

In 2017, Ukraine made a minimal advancement in efforts to eliminate the worst forms of child labor. Despite new initiatives to address child labor, Ukraine is receiving this assessment because the government did not permit the Labor Inspectorate to conduct unannounced inspections without prior notice, which impeded the enforcement of child labor laws. Otherwise, the government made efforts by enacting legislation to improve the provision of services, including education, to children living in Russia-controlled areas of the country. Children in Ukraine perform dangerous tasks in street work and engage in the worst forms of child labor, including in the production of pornography. Legal prohibitions against child trafficking and commercial sexual exploitation of children are insufficient because they require evidence of the use of threats, force, or coercion to establish a crime, and law enforcement officials lack training on the treatment of victims of commercial sexual exploitation. These gaps put child victims of commercial sexual exploitation at risk of prosecution. In addition, national policies related to child labor lack sufficient funding for effective implementation. Russian aggression in the east of the country continued, which negatively impacted the government's ability to address the worst forms of child labor by limiting the budget available for social services and other domestic policy priorities and by increasing the vulnerability to exploitation of children living in Russia-controlled geographical areas.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Ukraine engage in the worst forms of child labor, including commercial sexual exploitation in the production of pornography and perform dangerous tasks in street work. (1; 2; 3; 4; 5; 6) In 2017, in cooperation with the ILO, the government published a National Child Labor Survey. (6) Table 1 provides key indicators on children's work and education in Ukraine.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	9.7 (385,204)
Attending School (%)	5 to 14	97.2
Combining Work and School (%)	7 to 14	12.0
Primary Completion Rate (%)		103.4

Source for primary completion rate: Data from 2014, published by UNESCO Institute for Statistics, 2018. (7)

Source for all other data: Understanding Children's Work Project's analysis of statistics from National Child Labour Survey, 2015. (8)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Farming, activities unknown (1; 2; 5; 9; 6)
Industry	Construction, activities unknown (1; 10; 6) Mining, [†] including loading, transporting, and sorting coal, and extracting amber (5; 11; 12; 9)
Services	Street work, including distributing advertising leaflets, sales activities in kiosks, washing cars, and begging (1; 2; 5; 6)
Categorical Worst Forms of Child Labor [‡]	Use in the production of pornography (1; 2; 3; 9) Commercial sexual exploitation, sometimes as a result of human trafficking (2; 10; 13; 14; 6) Recruitment of children by non-state armed groups for use in armed conflict (9; 15; 16) Forced begging, sometimes as a result of human trafficking (10; 14; 17; 9; 16)

[†] Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

[‡] Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

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In 2017, the conflict with Russia-led forces in the east of the country continued. The government's continued policy focus on national security, as well as budget cuts associated with the conflict, negatively affected its ability to address the worst forms of child labor. (9) Russian aggression in eastern Ukraine has created more than 1.7 million internally displaced persons (IDPs), including more than 190,000 children. (18; 19; 20) The inability of many IDP families to access adequate shelter and available social benefits puts children at increased risk of exploitation in the worst forms of child labor. (21) In particular, the Ministry of Social Policy (MSP) noted an increased vulnerability to both domestic and international human trafficking among the IDP community. There have been reports of kidnapping of girls from conflict-affected areas for commercial sexual exploitation and labor exploitation. (10; 22; 17) Displaced individuals from the Roma community, an estimated 10 percent of whom lack identity documentation, have experienced difficulty registering as IDPs; this prevents Roma IDPs from accessing assistance and puts Roma children at even greater risk of exploitation. (23; 24; 25) An estimated 10,000 Roma people have been displaced by the conflict. (26)

Children from Ukraine are trafficked both internationally and domestically for commercial sexual exploitation and forced begging. (14; 17) Children with disabilities and homeless, orphaned, and poor children, especially those living in state-run institutions, are at high risk of being trafficked and targeted by recruiters for child pornography. (2; 18; 13; 14; 16) Ukraine is a destination and transit country for refugees from Afghanistan, Somalia, and Syria. Refugees lack access to state-run children's shelters, have no formal means of acquiring food and other assistance from the government, and experience heightened vulnerability to child trafficking. (18)




During the reporting period, children continued to take part in active combat as part of the Russia-led forces. Recruitment of children by militant groups took place primarily in Russia-controlled territory and areas where the government was unable to enforce national prohibitions against the use of children in armed conflict. (9; 15) Russia-led forces employed children as soldiers, informants, and human shields during the reporting period. (9; 15)

Although Ukraine's Constitution and Law on General Secondary Education guarantee free universal education, due to discrimination by school administrators, Roma children, in a limited number of cases, have been denied access to education, placed in segregated schools exclusively for Roma children, or erroneously placed in special education schools. (18; 27; 28) A source reported that the municipal governments in Ukraine were ineffective in compelling school administrators to enroll Roma children who were unfairly denied access to school. (25)

