

Ukraine

In January 2010, Ukraine strengthened its legal framework by passing the Law to Combat Child Pornography. However, children continue to engage in dangerous labor in agriculture as well as prostitution and pornography. Furthermore, social programs do not address these most prevalent worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	15.1*
Attending School	5-14 yrs.	95.8
Combining Work and School	7-14 yrs.	17.3

* Population of working children: 904,210



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Ukraine engage in the worst forms of child labor,⁵⁹⁸¹ in agriculture as well as in prostitution and pornography.⁵⁹⁸² Children's work in agriculture may involve using potentially dangerous machinery and tools, carrying heavy loads and applying toxic pesticides. Children also engage in street work,⁵⁹⁸³ in which they may be exposed to many dangers, including severe weather and criminal elements or may be involved in vehicle accidents.

Children work in surface coal mines where they mine, sort, carry and load the coal.⁵⁹⁸⁴ These informal mines lack safety measures and children are at risk of injury.⁵⁹⁸⁵

Commercial sexual exploitation of children including prostitution and pornography is also prevalent in Ukraine.⁵⁹⁸⁶ According to Ukrainian and international law enforcement authorities, a large amount of child pornography on the Internet comes from Ukraine.⁵⁹⁸⁷

Children are also trafficked for sexual and labor exploitation both within Ukraine and internationally.⁵⁹⁸⁸ Trafficked children are often forced to work as beggars or prostitutes.⁵⁹⁸⁹






Homeless, orphan and poor children are at high risk of trafficking and are targeted by recruiters for child pornography.⁵⁹⁹⁰

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 16, and children who have reached age 15 can work with the permission of a parent. The Code allows for light work by children, but there is no minimum age for such work and the law fails to clearly define it.⁵⁹⁹¹ The Constitution, the Labor Code and the Workers' Protection Act prohibit children younger than 18 from working in hazardous conditions.⁵⁹⁹² The Ministry of Health published a list of prohibited hazardous occupations in 1994.⁵⁹⁹³ However, children age 14 to 16 in vocational training programs are not restricted from working in hazardous occupations.⁵⁹⁹⁴ Ukraine's minimum age for such work is two years below the international minimum age for entering hazardous vocational training.

Article 150 of the Criminal Code outlaws the exploitation of children.⁵⁹⁹⁵ Articles 304 and 309 of the code prohibit the engagement of children in illicit activities, including the production,

purchase, storage, or transportation of drugs.⁵⁹⁹⁶ Article 302 outlaws the use of children in prostitution.⁵⁹⁹⁷

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

In January 2010, the Government passed the Law to Combat Child Pornography.⁵⁹⁹⁸ This law includes an internationally recognized definition of child pornography and allows courts to limit Internet access to sites that circulate child pornography. The law also increased penalties for child pornographers.⁵⁹⁹⁹

Forced labor is prohibited in the Constitution.⁶⁰⁰⁰ Article 149 of the Criminal Code prohibits trafficking in persons, both for sexual service and labor. This article is applicable to both internal and international trafficking.⁶⁰⁰¹ The code increases penalties for trafficking if the victim is a minor.⁶⁰⁰²

The compulsory military recruitment age is 18.⁶⁰⁰³

Education is free and compulsory until age 17.⁶⁰⁰⁴ Nevertheless, access to education is limited for rural and Roma children. In areas with low population density, some schools close due to the lack of school-age children, forcing children to travel to distant villages for school.⁶⁰⁰⁵

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee (NSC) to combat child labor is chaired by the Ministry of Labor and Social Policy (MOLSP) and is comprised of seven ministries along with representatives from workers' and employers' organizations, NGOs and youth government associations.⁶⁰⁰⁶ The NSC is responsible for overseeing interagency task forces on childhood protection and child trafficking.⁶⁰⁰⁷

The Interagency Commission on Childhood Protection, composed of relevant government and UN representatives, examines policies and legislation on issues of child protection, including the worst forms of child labor and trafficking.⁶⁰⁰⁸

The Ministry of Family, Youth and Sport is responsible for coordinating efforts to combat human trafficking at the national level.⁶⁰⁰⁹ The ministry leads the Interagency Coordination Council for Family, Gender Equality, Demographic Development and Countering Trafficking in Persons, which was created in 2007. The ministry has held five council meetings devoted to the discussion of trafficking issues, the most recent in December 2010.⁶⁰¹⁰ At the *oblast* (provincial) level, *Oblast* Coordination Councils led by the Departments of Family, Youth and Sport coordinate efforts against trafficking.⁶⁰¹¹

