children from being trafficked at home or abroad and protecting the many children from neighbouring Central Asian countries who may be trafficked into or via its territory to the Russian Federation and beyond. Despite some much-needed adjustments, the Government of the Republic of Kazakhstan has established the legal and institutional foundations required to enhance its interventions against child trafficking. The country occupies a good economic position, which allows the Government to fund child sensitive anti-trafficking initiatives and to improve its existing child protection system. Domestic state and non-state expertise in addressing trafficking in women is another very strong asset. It is therefore a matter of political will to now engage in a more dynamic policy to better address child trafficking. A strong multidisciplinary focal point should be established as soon as possible to boost and coordinate the necessary prevention, data collection and monitoring measures, and to potentially take on the role of subregional leader in rights-based protection of children at risk and victims of child trafficking.

The Government is already working with NGOs to strengthen child protection mechanisms, including through the establishment at the local level of a national network of child protection departments, which will oversee all child rights violations, including child trafficking. As such, an excellent opportunity exists to incorporate an identification, referral and rehabilitation system for child victims of trafficking into the overall child protection framework in Kazakhstan. The Union of Crisis Centers of Kazakhstan, other NGOs that have been involved in trafficking in human beings projects and child rights organizations are ideally placed to partner with governmental structures and international organizations to guide reform efforts towards an enhanced prevention and response system in Almaty, Astana and East, South and West Kazakhstan regions.

Kyrgyzstan

Kyrgyzstan is at a crossroads. The Government of the Kyrgyz Republic has acknowledged the problem of child trafficking and has begun to put in place some mechanisms to address the phenomenon. Legislation is very weak, however, and denial of child trafficking widespread. A balanced migration policy, progress in child rights and some sound reactions to reports of child trafficking cases are indicators that much more can be done. The examination by the Committee on the Rights of the Child of the Government's report under OPSC could trigger growing awareness and prompt initiatives to better address child trafficking as part of current child protection policies. Already, at the presentation of the research findings at the end of 2007, child protection policymakers agreed to incorporate mechanisms and activities to respond to and prevent child trafficking into the programmes of family and child support departments at district level. Given the methodological challenges of gathering quantitative data, more resources must be invested in qualitative and participatory research to better understand what the risks of trafficking and exploitation mean to children. This understanding could be used to inform both counter-trafficking and child protection programmes.

Tajikistan

Due to its difficult socio-economic situation, high birth rates and widespread gender discrimination, Tajikistan is particularly prone to child trafficking. It is a welcome fact that the Government of the Republic of Tajikistan has engaged so actively in preliminary legal amendments and cooperation to address human trafficking. It is of the utmost importance that the Government now continues to develop legal and policy frameworks to address more specifically and effectively the situation of child victims of both internal and external trafficking. Political will must also be reflected in practice. Intensive training of the judiciary, funding of new child protection approaches and broad support of basic provisions for children must be achieved, with the support of external partners.

Uzbekistan

The Government of the Republic of Uzbekistan has failed to adopt some key international standards in the fight against human trafficking (OPSC, Palermo Protocol) and child trafficking is not on its agenda. General training of judicial and social professionals on sensitive reception, monitoring and investigation of any child protection case – as well as provision of psychosocial support to families and children at risk – would be a good way to improve both the prevention of child trafficking and the protection of all children against exploitation, including trafficking and sale. The steps taken by the Government to improve its child care system in regard to health and education are encouraging. The introduction of the field of social work and its establishment as a discipline (in academic and operational forms) in recent years is a vital catalyst to improving the practical support available to children at risk.

The submission of a draft plan of action for the prevention of trafficking to the Cabinet of Ministers in early 2008, and the potential drafting of a specific law on counter-trafficking provide valuable opportunities to raise awareness of the specific rights and needs of all potential child victims.

7. CONCLUSION

Child trafficking is a complex issue. It can be a great challenge to identify the transportation of a child organized by a third person for the purpose of his or her exploitation – especially when the child appears to give consent and when the phenomenon takes place in a country where many children migrate and work, as is the case in Central Asian countries. Nevertheless, it is the obligation of governments to “take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale or traffic in children for any purpose or in any form”²³¹ and all states are urged to comply with international standards in order to ensure the maximum protection of all children.

The initial hypotheses of the present research, that i) more child trafficking exists in Central Asia than is currently acknowledged; ii) child trafficking is closely linked to other societal issues; and iii) current systems fail to adequately prevent and respond to child trafficking, have been generally validated by the research. A fourth, and more central, element has also emerged: in Central Asia, child trafficking is only one specific aspect of child exploitation, a widespread and alarming phenomenon that must be addressed holistically.