II. LEGAL FRAMEWORK FOR CHILD LABOR

Ukraine has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

	Convention	Ratification
	ILO C. 138, Minimum Age	✓
	ILO C. 182, Worst Forms of Child Labor	✓
	UN CRC	✓
	UN CRC Optional Protocol on Armed Conflict	✓
	UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓

The government has established laws and regulations related to child labor (Table 4). However, gaps exist in Ukraine's legal framework to adequately protect children from child labor, including the prohibition of commercial sexual exploitation of children.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	16	Article 188 of the Labor Code; Article 150 of the Criminal Code; Article 21 of the Law on the Protection of Childhood (29; 30; 31)
Minimum Age for Hazardous Work	Yes	18	Article 190 of the Labor Code; Article 21 of the Law on the Protection of Childhood (30; 31)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Order of the Ministry of Health No. 46 on the approval of the list of heavy work and work with dangerous and harmful working conditions, in which the employment of minors is prohibited; Article 150-1 of the Criminal Code (29; 32)
Prohibition of Forced Labor	Yes		Article 43 of the Constitution of Ukraine; Article 1 of the Law on Employment; Articles 149, 172, and 173 of the Criminal Code (29; 33; 34)
Prohibition of Child Trafficking	Yes		Article 149 of the Criminal Code; Article 32 of the Law on the Protection of Childhood (29; 31)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 301–303 of the Criminal Code; Articles 10 and 21 of the Law on the Protection of Childhood; the Law on Amendments to Certain Legislative Acts of Ukraine on Combating the Distribution of Child Pornography; Articles 1, 6, and 7 of the Law on the Protection of Public Morality (29; 31; 35; 36)
Prohibition of Using Children in Illicit Activities	Yes		Articles 304 and 307 of the Criminal Code; Articles 10 and 21 of the Law on the Protection of Childhood (29; 31)
Prohibition of Military Recruitment			
State Compulsory	Yes	18	Article 15 of the Law on Military Duty and Military Service; Decree No. 447 on Measures to Improve the Defense Capabilities of the State (37; 38)
State Voluntary	Yes	17	Articles 15 and 20 of the Law on Military Duty and Military Service (38)
Non-state	Yes	18	Article 30 of the Law on the Protection of Childhood (31)
Compulsory Education Age	Yes	17‡	Articles 12 and 20 of the Law on General Secondary Education (39)
Free Public Education	Yes		Article 53 of the Constitution of Ukraine; Article 2 of the Law on General Secondary Education (33; 39)

‡ Age calculated based on available information (39)

In March 2017, the government passed a law to strengthen social protection and access to education for children living in Russia-controlled areas, including government-paid full or partial tuition fees, free textbooks, scholarships, and free housing for students. (9)

In May 2017, the Resolution of the Cabinet of Ministers No. 295 entered into force, establishing a procedure for implementing labor legislation that governs inspection visits and offsite inspections. (9) The Resolution established, for the first time, the procedure by which local authorities may conduct labor law compliance inspections. (40) However, the new Resolution places several restrictions on the power of labor inspectors, including the frequency of labor inspections and requiring prior notice before inspections are conducted. (41; 42; 43) Act 877 on the Fundamental Principles of State Supervision and Monitoring of Economic Activity requires inspectors to provide advance notice prior to conducting an inspection. (43)

Ukraine's Parliament enacted a law in November 2017 that provides authorization for local governments to implement state anti-trafficking policy. (9)

Although the international minimum age for entering hazardous vocational training is 16, Order of the Ministry of Health Number 46 permits children in vocational training programs for hazardous occupations to perform hazardous work for less than 4 hours a day, beginning at age 14, as long as occupational health and safety standards are met. (1; 44)

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III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, the exceptionally low number of worksite inspections conducted at the national level in Ukraine impeded the enforcement of child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
State Labor Service (SLS) within the Ministry of Social Policy (MSP)	Enforce labor laws, including laws on child labor, by conducting inspections. (45)
Department on Adoption and Children's Rights Protection within the MSP	Identify children involved in the worst forms of child labor, most of whom are in the informal sector. (1; 46)
National Police	Enforce criminal laws against the worst forms of child labor, including child trafficking. (45)
State Migration Service	Assist refugees and migrants in need in the country, including victims of human trafficking. (1; 47)
State Border Guards Services	Protect the country's borders and identify cases of human trafficking. (47)
Office of the Ombudsman for Children's Rights	Monitor protection of the rights of children and fulfillment of international obligations to protect children's rights, including by preventing child labor. Coordinate the development of laws on child protection. (48) Inform the public of children's rights. (48)
National Referral Mechanism (NRM)	Identify victims of human trafficking, including children, and refer victims to appropriate government agencies for assistance and services. Led by the MSP. (10)

