

# Ukraine

*The Government of Ukraine has implemented a policy framework to eliminate some of the worst forms of child labor, including child trafficking and commercial sexual exploitation. However, hazardous child labor persists in agriculture, and children are subjected to forced prostitution and pornography. Furthermore, social programs do not address the 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.	2.8%

## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Ukraine are exploited in the worst forms of child labor,<sup>5213</sup> many of them in agriculture.<sup>5214</sup> Such work may involve harmful activities, such as using potentially dangerous machinery and tools, carrying of heavy loads, and applying toxic pesticides. Children also engage in street work,<sup>5215</sup> where they may be exposed to severe weather, criminal elements, and accidents caused by proximity to vehicles.

Children work in informal surface coalmines, mining and sorting the coal, and carrying and loading the coal onto trucks.<sup>5216</sup> These informal mines lack safety measures and children are at risk of injury.<sup>5217</sup>

Children in Ukraine are also found in commercial sexual exploitation including prostitution, pornography, and sex tourism.<sup>5218</sup> According to Ukrainian and international law enforcement authorities, a large amount of child pornography on the Internet comes from Ukraine.<sup>5219</sup>

Trafficking of children also occurs, with children trafficked for sexual and labor exploitation both within Ukraine and internationally.<sup>5220</sup> Trafficked children

are often forced to work as beggars or prostitutes.<sup>5221</sup> Homeless, orphan, and poor children are at a high risk of trafficking and are targeted by recruiters for child pornography.<sup>5222</sup>

## Laws and Regulations on the Worst Forms of Child Labor

The Labour Code sets the minimum age for employment at 16, but children who have reached the age of 15 can perform “light” work with the permission of a parent, but the law does not clearly define the term.<sup>5223</sup> The Constitution, the Labour Code, and the Workers’ Protection Act prohibit children under age 18 from working in hazardous conditions.<sup>5224</sup> The Ministry of Health published a list of prohibited hazardous work in 1994.<sup>5225</sup>

However, children who have reached the age of 14 can work in the occupations and processes cited as hazardous if they do so as a part of vocational technical training, work no more than 4 hours per day, and observe strict sanitary and health norms.<sup>5226</sup>

Article 150 of the Criminal Code outlaws the exploitation of children.<sup>5227</sup> Articles 304 and 309 of the *Code* criminalize engaging children in criminal

activities, including the production, purchase, storage, or transportation of drugs.<sup>5228</sup> Article 302 outlaws using children in prostitution.<sup>5229</sup>

Forced labor is prohibited in the Constitution.<sup>5230</sup> 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.<sup>5231</sup> The Code increases penalties for trafficking if the victim is a minor.<sup>5232</sup>

The compulsory military recruitment age is 18.<sup>5233</sup>

	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

## 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 comprises seven ministries along with representatives from workers' and employers' organizations, NGOs, and youth government associations.<sup>5234</sup> The NSC is responsible for overseeing interagency task forces on childhood protection, demographic development, and child trafficking.<sup>5235</sup>

The Ministry of Family, Youth, and Sport is responsible for coordinating efforts to combat human trafficking

at the national level.<sup>5236</sup> At the *oblast* (provincial) level, *Oblast* Coordination Councils led by the Departments of Family, Youth, and Sports coordinate efforts against trafficking.<sup>5237</sup>

There are six agencies responsible for enforcing hazardous child labor laws, including the 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.<sup>5238</sup> The Child Labor Division, under the State Labor Inspectorate in the MOLSP, is the lead agency responsible for enforcement of child labor laws.<sup>5239</sup> 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.<sup>5240</sup>

The Government employs 860 labor inspectors.<sup>5241</sup> In 2009, it trained 27 regional labor inspectorates, police officers, and social service providers, on topics including child labor.<sup>5242</sup> During the reporting period, over 20,000 labor inspections were conducted, revealing 347 cases of child labor,<sup>5243</sup> and 682 victims of child labor received assistance.<sup>5244</sup>

