

MINIMAL ADVANCEMENT – EFFORTS MADE BUT REGRESSION IN LAW THAT DELAYED ADVANCEMENT

In 2019, Ukraine made a minimal advancement in efforts to eliminate the worst forms of child labor. The government adopted the Resolution on the Social Protection of Children and Urgent Measures to Protect the Rights of the Child, which includes a provision to address the participation of children in armed conflict. The government also cooperated with municipal leaders and international organizations to conduct mine safety education programs for children and provide security guarantees for demining activities near educational facilities. However, despite new initiatives to address child labor, Ukraine is receiving an assessment of minimal advancement because it implemented a regression in law that delayed advancement in eliminating the worst forms of child labor. In August 2019, the government issued Cabinet of Ministers Decree No. 823, which requires that businesses receive notification at least 5 working days in advance of an onsite labor inspection; this decree prevents Ukraine’s State Labor Inspectorate from conducting unannounced inspections. Children in Ukraine engage in the worst forms of child labor, including in the production of pornography. Children also perform dangerous tasks in mining. The government collected few of the financial penalties imposed for child labor violations and lacked social programs designed to assist children engaged in hazardous work in mining. Children living in Russian-controlled areas in the east of the country are increasingly vulnerable to exploitation, and the Government of Ukraine does not have capacity to address the worst forms of child labor in these areas due to the ongoing conflict.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Ukraine engage in the worst forms of child labor, including in the production of pornography. Children also perform dangerous tasks in mining. (1-6) Table I provides key indicators on children’s work and education in Ukraine.

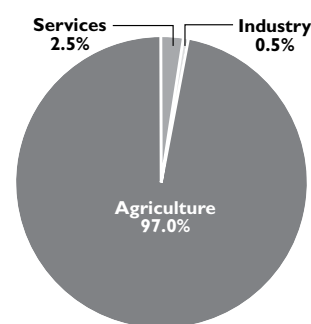
Table I. Statistics on Children’s Work and Education

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 (%)		102.6

Source for primary completion rate: Data from 2014, published by UNESCO Institute for Statistics, 2020. (7)

Source for all other data: International Labor Organization’s analysis of statistics from National Child Labour Survey (NCLS), 2015. (8)

Figure I. Working Children by Sector, Ages 5-14



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 (1,2,5,9-11)
	Raising livestock, activities unknown (12)
Industry	Construction, activities unknown (2-4)
	Mining,† including loading, transporting, and sorting coal, and extracting amber (3,5,9,11,13)
Services	Street work, including distributing advertising leaflets, sales activities in kiosks, washing cars, and begging (1,2,9,10)

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Table 2. Overview of Children’s Work by Sector and Activity (Cont.)

Sector/Industry	Activity
Categorical Worst Forms of Child Labor†	Commercial sexual exploitation, sometimes as a result of human trafficking (2,4,14)
	Use in the production of pornography (1,3-6)
	Recruitment of children by non-state armed groups for use in armed conflict (3,15,16)
	Forced begging, sometimes as a result of human trafficking (3,4,11,14,17)

† 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.

In 2019, the conflict with Russia-led forces in the east of the country continued. The conflict limited the government’s financial and institutional capacity to address the worst forms of child labor throughout Ukraine, especially in the areas of Donetsk and Luhansk under the control of Russia-led forces. (3) Russian aggression in eastern Ukraine has created more than 1.4 million IDPs currently registered, including more than 190,000 children. (18,19) IDP children, particularly those who are unaccompanied, are especially vulnerable to exploitation in the worst forms of child labor. (20)

Children from Ukraine are trafficked both internationally and domestically for commercial sexual exploitation and forced begging. (4,14) Children with disabilities and homeless, orphaned, and poor children, especially those living in state-run institutions, are at high risk of being trafficked. (1,14,20) Children in institutions are also vulnerable to exploitation in child labor in agriculture, markets, and construction. (4,12) Ukraine is a transit and destination country for refugees from Afghanistan, the Russian Federation, Bangladesh, Syria, and Iraq. Refugee children lack access to state-run children’s shelters, face challenges receiving birth registration, and experience heightened vulnerability to child trafficking. (20,21)