Labor Law Enforcement

In 2017, labor law enforcement agencies in Ukraine took actions to combat child labor (Table 6). However, the exceptionally low number of worksite inspections conducted at the national level in Ukraine impede the enforcement of child labor laws.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2016	2017
Labor Inspectorate Funding	Unknown	\$15 million (9)
Number of Labor Inspectors	510 (5)	648 (9)
Inspectorate Authorized to Assess Penalties	Yes (5)	Yes (9)
Training for Labor Inspectors		
Initial Training for New Employees	No (5)	Yes (9)
Training on New Laws Related to Child Labor	Yes (5)	Yes (9)
Refresher Courses Provided	Unknown	Unknown
Number of Labor Inspections Conducted	4400 (5)	2726 (9)
Number Conducted at Worksites	4400 (5)	2726 (9)
Number of Child Labor Violations Found	158 (5)	99 (9)
Number of Child Labor Violations for Which Penalties were Imposed	177 (5)	102 (9)
Number of Child Labor Penalties Imposed that were Collected	158 (5)	Unknown
Routine Inspections Conducted	Yes (5)	Yes (9)
Routine Inspections Targeted	Yes (5)	Yes (9)
Unannounced Inspections Permitted	Yes (5)	No (42)
Unannounced Inspections Conducted	No (5)	No (9)
Complaint Mechanism Exists	Yes (5)	Yes (9)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (5)	Yes (9)

During the reporting period, legislation required the State Labor Service (SLS) to provide prior notice before conducting inspections. (49; 50)

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Despite an increase in the number of labor inspectors in 2017, the SLS reported that an insufficient number of labor inspectors continued to hamper their capacity to enforce child labor laws. (9) According to the ILO’s technical advice of a ratio approaching 1 inspector for every 20,000 workers in transitioning economies, Ukraine would employ about 902 labor inspectors. (51; 52; 53)

The SLS reported that fines established for labor infractions, which range from \$35 to \$115, remain too low to be effective deterrents. (1; 5; 45; 54)

Criminal Law Enforcement

In 2017, criminal law enforcement agencies in Ukraine took actions to combat child labor (Table 7). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including training for judges.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2016	2017
Training for Investigators		
Initial Training for New Employees	Unknown (5)	Yes (16)
Training on New Laws Related to the Worst Forms of Child Labor	Unknown (5)	Unknown
Refresher Courses Provided	Yes (5)	Yes (16)
Number of Investigations	Unknown (5)	116 (9)
Number of Violations Found	Unknown (5)	4 (16)
Number of Prosecutions Initiated	Unknown (5)	3 (9)
Number of Convictions	Unknown (5)	Unknown (9)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (5)	Yes (9)

The moratorium on inspections of private businesses also applied to the National Police, which impeded their investigations of criminal cases involving labor violations. (16)

During the reporting period, all new police officers received training on the identification and referral of human trafficking victims. (16) An additional 229 law enforcement officials received training on human trafficking from the IOM. (16) The IOM also coordinated the National Police, National School of Judges, and other law enforcement agencies in developing an interactive training on combating human trafficking, which was administered to 125 law enforcement personnel during the reporting period. (16)

Concerns have been raised that the existing curriculum for judicial training on human trafficking does not provide adequate information about child trafficking victims who may have been forced to commit crimes while being trafficked. (1) Data on child trafficking and other crimes related to labor exploitation of children are not disaggregated from overall law enforcement statistics; therefore, the data provided may not reflect all investigations, prosecutions, and convictions that occurred during the reporting period. (13)

In 2017, the MSP provided “victim of trafficking” status to 16 children. (16) Children who were discovered to be in dangerous situations during the course of criminal investigations were referred to the MSP Shelters and Centers for Socio-Psychological Rehabilitation of Children. (16)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8).

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Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role and Description
Ministry of Social Policy (MSP)	Lead the government’s efforts to combat child labor and human trafficking, including by drafting legislation and government regulations on these issues. (1; 13)
Interagency Council on Family, Gender Equality, Demographic Development, Prevention of Violence in the Family, and Counter-Trafficking Issues	Coordinate efforts to address the worst forms of child labor, including the trafficking of children. Chaired by the MSP, comprises representatives from the Ministries of Justice, Education, Security, Health, and Foreign Affairs, and from international and local NGOs. (1; 55)
Interagency Working Group to Protect the Rights of Civilians, Including Women and Children, During the Anti-Terrorist Operation in the Eastern Regions of Ukraine	Protect Internally Displaced Persons (IDPs) and other civilians from the negative consequences of the ongoing military operations in Ukraine, including the increased rates of domestic and international human trafficking. Established by the MSP, members include representatives from the Secretariat of the Verkhovna Rada Commissioner for Human Rights, the Authorized Representative of the President of Ukraine for Children’s Rights, and other government agencies and NGOs. (21)

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established one policy related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including coverage of the worst forms of child labor other than child trafficking.