There are five agencies responsible for enforcing hazardous child labor laws--MOLSP, the Ministry of the Interior's Criminal Police for Juvenile Affairs (CPJA), the Ministry of Family, Youth and Sport, the Prosecutor General's Office and the Security Service of Ukraine.⁶⁰¹² The Child Labor Division, under the State Labor Inspectorate in the MOLSP, is the lead agency responsible for enforcing child labor laws.⁶⁰¹³ The Ministry of Family, Youth and Sport, along with the Police Department for Juvenile Affairs, works to identify children involved in the worst forms of child labor in the informal sector.⁶⁰¹⁴ Coordination among

these agencies is hampered by the lack of an electronic database for collecting information.⁶⁰¹⁵

The Government employs 743 labor inspectors.⁶⁰¹⁶ As of October 2010, over 26,000 labor inspections were conducted, with 447 inspections focused on child labor taking place in August and September. During these child labor inspections, 1,195 working children were identified, with the majority of children younger than 14 working in agriculture.⁶⁰¹⁷ Labor inspectors and the State Service on Children's Affairs met with the parents of 195 working children to explain child labor laws.⁶⁰¹⁸

Two agencies enforce criminal laws related to the worst forms of child labor--the CPJA and the Ministry of Interior's Department of Cyber Crime and Counter-Trafficking.⁶⁰¹⁹ The CPJA employs 2,980 officers. In 2010, the IOM trained approximately 40 law enforcement officers in trafficking issues.⁶⁰²⁰ During the reporting period, training on human trafficking issues was provided for investigators, prosecutors, judges, and high school teacher trainers. It included instruction on victim identification, witness and victim protection, and trafficking crime identification.⁶⁰²¹ Two hotlines accept reports of child trafficking and one takes reports of commercial sexual exploitation of minors on the Internet.⁶⁰²²

Also in 2010, 257 cases related to trafficking in persons were investigated; 145 cases were filed and 85 went to court.⁶⁰²³ The number of child victims identified was 123, 60 percent of whom were girls.⁶⁰²⁴ Sixty traffickers were sentenced to prison terms.⁶⁰²⁵

From January to August 2010, there were 1,554 criminal cases opened against adults using children in criminal activities, 113 of which were for using children in begging. Eight cases of child exploitation were filed.⁶⁰²⁶ Law enforcement does not provide data on the number of victims assisted.⁶⁰²⁷

Government Policies on the Worst Forms of Child Labor

The Concept of National Program/National Action Plan on the UN Convention of the Rights of a Child for 2006-2016 includes provisions for assistance to vulnerable children, life skills training, and better legislation for child rights protection.⁶⁰²⁸ The corresponding National Action Plan to Implement the UN Convention on the Rights of the Child outlines action steps for putting laws into practice that protect children's rights.⁶⁰²⁹ Chapters 4.6 and 4.7 of the national action plan address child labor and exploitation and call for the development of a child labor monitoring system.

The national action plan allocated approximately \$8,000 for the monitoring system and earmarked \$100,000 to combat trafficking, sexual exploitation, and violence against children.⁶⁰³⁰ According to a Ministry of Labor official, the national action plan was ineffective and the \$8,000 allocated for the monitoring system was never issued.⁶⁰³¹

The Government also implemented the National Plan on Combating Human Trafficking 2007-2010.⁶⁰³² The plan aimed to train government officials in trafficking and child labor issues and develop programs for rehabilitating child trafficking victims.⁶⁰³³ The plan called for approximately \$292,000 to be allocated over the four years of the project, and as of January 1, 2010, approximately \$82,000 had been spent.⁶⁰³⁴ Only \$2,500 was budgeted for 2010.⁶⁰³⁵ It is unclear whether the remainder of the funds will be made available for implementation of the plan. Responsibilities for carrying out these activities are being reassigned, causing delays in implementation.⁶⁰³⁶ A new 5-year plan has been drafted but it has yet to be passed.⁶⁰³⁷

In 2010, the Government also entered into two international agreements on human trafficking. It ratified the Council of Europe Convention on Action against Trafficking in Human Beings and signed a Joint Cooperation Plan on Countering Trafficking with the United States.⁶⁰³⁸

The Government's State Program to Combat Child Homelessness and Neglect (2006-2010) identified child homelessness as a factor contributing to the worst forms of child labor and aimed to identify and support at-risk families.⁶⁰³⁹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Ministry of Family, Youth and Sport provides for social protection of children including 88 shelters and 32 social-psychological rehabilitation centers. The ministry also operates local offices for children's affairs, which provide employment, social and legal services for child laborers.⁶⁰⁴⁰

The Government provides free school lunches to all children, a program which may encourage children to attend school rather than go to work.⁶⁰⁴¹ However, as noted above, access to school for some rural and Roma children remains a problem.