Criminal Police for Juvenile Affairs (CPJA) is charged with enforcing laws against child trafficking and commercial sexual exploitation of children. The Counter-Trafficking Department of the Ministry of Interior also works to enforce anti-trafficking laws.<sup>5245</sup> The CPJA employs 600 officers. The CPJA trained its officers on identifying trafficked children, documenting trafficking in persons, and handling referrals.<sup>5246</sup> Two hotlines accept reports of child trafficking.<sup>5247</sup> In October, the Government opened an additional hotline to take reports of sexual exploitation of minors on the Internet.<sup>5248</sup> In 2009, there were 279 reported cases of human trafficking with 42 child victims identified.<sup>5249</sup> However, most convicted traffickers do not receive jail time.<sup>5250</sup>

In October 2009, the Cabinet of Ministers provided the Ministry of the Interior an additional \$117,500 for enforcement of laws against child trafficking and commercial sexual exploitation, and violence against children.<sup>5251</sup> Still, the Counter-Trafficking Department reports that funding is insufficient to cover transportation, fuel, and translation costs, while the CPJA reports an insufficient training budget.<sup>5252</sup>

## Government Policies on the Worst Forms of Child Labor

In 2006, the Government of Ukraine approved a document entitled Concept of National Programme/ National Action Plan on UN Convention of the Rights of a Child for 2006-2016, which included provisions for assistance to vulnerable children, life skills training, and better legislation for child rights protection.<sup>5253</sup>

In March 2009, the Government of Ukraine enacted the corresponding National Action Plan (NAP) to Implement the UN Convention on the Rights of the Child. The plan outlines action steps for putting laws into practice which protect children's rights.<sup>5254</sup> Chapters 4.6 and 4.7 of the NAP address child labor and exploitation, and call for the development of a child labor monitoring system. The NAP allocated approximately \$8,000 for this monitoring system as well as earmarking special funds to combat trafficking, sexual exploitation, and violence against children.<sup>5255</sup>

The Government has also enacted the National Plan on Combating Human Trafficking 2007-2010.<sup>5256</sup> It involves training government officials in trafficking and child labor issues and developing programs for rehabilitating child trafficking victims.<sup>5257</sup> The Plan calls for approximately \$292,000 to be allocated for these activities over the four years of the project, and as of January 1, 2010, approximately \$82,000 had been spent.<sup>5258</sup> An assessment in 2008 revealed that programs to combat trafficking had been adopted at the *oblast* level; coordinating councils had been put in place to monitor human trafficking and were meeting regularly; and centers were in operation which provided social and psychological assistance to human trafficking victims.<sup>5259</sup>

The Government's State Program to Combat Child Homelessness and Neglect (2006-2010) identifies child homelessness as a factor contributing to the worst forms of child labor and aims to identify and support at-risk families.<sup>5260</sup>

Research found no evidence of policy on other worst forms of child labor relevant to Ukraine, particularly children engaged in exploitative work in agriculture.

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

The Government of Ukraine has participated in donor-funded projects to combat child labor in commercial sexual exploitation, rural forced labor, and street labor. A USDOL-funded project that ended in 2006 rescued 3,126 children from hazardous labor through educational initiatives and provided 1,530 parents of ex-working children employment and social services counseling.<sup>5261</sup> The program also raised awareness of child labor through an extensive media campaign, which included training 30 journalists who gained expertise on child labor and who continued to report on the issue.<sup>5262</sup>

During the reporting period, the Government of Ukraine participated in a \$3.5 million, USDOL-funded regional project that worked to reduce and eliminate trafficking and other worst forms of child labor in six European countries.<sup>5263</sup> The project rescued 267 children from commercial sexual exploitation and 1,178 children from other worst forms of child labor through educational and vocational training services.<sup>5264</sup> Additionally, because of the project, a nationwide child labor monitoring system was mainstreamed into the National Action Plan to Implement the UN Convention on the Rights of the Child.<sup>5265</sup>

The Government also cooperated with NGOs to prevent trafficking in persons and assist victims of trafficking. The Government provided newspaper and television advertising space for anti-trafficking awareness campaigns, as well as offices, transportation, and equipment for anti-trafficking training sessions.<sup>5266</sup> In an effort to prevent human trafficking, the Ministry of Foreign Affairs operated five centers to provide information to citizens regarding their rights while traveling in foreign countries.<sup>5267</sup>

While the Government has taken steps to implement anti-human 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:**

- Revise the law to prohibit children under age 18 from working in hazardous occupations or conditions.
- Amend the *Labor Code* to clearly define the term “light work” as it applies to children.