During the reporting period, Russian-backed groups continued to recruit children to take part in armed combat. (3,15,16) Children were trained in weapons use and organized into reserve militia battalions at militant-run camps and school programs located in territory controlled by Russian-backed groups. The government was unable to enforce national prohibitions against the use of children in armed conflict in these areas. (3,15,16)

Children in areas of Donetsk and Luhansk face challenges being registered at birth, which can prevent them from receiving Ukrainian identity documents. This, in turn, limits their ability to enroll in school and puts them at risk of statelessness. (22) Although a judicial procedure exists to provide children born in the areas of Donetsk and Luhansk under the control of Russia-led forces with Ukrainian birth certificates, fewer than half of the children born in these areas are estimated to have obtained a birth certificate issued by the Government of Ukraine. Additionally, while a law adopted in 2018 provides for any civil registry office to issue a Ukrainian birth registration on the basis of a birth certificate issued in the areas of Donetsk and Luhansk under the control of Russia-led forces, the government has yet to establish a procedure to ensure implementation of this provision. (23) In addition, up to a third of children from Roma communities also lack birth registration, impeding their access to education. (20)







In recent years, positioning of armed forces, shelling, and mines within one kilometer of educational facilities near the line of contact between Ukrainian government and Russia-led forces has hindered children’s access to education. During the reporting period, the Government of Ukraine cooperated with municipal leaders and international organizations, including the OSCE Special Monitoring Mission, to conduct mine safety education programs for children and provide security guarantees for demining activities near educational facilities in some areas of Donetsk and Luhansk. (24) However, limited access has impeded similar efforts in areas under the control of Russia-led forces. As a result, children living near the line of contact remain limited in their ability to access education due to the risk from active hostilities and unexploded ordnance. (24)

II. LEGAL FRAMEWORK FOR CHILD LABOR

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

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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 the worst forms of child labor, including minimum age for work.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	16	Article 188 of the Labor Code; Article 150 of the Criminal Code; and Article 21 of the Law on the Protection of Childhood (25-27)
Minimum Age for Hazardous Work	Yes	18	Article 190 of the Labor Code; Article 21 of the Law on the Protection of Childhood (26,27)
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 (25,28)
Prohibition of Forced Labor	Yes		Article 43 of the Constitution of Ukraine; Article 1 of the Law on Employment; and Articles 149 and 172–173 of the Criminal Code (25,29,30)
Prohibition of Child Trafficking	Yes		Article 149 of the Criminal Code; Article 32 of the Law on the Protection of Childhood (25,27)
Prohibition of Commercial Sexual Exploitation of Children	No		Articles 301–303 of the Criminal Code; Articles 10 and 21 of the Law on the Protection of Childhood; Law on Amendments to Certain Legislative Acts of Ukraine on Combating the Distribution of Child Pornography; and Articles 1 and 6–7 of the Law on the Protection of Public Morality (25,27,31,32)
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 (25,27)
Minimum Age for Voluntary State Military Recruitment	Yes	17	Articles 15 and 20 of the Law on Military Duty and Military Service (33)
Prohibition of Compulsory Recruitment of Children by (State) Military	Yes		Article 15 of the Law on Military Duty and Military Service; Decree No. 447 on Measures to Improve the Defense Capabilities of the State (33,34)
Prohibition of Military Recruitment by Non-state Armed Groups	Yes		Article 30 of the Law on the Protection of Childhood (27)
Compulsory Education Age	Yes	17‡	Articles 3, 12, and 20 of the Law on General Secondary Education (35)
Free Public Education	Yes		Article 53 of the Constitution of Ukraine; Article 2 of the Law on General Secondary Education (29,35)

‡ Age calculated based on available information (35)

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Because the minimum age for work is lower than the compulsory education age, children may be encouraged to leave school before the completion of compulsory education. (25-27,35) Furthermore, the Order of the Ministry of Health Number 46 permits children to engage in hazardous work at age 14 as part of a vocational training program for four hours a day, with safety standards in place, which is not in compliance with international standards. (36, 57)

Articles 302 and 303 of the Criminal Code of Ukraine criminalize involvement of a minor in prostitution and pimping involving minors. However, no law criminalizes the users (clients) of prostitution involving children. (25)

