

ючих загроз. Жодній державі не під силу добитися цього самостійно. Тому паралельно з розвитком спеціалізованих органів і інститутів ООН створюються міждержавні організації міжрегіонального і регіонального характеру, спрямовані на розширення співпраці держав в різних областях міжнародних відносин. Розробка міжнародно-правової бази в галузі забезпечення кібербезпеки ведеться повільно і непросто, оскільки світова спільнота зіткнулася із завданням кодифікації діяльності в новій, технологічно складній і у край чутливій для їх національної безпеки сфері. Робота над цими домовленостями проходить поетапно, кожен подальший документ спирається на попередній, паралельно приймаються загальні принципи діяльності держав у відповідних сферах.

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**PROTECTION FROM CHILD EXPLOITATION IN PROSTITUTION:
INTERNATIONAL LEGAL ASPECT**

Child prostitution (an exploitation of a child in prostitution) is a form of commercial sexual child exploitation which violates their basic rights for life, freedom and other kinds of rights. In international documents especially of the International organization ECPAT there are 5 basic forms of commercial sexual child exploitation: exploitation in prostitution, for pornography, in tourism, children trafficking with sexual purposes and early marriage.

Article 34 of Convention on the Rights of the Child, which was ratified by Ukraine in 1991 prohibits all kinds of sexual exploitation and sexual abuse in particular the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices. Any forms of such actions will be considered as a crime against children who are also protected by the Convention on the Rights of the Child [1].

A term “child prostitution” is mentioned in Article 2 of Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography mentions that “child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration”. Article 3 of this Protocol points out that such activities are covered by penal law and there are punishments for committing such actions [2].

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse determines in Article 19 that “child prostitution” shall mean the fact of using a child for sexual activities where money or any other form of remuneration is given as payment promise or consideration is made to the child or to a third person. This kind of earning money must be prohibited all over the world [3].

This Convention which is mentioned above prohibits child involvement into prostitution and gaining an income from it. In Ukrainian legislature there is no term “prostitution” even more “child prostitution”. But this notion is mentioned in international documents which were ratified by Ukraine that is why it is necessary to investigate this question. Article 303 of Penal Code of Ukraine prohibits the process of involvement into prostitution and prostitution activities using fraud, intimidation or vulnerable condition of the person applying violence or with a threatening of violence [4].

Prostitution is administrative wrongdoing for which children from 16 years old can be exposed to liability according to article 181-1 of the Code of Ukraine on Administrative Offences [5]. It contradicts international rules which foresee that children, who were victims of exploitation in prostitution, should be properly treated, but not be punished as offenders. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children notes first time that it is important for state to provide all necessary remedies for decreasing demand for child prostitution.

There are some countries in the world where child prostitution is mostly spread. Among them we can observe Sri Lanka, Thailand, Brazil, Bangladesh, the Philippines and some other countries. In many states prostitution is legalized and allows employment from 18 years old. Prostitution is legal and regulated in Germany, the Netherlands, Greece, Austria, Hungary and Latvia. These Member States recognize prostitutes as legal workers and

consider engaging in sexual activities as legitimate profession. In Lithuania, Romania and some other Member States prostitution is outlawed with the meaning that such job is illegal. In some other countries prostitution itself is not illegal but such activities as running brothels, pimping, and others are considered as criminal offences (Cyprus, Belgium, Bulgaria, Denmark, Czech Republic, France, Italy, Malta, Luxemburg, Finland, Estonia, Portugal, Spain, Slovakia, Slovenia, Poland) [6, p. 29]. For example, prostitution in Bangladesh was legalized in 2000 and national law stipulated that only individuals who reached 18 can work in assignation house. According to UNICEF data about 13% of children aged 5-14 years in Bangladesh are involved in child labor [7].

Moreover there are a lot of women (up to half) who start selling sex in young ages. Some surveys conducted in the Netherlands showed that 5% of prostitutes in the licensed sector had started their “career” before the age of 18. Investigating the escort sector we can observe that more than 10% were actually underage, and more than 50% started when they were younger than 20 years old [8, p. 78].

Rights and obligations of parents in the sphere of juvenile justice are showed in the Committee of Ministers of the Council of Europe Recommendation Act “European Rules for juvenile offenders subject to sanctions or measures” from 5 November 2008, which states in Article 14 that “any legal body which deals with issues of juveniles should take into account the rights and obligations of parents and tutor-at-law and involve them into legal procedures and appliance of sanctions and measures, excluding cases when it contradicts better interests of juvenile”. Therefore parents should take the responsibility for their children and pay attention to their breeding [9, p. 3].

Vulnerable groups (children among them) have some advantages prescribed in Article 51 of Constitution of Ukraine, which undertakes protection of childhood [10].

Notwithstanding international standards the issue of child prostitution still exists. International bodies cannot interfere with national policy of some countries. We pay attention but to overcome this problem states must take necessary actions by themselves and to show a wish to stop the process of children involvement into sexual exploitation.

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