**IN THE AREA OF COORDINATION AND ENFORCEMENT:**

- Adopt policies to address all worst forms of child labor.
- Strictly enforce anti-human trafficking laws to ensure violators serve appropriate jail sentences.
- Increase funding to counter-trafficking efforts to provide for necessary transportation, translation, and training costs.

**IN THE AREA OF POLICIES:**

- Adopt policies to address all worst forms of child labor.

**IN THE AREA OF PROGRAMS:**

- Develop and implement programs to address the worst forms of child labor in agriculture, street work, and mining.
- Raise awareness of commercial sexual exploitation of children in pornography and provide programs which address victims’ needs.

<sup>5213</sup> 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 1999. 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.

<sup>5214</sup> ILO-IPEC, *Combating Worst Forms of Child Labour; Including Trafficking in Children in Ukraine 2001-2009*, Kyiv, 2009, article 43; available from [http://www.ilo.org/public/english/region/eurpro/budapest/download/fund/ipec\\_ukraine.pdf](http://www.ilo.org/public/english/region/eurpro/budapest/download/fund/ipec_ukraine.pdf). See also U.S. Department of State, “Ukraine,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from [www.state.gov/g/drl/rls/hrrpt/2009/eur/136063.htm](http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136063.htm).

<sup>5215</sup> ILO-IPEC, *Combating Worst Forms of Child Labour, 2*. See also U.S. Embassy- Kyiv, *reporting*, February 1, 2010, section 2A.

<sup>5216</sup> British Broadcasting Corporation, “European Press Review”, [news.bbc.co.uk](http://news.bbc.co.uk), [online], February 5, 2003 [cited November 12, 2010]; available from <http://news.bbc.co.uk/2/hi/europe/2727549.stm>. See also ILO, *World Day Against Child Labour 2005: “Kopankas” in Ukraine: Sending children to the “family mine”*, 2005; available from [http://www.ilo.org/global/About\\_the\\_ILO/Media\\_and\\_public\\_information/Feature\\_stories/lang--en/WCMS\\_075562/index.htm](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, 2*. See also U.S. Embassy- Kyiv, *reporting*, May 08, 2008.

<sup>5217</sup> ILO, *World Day Against Child Labour 2005*.

<sup>5218</sup> U.S. Department of State, “Country Reports- 2009: Ukraine,” section 7d. See also ILO-IPEC, *Combating Worst Forms of Child Labour, 2*. See also U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2A. See also U.S. Embassy- Kyiv, *reporting*, March 3, 2010, 95.

<sup>5219</sup> U.S. Department of State, “Country Reports- 2009: Ukraine,” section 6.

<sup>5220</sup> *Ibid.* See also U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2D. See also U.S. Embassy- Kyiv, *reporting, March 3, 2010*, 9, 10.

<sup>5221</sup> 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](http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm).

<sup>5222</sup> U.S. Embassy- Kyiv, *reporting, March 3, 2010*, 15.

