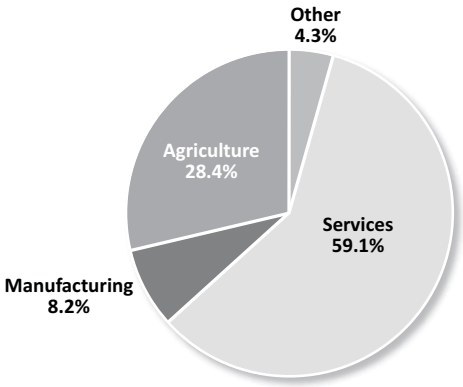
Ukraine

In 2011, Ukraine made a minimal advancement in efforts to eliminate the worst forms of child labor. Although administrative reform still threatens the effectiveness of Government efforts to reduce the worst forms of child labor, the Government increased the penalty for exploiting children in labor and begging and established the Office of the Ombudsman for Children's Rights, which monitors the rights of children, including those engaged in child labor. However, children between the ages of 14 and 16 are not restricted from hazardous vocational training. Children continue to engage in the worst forms of child labor in dangerous agricultural tasks as well as in prostitution and pornography.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	15.1 (904,210)
Attending School	5-14 yrs.	95.8
Combining Work and School	7-14 yrs.	17.3
Primary Completion Rate		97.6

Working Children by Sector, Ages 5-14



Sources:
Primary completion rate: *Data from 2010, published by UNESCO Institute for Statistics, 2012.(1)*
All other data: *Understanding Children's Work Project's analysis of statistics from MICS3 Survey, 2005.(2)*

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Ukraine engage in the worst forms of child labor, including in dangerous activities in agriculture, and in prostitution and pornography.(3-5) Children working in agriculture may use dangerous tools, carry heavy loads and apply harmful pesticides.(6) Children also engage in street work, in which they are vulnerable to severe weather, traffic accidents and crime.(3, 4, 6, 7)

Commercial sexual exploitation of children including prostitution and pornography is also prevalent in Ukraine.(3, 8-10) Children as young as age 10 are used in prostitution and the production of pornography.(11) According to Ukrainian and international law enforcement authorities, a large amount of child pornography on the Internet comes from Ukraine.(8)

Children work in informal surface coal mines, where they mine, sort, carry and load the coal; however, emerging reports indicate that the incidence of child labor in coal mines may be in decline.(4, 12)

Children are also trafficked for sexual and labor exploitation both within Ukraine and internationally.(9, 10) Girls are trafficked out of Ukraine to Russia, Turkey, Poland, Czech Republic, Italy and the United Arab Emirates. Boys are trafficked to Russia, Poland, Moldova, Turkey and Romania.(11) These children are trafficked into domestic service, agriculture, street work and commercial sexual exploitation. Children trafficked within Ukraine are often forced to work as beggars or prostitutes.(11, 13) Homeless, orphan and poor children are at high risk of trafficking and are targeted by recruiters for child pornography.(10)

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 16; children who have reached age 15 can work with the permission of a parent.(4) The Code allows for light work by children age 14, but the law fails to clearly define the activities

these children can perform.(14) The Ministry of Health has published a list of hazardous occupations prohibited for those under age 18.(4) Children ages 14 to 16 in vocational training programs are not restricted from working in hazardous occupations.(14) Ukraine's minimum age for such work is two years below the international minimum age for entering hazardous vocational training.