The Government also participated in a \$700,000 German-funded regional project which aimed to

build capacity of the Government and increase the involvement of trade unions and employer organizations in dealing with child labor issues.⁶⁰⁴² The project concluded at the end of 2010. The project served 5,750 children in Kherson and Donetsk *oblasts* and encouraged government and civil participation in ending child labor.⁶⁰⁴³

Posters and information cards about child sex tourism and human trafficking were also distributed at seven border crossings.⁶⁰⁴⁴ In addition, the Ministry of Education and Science partnered with international organizations to produce guidelines to assist teachers in discussing human trafficking issues with their students. The ministry also developed a school program for grades 7 to 11 to raise awareness of the issue.⁶⁰⁴⁵

While the Government has taken steps to implement anti-trafficking programs, research found no evidence that it has carried out programs to assist children involved in exploitative child labor in agriculture, mining or street work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Ukraine:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Code to prohibit all children younger than 18 from working in hazardous occupations or conditions including children in vocational training.
- Amend the Labor Code to clearly define the term "light work" as it applies to children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Implement mechanisms to facilitate cooperation between agencies responsible for enforcing child labor laws including the creation of a database on child labor.

IN THE AREA OF POLICIES:

- Adopt policies to address the most relevant worst forms of child labor.
- Provide the funds necessary to develop a child labor monitoring system as prescribed in the national action plan.
- Approve and fund the draft Concept of the State program against Human Trafficking for 2011-2016.

IN THE AREA OF PROGRAMS:

- Develop and implement programs to address the worst forms of child labor in agriculture, street work and mining.
- Assess children's access to rural schools and develop programs to facilitate school attendance.

⁵⁹⁸¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data on working children and school attendance are from 2005. Data on children combining working and schooling are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵⁹⁸² ILO-IPEC, *Combating Worst Forms of Child Labour, Including Trafficking in Children in Ukraine, 2001-2009*, Kyiv, 2009, 2; available from http://www.ilo.org/public/english/region/eurpro/budapest/download/fund/ipeck_ukraine.pdf. See also U.S. Department of State, "Ukraine," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 6 and 7.d; available from www.state.gov/g/drl/rls/hrrpt/2010.

⁵⁹⁸³ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, para. 2A, ILO-IPEC, *Combating Worst Forms of Child Labour, Including Trafficking in Children in Ukraine*. See also U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 1.

⁵⁹⁸⁴ International Labor Organization, "World Day Against Child Labor 2005 "Kopankas" in Ukraine: Sending children to the "family mine", [online], June 14, 2005 [cited May 4, 2011]; available from http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Feature_stories/lang--en/WCMS_075562/index.htm. See also ILO-IPEC, *Combating Worst Forms of Child Labour, Including Trafficking in Children in Ukraine, 2*.

⁵⁹⁸⁵ International Labor Organization, "World Day Against Child Labor 2005".

⁵⁹⁸⁶ U.S. Department of State, "Country Reports- 2010: Ukraine," section 7.d. See also ILO-IPEC, *Combating Worst Forms of Child Labour, Including Trafficking in Children in Ukraine, 2*. See also U.S. Embassy- Kyiv, *reporting, February 1, 2010*, para. 2A.1. See also U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para. 95.

⁵⁹⁸⁷ U.S. Department of State, "Country Reports- 2010: Ukraine," section 6.

⁵⁹⁸⁸ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, para. 2D. See also U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para. 9-10.

⁵⁹⁸⁹ U.S. Department of State, "Ukraine," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from www.state.gov/g/tip/rls/tiprpt/2010/142761.htm.

⁵⁹⁹⁰ U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para. 15.

⁵⁹⁹¹ ILO-IPEC, *Ukraine Child Labour Data Country Brief*, Geneva; available from www.ilo.org/ipeinfo/product/download.do?type=document&id=7806. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Ukraine (ratification: 1979) Submitted: 2008*, May 6, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

⁵⁹⁹² ILO-IPEC, *Ukraine Child Labour Data Country Brief*.

⁵⁹⁹³ Ibid.

⁵⁹⁹⁴ ILO Committee of Experts, *Individual Direct Request C138: Ukraine (2008)*.

⁵⁹⁹⁵ Government of Ukraine, *Criminal Code of Ukraine*, (2001), Article 150; available from <http://www.legislationline.org/documents/section/criminal-codes>.

⁵⁹⁹⁶ Ibid., Article 304 and 309.

⁵⁹⁹⁷ Ibid., Article 302.

⁵⁹⁹⁸ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Ukraine*, Geneva, January 28, 2011, para. 4 and 77; available from www.ohchr.org/english/bodies/crc/docs/co.

⁵⁹⁹⁹ U.S. Department of State, "Country Reports- 2010: Ukraine," section 6.