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, gaps exist within the operations of the State Labor Service that may hinder adequate enforcement of their child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
State Labor Service (SLS) within the Ministry of Economic Development, Trade and Agriculture (MEDTA)	Enforces labor laws, including laws on child labor, by conducting inspections. In December 2019, SLS was transferred from the Ministry of Social Policy to the Ministry of Economic Development, Trade and Agriculture. (3)
Ministry of Internal Affairs (MOIA)	Enforces criminal laws against the worst forms of child labor, including child trafficking. Through the National Police and Prosecutor General's Office, investigates and prosecutes cases related to the worst forms of child labor. (3)
Security Service of Ukraine (SBU)	Tracks recruitment and use of children in armed conflict. (3)
Office of the Ombudsman for Children's Rights	Monitors protection of the rights of children and fulfillment of international obligations to protect children's rights, including by preventing child labor. Coordinates the development of laws on child protection.(37) Informs the public about children's rights.(37)
National Referral Mechanism (NRM)	Identifies victims of human trafficking, including children, and refers victims to appropriate government agencies for assistance and services. Implemented by the Ministry of Social Policy in its capacity as the National Coordinator for Counter-Trafficking Policy. (4)

In May 2019, an appellate court overturned Cabinet of Ministers Decree No. 295, which had placed limitations on the State Labor Service's (SLS) authority to conduct unannounced inspections. (38-40) Under Decree No. 295, inspectors could only conduct unannounced inspections to detect informal employment, and could only forego notifying businesses about the inspection if they believed that such notice would be detrimental to detecting informal employment. (39) After Decree No. 295 was overturned, labor inspection was governed by Act No. 877, which regulates state inspections of businesses in general and, as such, does not establish specific guidelines for labor inspections. However, provisions in Act No. 877 permit only unannounced inspections of private businesses in response to complaints or to a workplace accident, or one of several other very limited circumstances. (38,40,41)

In August 2019, the government issued Cabinet of Ministers Decree No. 823, which outlined procedural rules specifically for labor inspections conducted by the SLS. These procedural rules clarified labor inspectors' authority to conduct inspections, including site visits, both proactively and in response to complaints. (42) However, Decree No. 823 also requires that businesses are notified at least 5 working days in advance of an onsite inspection. (42,43) This restriction on unannounced labor inspections limited the government's ability to detect child labor during the reporting period.

Labor Law Enforcement

In 2019, labor law enforcement agencies in Ukraine took actions to combat child labor (Table 6). However, gaps exist within the operations of the SLS that may hinder adequate labor law enforcement, including the ability of labor inspectors to conduct unannounced inspections.

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Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2018	2019
Labor Inspectorate Funding	\$21 million (10)	\$23.4 million (3)
Number of Labor Inspectors	Unknown (10)	727 (3)
Inspectorate Authorized to Assess Penalties	Yes (10)	Yes (3)
Initial Training for New Labor Inspectors	Yes (10)	Yes (3)
Training on New Laws Related to Child Labor	Yes (10)	Yes (3)
Refresher Courses Provided	Yes (10)	Yes (3)
Number of Labor Inspections Conducted	15,890 (10)	16,150† (3)
Number Conducted at Worksite	15,514 (10)	16,150† (3)
Number of Child Labor Violations Found	142 (10)	146† (3)
Number of Child Labor Violations for Which Penalties Were Imposed	140 (10)	25† (3)
Number of Child Labor Penalties Imposed that Were Collected	8 (10)	Unknown
Routine Inspections Conducted	Unknown (10)	Yes (44)
Routine Inspections Targeted	Unknown (10)	Yes (44)
Unannounced Inspections Permitted	Yes (10)	No (43)
Unannounced Inspections Conducted	Yes (10)	Yes (45)
Complaint Mechanism Exists	Yes (10)	Yes (3)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (10)	Yes (3)

† Data are from January to November 2019.