	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	18
	Free Public Education	Yes

Article 150 of the Criminal Code outlaws the exploitation of children. Article 150-1 provides penalties for using a child for begging.(11, 15) Articles 304 and 309 of the Code prohibit the engagement of children in illicit activities, including the production, purchase, storage or transportation of drugs. Article 302 outlaws the use of children in prostitution.(15) In 2011, the Criminal Code was amended to increase the punishment for involving children in exploitative labor and forced begging.(4)

The Law to Combat Child Pornography includes an internationally recognized definition of child pornography and allows courts to restrict access to Internet sites that circulate child pornography.(8)

Forced labor is prohibited in the Constitution.(16) The compulsory military recruitment age is age 18.(17) Article 149 of the Criminal Code prohibits trafficking in persons for sexual service and for labor. This article is applicable to both internal and international trafficking and increases penalties for trafficking if the victim is a minor.(10)

Education is free and compulsory until age 18.(18) Nevertheless, access to education is limited for rural and Roma minority children. In areas with low population density, some schools close due to the lack of school-aged children, forcing children to travel to distant villages for school.(8)

Institutional Mechanisms for Coordination and Enforcement

The National Steering Commission to coordinate efforts to combat child labor was dissolved at the end of 2010 in accordance with an established timeline.(4) In August 2011, the Office of the Ombudsman for Children's Rights was opened. This Office is responsible for monitoring the rights of children including the issue of child labor, ensuring that Ukraine abides by international obligations on children's rights and coordinating draft laws on child protection.(4) The Office has seven staff members.(4)

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. Reports suggest that the Commission has not met since 2009.(4) The Ministry of Social Policy and the Ministry of Internal Affairs are responsible for identifying children in the informal sector involved in the worst forms of child labor.(8)

The Ministry of Family, Youth and Sport is responsible for coordinating efforts to combat human trafficking at the national level.(10) The Ministry leads the Interagency Coordination Council for Family, Gender Equality, Demographic Development and Countering Trafficking in Persons, which was created in 2007. At the *oblast* (provincial) level, *Oblast* Coordination Councils led by the Departments of Family, Youth and Sport coordinate efforts against trafficking.(10)

In December 2010, Ukraine began the process of administrative reform, which includes the dissolution of the Ministry of Family, Youth, and Sports. The responsibilities of that Ministry have been transferred to the State Service for Youth and Sports under the Ministry of Education and Science, Youth and Sports.(4, 19) This administrative reform threatens the coordination of child protection systems which include child labor issues.(4, 19)

Five agencies were responsible for enforcing hazardous child labor laws during the reporting period—the MOLSP; the Ministry of the Interior's Criminal Police for Juvenile Affairs (CPJA); the Ministry of Science, Education, Youth and Sport; the Prosecutor General's Office; and the Security Service of

Ukraine.(4) The State Labor Inspectorate in the MOLSP, is the lead agency responsible for enforcing child labor laws.(8) Coordination among these agencies is hampered by the lack of an electronic database for collecting and sharing information.(4, 7)

The State Labor Inspectorate is charged with monitoring all labor law including child labor laws. The Government employs 551 labor inspectors.(4) Funding for inspections is limited; inspectors lack offices, transportation, and travel budgets. No training for labor inspectors was conducted in 2011.(4)

Between January and November 2011, more than 29,800 labor inspections had been conducted, with 579 inspections focused on child labor taking place in September. During these child labor inspections, 1,065 working children were identified, with the majority of children under age 14 working in agriculture.(4) Inspectors discovered child labor violations in 227 enterprises, filed 158 citations with the courts and held managers of five enterprises liable.(4)

Labor inspectors must notify employers at least 10 days in advance of an inspection and a warrant must be issued in the event that an unscheduled inspection will take place.(20) These provisions may hamper the inspectors' ability to detect child labor law violations.

The Criminal Police for Children's Affairs (CPCA) is the primary agency to which children involved in criminal activities are referred.(4) The CPCA employs approximately 3,000 officers throughout the country.(4) The Cyber Crime and Counter-Trafficking Division (CTD) works to combat human trafficking and cyber crimes, employing 550 officers.(4) In addition to conducting raids on brothels, the Criminal Police verifies the legality of photography studios, modeling agencies, night clubs, massage parlors and hotels to prevent sexual exploitation of children.(11)

In 2011, the IOM trained 108 law enforcement officers in trafficking issues.(4) Hotlines accept reports of child trafficking and one takes reports of commercial sexual exploitation of minors on the Internet.(9) Since 2006 the National Counter-Trafficking and Migrant Advice Hotline has received over 115,000 inquiries.(21) It is unclear how many of these calls were related to child trafficking.