<sup>5223</sup> ILO-IPEC, *Ukraine Child Labour Data Country*

- Brief, Geneva; available from [www.ilo.org/ipeinfo/product/download.do?type=document&id=7806](http://www.ilo.org/ipeinfo/product/download.do?type=document&id=7806). See ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No. 138) Ukraine (ratification 1979) Submitted: 2008*, [online] 2008 [cited September 27, 2010]; available from [www.ilo.org/ilolex/english/newcountryframeE.htm](http://www.ilo.org/ilolex/english/newcountryframeE.htm).
- <sup>5224</sup> ILO-IPEC, *Ukraine Child Labour Data Country Brief*.
- <sup>5225</sup> Ibid.
- <sup>5226</sup> ILO Committee of Experts, *Direct Request C138: Ukraine 2008*.
- <sup>5227</sup> Government of Ukraine, *Criminal Code*, (September 1, 2001), article 150; available from <http://www.legislationline.org/download/action/download/id/1710/file/e7cc32551f671cc10183dac480fe.htm/preview>.
- <sup>5228</sup> Ibid., articles 304 and 309.
- <sup>5229</sup> Ibid., article 302.
- <sup>5230</sup> Government of Ukraine, *Constitution of Ukraine*, Fifth Session of the Verkhovna Rada of Ukraine (June 28, 1996), article 43; available from <http://www.rada.kiev.ua/const/conengl.htm>.
- <sup>5231</sup> Government of Ukraine, *Criminal Code*, article 149. See also U.S. Embassy- Kyiv, *reporting, March 3, 2010*, 46.
- <sup>5232</sup> Government of Ukraine, *Criminal Code*, article 149.
- <sup>5233</sup> 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](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).
- <sup>5234</sup> ILO-IPEC, *Combating Worst Forms of Child Labour*, 4. See also ILO-IPEC, *National Programme for the Prevention and Elimination of Worst Forms of Child Labour in Ukraine*, Final Technical Progress Report, Geneva, December 8, 2006, 4-5.
- <sup>5235</sup> U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2E.
- <sup>5236</sup> U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para 30.
- <sup>5237</sup> Ibid., para 23.
- <sup>5238</sup> U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2C.
- <sup>5239</sup> U.S. Department of State, “Country Reports- 2009: Ukraine,” section 7d.
- <sup>5240</sup> Ibid.
- <sup>5241</sup> U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2D.
- <sup>5242</sup> Ibid., 2C.
- <sup>5243</sup> Ibid.
- <sup>5244</sup> Ibid.
- <sup>5245</sup> Ibid., 2D.
- <sup>5246</sup> U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para 140.
- <sup>5247</sup> U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2D.
- <sup>5248</sup> Ibid., 2C.
- <sup>5249</sup> Ibid., 2D.
- <sup>5250</sup> U.S. Department of State, “Trafficking in Persons Report- 2010: Ukraine.”
- <sup>5251</sup> U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2D.
- <sup>5252</sup> Ibid.
- <sup>5253</sup> ILO-IPEC, *National Programme for the Prevention and Elimination of Worst Forms of Child Labour in Ukraine, Final Technical Progress Report*, 6.
- <sup>5254</sup> U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2B.
- <sup>5255</sup> Ibid., 2B, 2E.
- <sup>5256</sup> ILO-IPEC, *Combating Worst Forms of Child Labour*, 6.
- <sup>5257</sup> ILO-IPEC, *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II)*, Technical Progress Report, Geneva, September 2007, 6.
- <sup>5258</sup> U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para 20.
- <sup>5259</sup> Ibid., para 37.
- <sup>5260</sup> ILO-IPEC, *Combating Worst Forms of Child Labour*, 6.
- <sup>5261</sup> ILO-IPEC, *National Programme for the Prevention and Elimination of Worst Forms of Child Labour in Ukraine, Final Technical Progress Report*, 26.
- <sup>5262</sup> Ibid., 11.
- <sup>5263</sup> U.S. Department of Labor, *Combating Trafficking and Other Worst Forms of Child Labor in Central and Eastern Europe (Phase II)*, Technical Cooperation Project Summary, 2009.
- <sup>5264</sup> ILO-IPEC, *Trafficking and other Worst Forms of Child Labor in Central and Eastern Europe (Phase II)*, Final Technical Progress Report, Geneva, January 2010, 136-140.
- <sup>5265</sup> Ibid., 31.
- <sup>5266</sup> U.S. Department of State, “Country Reports- 2009: Ukraine,” section 6.
- <sup>5267</sup> Ibid.