The number of labor inspectors is likely insufficient for the size of Ukraine's workforce, which includes over 17.99 million workers. (46) According to the ILO's technical advice of a ratio approaching 1 inspector for every 20,000 workers in transition economies, Ukraine would employ about 900 labor inspectors. (47,48) In 2019, the State Labor Inspection Service conducted some unannounced inspections prior to the entry into force of Decree no. 823, which restricted unannounced worksite inspections. (45) Labor inspectors conducted 3,067 child labor-related inspections and detected 146 child labor violations involving 140 children working in the service sectors, heavy industry, and agriculture. The majority of violations were cases of illegal informal work (75 cases) and children working without contracts permitting the employment of minors (47 cases). (3) Inspectors also identified two children working at night and three working hours in excess of that permitted for minors. The SLS referred 16 cases to criminal law enforcement agencies for investigation. (3) Although the SLS imposed a total of approximately \$220,000 in financial penalties, it collected only \$480 of that sum during the reporting period. The SLS is not authorized to compel payment of delinquent fines without a court proceeding, which can delay the collection of penalties. (3)

During the reporting period, the ILO conducted multiple trainings for labor inspectors across Ukraine. (3) However, sources note that training for labor inspectors on child trafficking may be inadequate, especially outside of Kyiv. (20) In addition to the 727 labor inspectors working at the SLS, regional governments employ 531 labor inspectors. Although these local inspectors are certified by the SLS, their training may be inadequate and inconsistent with the training given to inspectors employed directly by the SLS. (43) Although the funding allocated to the SLS in Ukraine's 2019 state budget increased compared to 2018, NGOs assessed the funding as insufficient. NGOs also expressed concern that the number of labor inspectors was inadequate. (3)

Criminal Law Enforcement

In 2019, criminal law enforcement agencies in Ukraine took actions to combat child labor (Table 7). However, gaps exist within the authority of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including authority for investigators to enter businesses.

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Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2018	2019
Initial Training for New Criminal Investigators	Yes (10)	Yes (3)
Training on New Laws Related to the Worst Forms of Child Labor	Yes (10)	Yes (3)
Refresher Courses Provided	Yes (10)	Yes (3)
Number of Investigations	Unknown (10)	Unknown (3)
Number of Violations Found	Unknown	8† (3)
Number of Prosecutions Initiated	Unknown	33‡ (3)
Number of Convictions	Unknown (10)	Unknown (3)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	Unknown	Unknown (3)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (10)	Yes (3)

† Data are from January to September 2019.

‡ Data are from January to November 2019.

Between January and September 2019, the Ministry of Internal Affairs (MOIA) identified eight criminal violations for the worst forms of child labor. Information regarding the number of investigations initiated related to child labor was not available for inclusion in this report. In addition, the Prosecutor General’s Office (PGO) reported 33 cases referred for prosecution between January and November related to the worst forms of child labor, including 12 cases of criminal exploitation of child labor, 6 cases of forced begging, 5 cases of the use of children for the production of pornography, and 10 cases of child trafficking. (3) The outcome of these cases is unknown, as the PGO does not specifically track convictions in cases related to the worst forms of child labor. (3)

The Ministry of Social Policy provided services to 13 children who were victims of child trafficking, including 3 boys subjected to labor trafficking in Ukraine and 10 Ukrainian girls who were subjected to sexual exploitation in Ukraine and abroad. (4) IOM provided services to six Ukrainian children, three of whom were victims of commercial sexual exploitation, one of whom was a victim of forced begging, and two of whom were victims of labor exploitation. (3)

MOIA reported that all new investigators receive specialized training on how to handle cases and investigations involving minors. During the reporting period, MOIA investigators received training on child labor as part of the government’s National Action Plan for Countering Human Trafficking. (3)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including efforts to address all forms of child labor.

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

Coordinating Body	Role & Description
Inter-Ministerial Counter-Trafficking Coordination Council	Led by the Ministry of Social Policy (MSP), which serves as the National Coordinator for Counter-Trafficking Policy, and includes more than 20 government entities, and representatives from regional governments, NGOs, and international organizations. In 2019, the Council’s policy working group met bimonthly, and MSP working groups for the identification of victims of human trafficking met 75 times. (4)

Although Ukraine has established the Inter-Ministerial Counter-Trafficking Coordination Council to coordinate efforts to address child trafficking, it does not have coordinating mechanisms to address other forms of child labor, including in mining and agriculture.

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including covering all worst forms of child labor.