There are reports that children ages 16 to 18 are not always treated as victims in commercial sexual exploitation cases. Draft Law No. 9540 declares children found working as prostitutes to be victims of commercial sexual exploitation; however, this Law has yet to be enacted.(4) Reports also indicate that in cases of human trafficking, many convicted traffickers receive light prison sentences, while others are placed on probation without prison sentences.(13)

From January through June 2011, 307 criminal cases were opened against adults using children in criminal activities; 293 of these cases were for sexual offenses.(4) Law enforcement does not provide data on the number of victims assisted.(4)

Government Policies on the Worst Forms of Child Labor

The National Action Plan to Implement the UN Convention on the Rights of the Child (2010-2016) (NAP) outlines action steps for putting laws into practice that protect children's rights.(9) The NAP addresses child labor and exploitation and calls for the development of a child labor monitoring system.(4) There were no funds dedicated to implementing this plan in 2011, including for the mandated child labor monitoring system elaborated in the plan.(4)

The National Plan on Combating Human Trafficking ended in 2010 and there is no evidence that the policy has been renewed.

The Government implements a State Program on Poverty Reduction; however, this policy does not specifically target child laborers.(4) The question of whether this policy has an impact on child labor does not appear to have been addressed.

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

During 2011, the Ministry of Family, Youth and Sport provided for social protection of children including 88 shelters and 32 social-psychological rehabilitation centers. The ministry also operated local offices for children's affairs, which provide employment, social and legal services for child laborers.(4) The services offered through these centers are reportedly insufficient to cover the scope of the problem of the worst forms of child labor.(4)

The Government partners with international organizations on a number of anti-human trafficking programs. Posters and information cards about child sex tourism and human trafficking were also distributed at seven border crossings.(22) In addition, the Ministry of Education and Science partnered with international organizations to develop 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 on the issue.(22)

The Government participated in a program to combat commercial sexual exploitation of children. The program

provided assistance to child victims of trafficking and sexual exploitation.(11) The Ministry of the Interior and the police worked with the program to develop techniques for working with child victims of exploitation including interviewing strategies and creating child friendly spaces for conducting interviews.(23)

The Government provides free school lunches to certain categories of children including those from families with many children, families of Chernobyl victims, low-income families and families in some rural areas.(7) However, as noted above, access to school for some rural and Roma children remains a problem. The question of whether this program has an impact on child labor does not appear to have been addressed.

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

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Amend the Labor Code to prohibit all children younger than 16 from working in hazardous occupations in vocational training.	2011
	Amend the Labor Code to clearly define the term "light work" as it applies to children.	2009, 2010, 2011
	Pass Draft Law No. 9540 to protect children in commercial sexual exploitation.	2011
Coordination and Enforcement	Closely monitor the effects of the recent administrative reform and ensure that child protection remains a priority.	2010, 2011
	Regularly convene meetings of the Interagency Commission on Childhood Protection to carry out its mandate of examining policies and legislation on issues of child protection.	2009, 2011
	Implement mechanisms to facilitate cooperation between agencies responsible for enforcing child labor laws including the creation of a database on child labor.	2010, 2011
	Amend the labor regulations to allow for unannounced inspections and consider ways to streamline the labor inspection process.	2011
	Provide labor inspectors with appropriate resources to complete inspections.	2011
	Strictly enforce anti-human trafficking laws to ensure violators serve appropriate jail sentences.	2010, 2011
Policies	Provide the funds necessary to implement the National Action Plan for Child Protection including the mandated child labor monitoring system.	2010, 2011
	Renew the National Program on Combating Human Trafficking, which expired in 2010.	2011
	Assess the impact that the State Program on Poverty Reduction may have on child labor.	2011
Social Programs	Expand programs that address the worst forms of child labor including the services offered to child laborers through the local offices for children's affairs.	2011
	Assess children's access to rural schools and develop programs to facilitate school attendance.	2010, 2011
	Assess the impact that the free school lunch program may have on child labor.	2011