Poverty clearly motivates children to work but only gains meaning for children in relative and subjective terms. High socio-economic inequalities and social dislocation both have an impact upon children’s relationships and, in turn, affect their decisions to engage in hazardous migration and labour practices. This has a negative effect upon children’s educational attendance and performance and places them in situations of insecurity and danger. While migration has been recognized as a positive ‘shock absorber’ for countries in transition, it clearly exposes children to new risks of exploitation and abuse. Hence any sound policy to prevent child trafficking must focus on: reducing the need for children to resort to work and migration by promoting strong equity and social inclusion and supporting caregivers; and strictly preventing hazardous child labour through the systematic monitoring of employers and the provision of clear incentives for children to attend school.

One cannot underestimate the importance of children’s decision-making in these processes. It is crucial to understand what children may want and need, and why they may be easily deceived or coerced into being exploited or into following a trafficker. Interventions must be developed that target these individual needs and wants; enhance children’s resiliency and reduce their vulnerability by increasing their perceived options; understand the meaning children attach to stressors such as poverty and violence; and raise children’s awareness of the risks associated with work and migration. The huge challenge for child protection systems is to support and protect children and their families, including against self-inflicted harm. This does not mean acting against the child’s will; on the contrary, child protection systems must develop respectful procedures and services that are seen as clearly representing the best interests of children and families. Protecting children is about preserving human dignity and empowering the individual, not about shutting children away from real life. Effective protection involves consulting children about their needs and supporting children, their families and their communities on a case by case basis over the short and long term. Blanket solutions that centre on police raids, removal and institutionalization enhance children’s vulnerability, rather than resiliency, in the face of abuse, trafficking and exploitation. Hence to prevent child trafficking and exploitation, holistic, targeted and age and gender appropriate interventions are needed for children who may be at risk.

231 Convention on the Rights of the Child, General Assembly Resolution A/RES/44/25, United Nations, 20 November 1989. Article 35.

Against this background, the criminal nature of child exploitation, including trafficking, should not be downplayed at any cost. It is essential – for the solidity of the overall system and for the recovery of the children involved – that legislation is enforced and sentences applied. For this purpose, potential traffickers and the judiciary must know the law, and the general public must be aware of its rights and responsibilities vis-à-vis child trafficking specifically and in relation to child rights more generally. By engaging in or supporting the normative value of social and cultural practices that involve the discrimination, neglect, abuse and exploitation of children, communities and state institutions in Central Asia are creating a large pool of children vulnerable to trafficking.

Many findings and factors highlighted in this report point to the structural obstacles and systemic difficulties in acknowledging and adequately responding to child trafficking. Such challenges must be addressed at subregional, national and local levels. UNICEF is willing to contribute to an adequate focus on children within existing anti-trafficking policies and, above all, to support rights-based child protection for all children. It is hoped that this report will constitute a new link in the chain of prevention, intervention and protection efforts undertaken in Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan against child exploitation, including trafficking.

8. RECOMMENDATIONS

Revise existing anti-trafficking frameworks in order to ensure that they better respect children's rights.

Existing anti-trafficking legal frameworks: The national legislation of each of the four countries needs to be amended to fully cover human and child trafficking, define it independently from sale, cover both internal and cross-border trafficking, and ensure that the child's consent and means of exploitation are irrelevant to the criminalization of child trafficking for the purpose of any form of exploitation, in line with Article 3 of the Palermo Protocol and Article 35 of the UN Convention on the Rights of the Child.

Existing anti-trafficking policy frameworks: A specific focus on children must be ensured within anti-trafficking bodies and policies to ensure the development of a tailored approach to child trafficking. Professionals who advise on or implement anti-trafficking policies, whether or not through a national action plan against trafficking, must be made aware of the specific rights, needs and vulnerabilities of victims of trafficking who are under the age of 18. Anti-trafficking disaggregated data collection, prevention, training and service provision must include child-specific components. National authorities need to make use of new technologies and the Internet and should coordinate with the private sector, service providers and other information holders.

Reform child rights frameworks and child protection systems to fully support all children at risk of trafficking, exploitation, violence and abuse.

Child rights legal and policy frameworks: The national action plan on violence against children and/or the national action plan for children need to be regularly reviewed and updated in order to integrate new knowledge and awareness on child exploitation, violence and abuse, including trafficking of children. The role of national human rights institutions, and particularly child rights ombudsmen, should be developed in Central Asia to reinforce child rights monitoring in communities, schools, institutions and places of work and to complement existing inspection services.