Table 9. Key Policies Related to Child Labor

Policy	Description
State Program for Countering Human Trafficking (2016–2020)	Guide the work of the National Coordinator on Combating Human Trafficking through specific actions and timetables for preventing, protecting, and prosecuting human trafficking crimes. (17)
National Action Plan for Implementation of UN CRC (2017–2020)	Identifies priorities in the area of child protection, including improving measures to combat the worst forms of child labor and increasing coordination between government agencies and NGOs. (5; 56; 57)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, the government funded and participated in programs that may contribute to eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including the adequacy of programs to address the full scope of the problem.

Table 10. Key Social Programs to Address Child Labor

Program	Description
Global Action Program on Child Labor Issues Project	USDOL-funded project that aims to improve the evidence base on child labor and forced labor through data collection and research in Ukraine. (58) Additional information is available on the USDOL website.
Shelters and Centers for Socio-Psychological Rehabilitation of Children†	MSP-operated program to provide protection in 8 short-term shelters and 72 long-term rehabilitation centers for children in need, including street children. Short-term shelters provide accommodation for up to 90 days, and rehabilitation centers offer accommodation for up to 12 months. (1; 10; 13; 17; 21) Provide regular social, medical, psychological, and other types of services for non-residents. (10; 17) In 2017, received \$308 million in funding, and the socio-psychological rehabilitation centers for children received \$4.2 million in funding. (16)
Centers for Social Services for Family, Youth, and Children†	Government-run program to provide services for victims of human trafficking and other populations in need. (1; 17)
Multiplication of the Anti-Trafficking National Referral Mechanism in Ukraine†	Joint program by the MSP and the OSCE to train officials in several regions of Ukraine to identify and provide services to human trafficking victims. Involves collaborative work among local agencies and non-governmental partners. (13)
Countering Trafficking in Persons Project (2004–2018)	USAID-funded project implemented by the IOM; aims to reduce human trafficking by building the capacity of Ukrainian institutions to address the problem by strengthening the NRM and increasing government funding for counter-trafficking efforts. (59)

† Program is funded by the Government of Ukraine.

Ukraine has a variety of service providers for victims of human trafficking; however, the MSP must confer the official status of “victim of trafficking” on child trafficking victims to allow them to access available government services. (10; 13; 17) Research found that delays in this practice often result from insufficient documentation of the crime to the MSP by local administrations. (10; 13; 17)

Although the MSP provides services for children in shelters and socio-psychological rehabilitation centers, the current availability of shelters and trained personnel is insufficient to fully address the extent of the child labor problem. (60) The Centers for Social Services for Family, Youth, and Children have historically experienced a large turnover of staff due to an excessive workload and low pay. (61) In addition, the centers remain understaffed after budget cuts enacted in 2014 resulted in the layoff of 12,000 social workers. (62) Likewise, high turnover in the regions where local agencies are responsible for identifying human trafficking victims under the National Referral Mechanism (NRM) has hampered providing services to victims. (13)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Ukraine (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Prohibit all children under age 16 from working in hazardous occupations during vocational training.	2011 – 2017
Enforcement	Address legal provisions that have created obstacles to conducting criminal and labor inspections, and ensure that labor inspectors have the ability to conduct unannounced inspections.	2014 – 2017
	Increase the budget of the SLS to increase the number of inspectors in accordance with the ILO's technical guidance and ensure that the government conducts an adequate number of labor inspections.	2011 – 2017
	Ensure that fines imposed for violations of child labor laws are sufficient to effectively deter employers from violating child labor laws.	2013 – 2017
	Ensure that the curriculum for judicial training on human trafficking provides adequate coverage of the situation of child trafficking victims who have been forced to commit crimes while being trafficked.	2013 – 2017
	Track and publish data on the number of child labor penalties imposed that were collected and the number of criminal convictions made relating to violations of child labor laws.	2014 – 2017
Government Policies	Ensure that all IDPs are aware of the resources available to them and that internally displaced and refugee children are able to access adequate shelter and receive available social benefits, regardless of their ethnicity.	2014 – 2017
Social Programs	Develop programs to facilitate access to education for Roma children and ensure that municipal governments hold schools accountable for discrimination against Roma children.	2010 – 2017
	Ensure that all children who are victims of human trafficking are able to access government services available for victims including by assisting victims in obtaining necessary identity documentation.	2013 – 2017
	Ensure there is sufficient funding of socio-psychological rehabilitation centers to accommodate demand for these services including by increasing the staffing of the centers.	2013 – 2017
	Take steps to reduce turnover in the Centers for Social Services for Family, Youth, and Children and in local agencies that are part of the National Referral Mechanism to ensure that victims of human trafficking are provided with the services they require.	2012 – 2017

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