REFERENCES

1. UNESCO Institute for Statistics. Gross intake ratio to the last grade of primary. Total.; April 26, 2012; http://www.uis.unesco.org/Pages/default.aspx?SPSLanguage=EN. Data provided is the gross intake ratio to the last grade of primary school. This measure is a proxy measure for primary completion. For more information, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.
2. UCW. *Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys*. February 2, 2012. Reliable statistical 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 on children's work in general are reported in this chart, 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.
3. ILO-IPEC. *Combating Worst Forms of Child Labour, Including Trafficking in Children in Ukraine, 2001-2009*. Kyiv; 2009. http://www.ilo.org/public/english/region/eurpro/budapest/download/fund/ipec_ukraine.pdf [source on file].
4. U.S. Embassy- Kyiv. *reporting, January 18, 2012*.
5. International Labour Office. *Children in hazardous work: What we know, What we need to do*. report. Geneva; 2011. http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_155428.pdf.
6. International Labour Office. *Children in hazardous work: What we know, What we need to do.* Geneva, International Labour Organization; 2011. While country-specific information on the dangers children face in agriculture is not available, research studies and other reports have documented the dangerous nature of tasks in agriculture and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.
7. U.S. Embassy- Kyiv. *reporting, January 12, 2011*.
8. U.S. Department of State. Ukraine. In: *Country Reports on Human Rights Practices-2011*. Washington, DC; May 24, 2012; http://www.state.gov/documents/organization/186627.pdf.
9. U.S. Embassy- Kyiv. *reporting, February 1, 2010*.
10. U.S. Embassy- Kyiv. *reporting, March 3, 2010*.
11. ILO Committee of Experts. Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Ukraine (ratification: 2000) Published: 2010; February 27, 2012; http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11948&chapter=6&query=Ukraine%40ref&highlight=&querytype=bool.
12. U.S. Embassy- Kyiv. *reporting, May 20, 2008*.
13. U.S. Department of State. Ukraine. In: *Trafficking in Persons Report- 2011*. Washington, DC; June 27, 2011; http://www.state.gov/documents/organization/164458.pdf.
14. ILO Committee of Experts. Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Ukraine (ratification: 1979) Published: 2010; February 27, 2012; http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11775&chapter=6&query=Ukraine%40ref&highlight=&querytype=bool.
15. Government of Ukraine. *Criminal Code of Ukraine*, (2001); http://www.legislationline.org/documents/section/criminal-codes.
16. Government of Ukraine. *Constitution of Ukraine*, (June 28, 1996); www.rada.gov.ua/const/conengl.htm.
17. Coalition to Stop the Use of Child Soldiers. Ukraine. In: *Child Soldiers Global Report 2008*. London; 2008; http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.
18. UNESCO - International Bureau of Education. *Ukraine: Early Childhood Care and Education (ECCE) programmes*. Geneva; 2006. unesdoc.unesco.org/images/0014/001472/147252e.pdf.
19. 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; April 21, 2011. http://www.unhcr.org/refworld/docid/4dcb87f22.html
20. ILO Committee of Experts. Individual Observation concerning Labour Inspection Convention, 1947 (No. 81) Ukraine (ratification: 2004) Published: 2011 February 27, 2012; http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=12103&chapter=6&query=%23year%3D2011+%2B+Ukraine%40ref&highlight=&querytype=bool&context=0.
21. IOM. *Ukraine*, IOM, [online] 2011 [cited November 18, 2011]; http://www.iom.int/jahia/Jahia/ukraine.
22. U.S. Embassy- Kyiv. *reporting, March 7, 2011*.
23. La Strada - Ukraine. *Annual Report 2010*. Kyiv, International Women's Rights Center; 2011.