Outreach to children at risk of exploitation, including trafficking: Outreach and networking are key to identification of risks and needs, to timely responses and rapid intervention. It is essential that countries in Central Asia create the frameworks and mandates required at regional or local level for outreach social work to replace traditional police interventions (i.e., raids against 'street children'). The fact that social work is gradually being introduced in higher education throughout the region is a first and welcome step in this direction. Professional standards, mandates and budgets must now be established for mobile teams to work in the community under the supervision of local child welfare agencies and in collaboration with the police.

Non-discriminatory and protective measures to protect children in irregular situations: All children at risk, including undocumented migrants, should be provided with adequate care measures in light of their best interests and in compliance with their rights to be heard and protected. These children must be protected from criminal prosecution or sanctions for acts committed in relation to their situation as victims of exploitation, trafficking or sale and/or as undocumented migrants. They must all become entitled to quality services aimed at their reintegration into a community.

Identification and registration of child victims of exploitation, including trafficking: It is imperative to change motivations and methods of identification of child victims of exploitation, including trafficking. Currently, identification is tied to prosecution of perpetrators. This deters reporting and discourages registration by police officers as they fear that cases may not be solved, impacting negatively on their professional records. Each country should find appropriate ways of circumventing such obstacles. For example, anonymous reporting could be enabled through professional hotlines that adhere to specific questioning, recording and counselling standards. Formal referral

and inquiry would then only take place when the person is willing to officially come forward. Formal registration and questioning by law enforcement authorities of child victims or children at risk of trafficking must be short and child friendly. It must be followed by immediate referral to child protection services, without transferring the child to a closed 'isolation and observation centre' as is the current practice. Further interviewing and documentation necessary to the inquiry should be done only with the consent of the child and his/her parent or appointed temporary guardian.

Guardianship, interim care and support measures for children in need of protection: Local child welfare agencies have statutory responsibility for appointing temporary guardians, determining children's best interests and taking decisions on child protection measures. Organizations in countries of Central Asia that have developed the most expertise in child protection services (day care, counselling, etc.) should be enabled to become service providers for local child welfare agencies. Specialized professionals from such organizations could provide individual case management, safe temporary shelter or family-based placement and collection of elements for case assessment (family tracing, risk and strength factors, etc.). This would allow local child welfare agencies to benefit from external expertise and interim care before making informed decisions on family reunification, longer term family-based placement or placement in residential care and additional assistance. This requires additional guidance and budgets for local child protection services from the central level.

Specialized long term support to children in need of protection: Whether a child is returned home or placed in formal (preferably family-based) care, he/she may need longer term support to recover from his/her experience. This may encompass psychosocial counselling, family mediation, medical care and/or practical help to find education, work or future independent accommodation. Such long term support should be a legal entitlement for all children leaving formal care (e.g., follow-up support after placement in residential or medical care).

Increase understanding, awareness and mobilization to prevent the exploitation and abuse of children, including trafficking.

Research and conceptual gaps: More debate and research is needed on the links between child trafficking and other child protection issues, such as the protection of children's rights in migration or other forms of mobility. Root causes of child trafficking need to be discussed in closer relation to other child protection concerns, societal attitudes and values, including violence and abuse in the community, at home or in institutions; gender-based models and constructions of childhood; principles of non-discrimination, child participation and best interests determination; social and economic marginalization; livelihood opportunities for children and young people; and social norms and structural factors that empower and protect children. This research should consult children about the meaning that they attribute to these factors and how this may inform their risk and resiliency in the face of adversity.

Prevention of child exploitation, including trafficking: Prevention activities must be targeted to each audience (children, parents, child welfare professionals, potential traffickers and potential 'recipients' of trafficked children, such as employers and clients of prostitution). One of the most effective ways of developing and testing messages and activities is to involve representatives of the target groups. The education system and the media should also be involved as partners early on in the process.

Participation of children: Children's own actions to prevent exploitation and abuse must be encouraged and supported, as children are experts on their own situations. Children should be empowered and supported to participate, including in actions designed to prevent trafficking. Mobilizing children and young people requires child-friendly and age-specific information in local languages, as well as peer-to-peer counselling and life skills education, including on sexuality and HIV and AIDS.

Policies and measures that are informed by the actual experiences of children are more effective in addressing children's concerns and risks. Child-friendly structures, including decision-making structures, are also required to enable action based on what children are saying.

Participatory monitoring and evaluation: It is important to monitor and evaluate the implementation of programmes and practices and their impact on children in order to improve the effectiveness of responses, consolidate prevention mechanisms and promote the sharing of experiences and good practices with other countries or locations. To this end, governments, NGOs and international partners must develop mechanisms for systematic monitoring, evaluation and adjustment of child protection systems, including initiatives to prevent child trafficking. To ensure that evaluation is child centred, children and parents should be involved in monitoring and evaluation practices.

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