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Table 9. Key Policies Related to Child Labor

Policy	Description
National Action Plan for Countering Human Trafficking (2016–2020)	Guides the work of the National Coordinator on Countering Human Trafficking, located under MSP, through specific actions and timetables for preventing, protecting against, and prosecuting human trafficking crimes. (49,51) In 2019, social workers received training on child labor as part of this National Action Plan. (3)
National Action Plan for Implementation of UN CRC (2017–2021)	Identifies priorities in the area of child protection, including improving measures to address the worst forms of child labor and increasing coordination between government agencies and NGOs. (9,10,52,53) Research was unable to determine whether activities were undertaken to implement this policy during the reporting period.
Resolution on the Social Protection of Children and Urgent Measures to Protect the Rights of the Child†	Directs the government to develop additional programs and social services to protect children against abuse, including the worst forms of child labor. Includes a provision on measures that specifically address the participation of children in armed conflict. (3,54)

† Policy was approved during the reporting period.

Although the Government of Ukraine has adopted the National Action Plan for Countering Human Trafficking, the National Action Plan for Implementation of UN CRC, and the Resolution on the Social Protection of Children, research found no evidence of a policy on other worst forms of child labor, including hazardous child labor in mining. (3)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2019, 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
Shelters and Centers for Socio-Psychological Rehabilitation of Children†	Serve children in need, including child victims of trafficking, through 82 centers, which include 8 shelters. Children are provided with individual assistance programs that involve social, psychological, pedagogical, medical, legal, and other types of assistance. (4,20) These centers continued to provide services in 2019. (4) Government officials report that there is a lack of resources and specialized personnel to serve child victims of sexual exploitation through these centers. (20)
Centers for Social Services for Family, Youth, and Children†	Administered in coordination with municipal authorities to provide social services for vulnerable children and families, including victims of human trafficking. These centers were active during the reporting period. (51,55)

† Program is funded by the Government of Ukraine.

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. (56) Although the Government of Ukraine has implemented programs to assist child victims of trafficking, research found no evidence that it has carried out programs specifically designed to assist children in other forms of child labor, including hazardous work in mining.

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	Raise the minimum age for work to the age up to which education is compulsory.	2018 – 2019
	Prohibit all children under age 16 from working in hazardous occupations during vocational training.	2011 – 2019
	Criminally prohibit and penalize the use of a child for prostitution.	2019
Enforcement	Strengthen the labor inspection system by removing restrictions on labor inspectors' authority to conduct unannounced onsite inspections, both proactively and in response to complaints.	2019
	Increase the number of labor inspectors to meet the ILO's technical advice.	2019

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Table 11. Suggested Government Actions to Eliminate Child Labor (Cont.)

Area	Suggested Action	Year(s) Suggested
Enforcement	Authorize the State Labor Service to enforce collection of delinquent penalties to ensure that all penalties imposed are collected.	2019
	Ensure that all labor inspectors, including those working outside the capital, receive training on child trafficking.	2019
	Ensure that labor inspectors employed by regional governments receive adequate training that is consistent with that provided to labor inspectors employed by the State Labor Service.	2019
	Increase the personnel and funding for the State Labor Service to ensure the labor inspectorate has adequate capacity to address the scope of the child labor problem.	2019
	Track and publish data on the number of investigations, convictions, and penalties imposed for criminal violations of child labor laws.	2014 – 2019
Coordination	Establish coordinating mechanisms to combat all worst forms of child labor.	2019
Government Policies	Adopt a policy that addresses all relevant worst forms of child labor, including hazardous child labor in mining.	2018 – 2019
	Implement all policies addressing child labor, including the National Action Plan for Implementation of UN CRC.	2019
Social Programs	Conduct research to gather comprehensive data on child labor, including the activities carried out by children working in farming, raising animals, and construction, to inform policies and programs.	2019
	Ensure refugee children are allowed to receive services at state-run children's shelters and can be registered at birth.	2019
	Establish a procedure to implement the law empowering any civil registry office to issue a Ukrainian birth registration on the basis of a birth certificate issued in areas of Donetsk and Luhansk under the control of Russia-led forces.	2019
	Develop programs to ensure that Roma children are registered at birth and are able to access education.	2010 – 2019
	Ensure there are sufficient resources for Centers for Social Services for Family, Youth, and Children for child victims of human trafficking.	2013 – 2019

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