⁶⁰⁰⁰ Government of Ukraine, *Constitution of Ukraine*, (June 28, 1996), Article 43; available from www.rada.gov.ua/const/conengl.htm.

⁶⁰⁰¹ Government of Ukraine, *Criminal Code*, Article 149. See also U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para. 46.

⁶⁰⁰² Government of Ukraine, *Criminal Code*, Article 149.

⁶⁰⁰³ Coalition to Stop the Use of Child Soldiers, "Ukraine," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁶⁰⁰⁴ U.S. Department of State, "Country Reports- 2010: Ukraine," section 6. See also U.S. Embassy- Kyiv, E-mail communication to USDOL official, April 19, 2011.

⁶⁰⁰⁵ U.S. Department of State, "Country Reports- 2010: Ukraine," section 6.

⁶⁰⁰⁶ ILO-IPEC, *Combating Worst Forms of Child Labour, Including Trafficking in Children in Ukraine, 4*. See also ILO-IPEC, *National Program for the Prevention and Elimination of Worst Forms of Child Labor in Ukraine*, Final Technical Progress Report, Geneva, December 8, 2006, 4-5.

- ⁶⁰⁰⁷ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, para. 2E.
- ⁶⁰⁰⁸ U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 3.1.
- ⁶⁰⁰⁹ U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para. 30.
- ⁶⁰¹⁰ U.S. Embassy- Kyiv, *reporting, March 7, 2011*, para. 33.
- ⁶⁰¹¹ U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para. 23.
- ⁶⁰¹² U.S. Embassy- Kyiv, *reporting, February 1, 2010*, para. 2C.
- ⁶⁰¹³ U.S. Department of State, “Country Reports- 2010: Ukraine,” section 7.d.
- ⁶⁰¹⁴ U.S. Department of State, “Ukraine,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7.d; available from www.state.gov/g/drl/rls/hrrpt/2009.
- ⁶⁰¹⁵ U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 4.2.
- ⁶⁰¹⁶ *Ibid.*, para. 4.3.
- ⁶⁰¹⁷ *Ibid.*, para. 4.6.
- ⁶⁰¹⁸ *Ibid.*, para. 4.8.
- ⁶⁰¹⁹ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, para. 2D. See also U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 5.3. See also U.S. Embassy- Kyiv, E-mail communication, April 19, 2011.
- ⁶⁰²⁰ U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 5.3.
- ⁶⁰²¹ U.S. Embassy- Kyiv, *reporting, March 7, 2011*, para. 17.
- ⁶⁰²² U.S. Embassy- Kyiv, *reporting, February 1, 2010*, para. 2D.
- ⁶⁰²³ U.S. Embassy- Kyiv, *reporting, March 7, 2011*, para. 16.
- ⁶⁰²⁴ *Ibid.*, para. 3.
- ⁶⁰²⁵ *Ibid.*, para. 16.
- ⁶⁰²⁶ U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 5.6.
- ⁶⁰²⁷ *Ibid.*, para. 5.8.
- ⁶⁰²⁸ ILO-IPEC, *National Program for the Prevention and Elimination of Worst Forms of Child Labor in Ukraine, Final Technical Progress Report*, 6.
- ⁶⁰²⁹ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, para. 2B.
- ⁶⁰³⁰ *Ibid.*, para. 2B and 2E. See also U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 6.1.
- ⁶⁰³¹ U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 6.3.
- ⁶⁰³² ILO-IPEC, *Combating Worst Forms of Child Labour, Including Trafficking in Children in Ukraine*, 6.
- ⁶⁰³³ ILO-IPEC, *Trafficking and other Worst Forms of Child Labor in Central and Eastern Europe (PROTECT CEE)*, Technical Progress Report, Geneva, September 2007, 6.
- ⁶⁰³⁴ U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para. 20.
- ⁶⁰³⁵ U.S. Embassy- Kyiv, *reporting, March 7, 2011*, para. 8.
- ⁶⁰³⁶ *Ibid.*, para. 8.
- ⁶⁰³⁷ *Ibid.*, para. 3.
- ⁶⁰³⁸ *Ibid.*, para. 3.
- ⁶⁰³⁹ ILO-IPEC, *Combating Worst Forms of Child Labour, Including Trafficking in Children in Ukraine*, 6.
- ⁶⁰⁴⁰ U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 7.1.
- ⁶⁰⁴¹ *Ibid.*, para. 7.2.
- ⁶⁰⁴² ILO-IPEC Geneva official, E-mail communication to USDOL official, April 27, 2011.
- ⁶⁰⁴³ U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 7.3 and 7.4.
- ⁶⁰⁴⁴ U.S. Embassy- Kyiv, *reporting, March 7, 2011*, para. 37.
- ⁶⁰⁴⁵ *Ibid.*, para. 31.