

In 2016, 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 it continued to implement a law that delayed advancement in eliminating the worst forms of child labor. Ukraine enacted legislation in 2014 that effectively imposed a moratorium on labor inspections. While inspections resumed during the reporting period, legislation requiring Cabinet of Ministers approval to conduct an inspection of businesses with an annual income less than \$750,000 continued to restrict enforcement of labor laws. Otherwise, the Government made efforts by enacting legislation criminally prohibiting the use of children in armed conflict and approving a new concept for a National Action Plan on child protection that includes a component on the worst forms of child labor. Children in Ukraine perform dangerous tasks in street work and engage in the worst forms of child labor, including in the production of pornography. The age of consent for sexual relationships is not clearly defined, and law enforcement officials lack training on the treatment of victims of commercial sexual exploitation, which puts child victims at risk of prosecution. In addition, national policies related to child labor lack sufficient funding for effective implementation. Ukraine's armed conflict with Russian-backed separatists in the east of the country continued, which negatively impacted the Government's ability to address the worst forms of child labor.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Ukraine perform dangerous tasks in street work.(1-3) Children also engage in the worst forms of child labor, including commercial sexual exploitation in the production of pornography.(1, 2, 4, 5) 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	4.4 (182,714)
Attending School (%)	5 to 14	96.5
Combining Work and School (%)	7 to 14	5.0
Primary Completion Rate (%)		110.4

Source for primary completion rate: Data from 2014, published by UNESCO Institute for Statistics, 2016.(6)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 4, 2012.(7)

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 (1-3, 8)
Industry	Construction, activities unknown (1, 9, 10)
	Mining,† including loading, transporting, and sorting coal, and extracting amber (3, 11, 12)
Services	Street work, including distributing advertising leaflets, sales activities in kiosks, and begging (1-3)
Categorical Worst Forms of Child Labor‡	Use in the production of pornography (1, 2, 4, 5)
	Commercial sexual exploitation, sometimes as a result of human trafficking (2, 9, 10, 13, 14)
	Forced recruitment of children by non-state armed groups for use in armed conflict (15-20)
	Forced begging, sometimes as a result of human trafficking (4, 9, 10, 14, 21)

† 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 2016, Ukraine's armed conflict with Russian-backed separatists in the east of the country continued. A continued policy focus on national security, as well as budget cuts associated with the conflict, negatively impacted the Government's ability to address the worst forms of child labor.⁽³⁾ The conflict in eastern Ukraine has created more than 1.7 million internally displaced persons (IDPs), including more than 190,000 children.^(8, 22, 23) 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.⁽²⁴⁾ In particular, the Ministry of Social Policy (MSP) noted an increased vulnerability to both domestic and international human trafficking among the IDP community, and there have been reports of kidnapping of girls from conflict-affected areas for commercial sexual exploitation and labor exploitation.^(10, 20, 21) Displaced individuals from the Roma community, an estimated 10 percent of whom lack identity documentation, have experienced difficulty registering as IDPs, preventing Roma IDPs from accessing assistance and putting Roma children at an even greater risk of exploitation.⁽²⁵⁻²⁷⁾ An estimated 10,000 Roma people have been displaced by the conflict.⁽²⁸⁾

Ukraine is a destination and transit country for refugees from Afghanistan, Somalia, and Syria. Refugees lacked access to state-run children's shelters, had no formal means of acquiring food and other assistance from the Government, and experienced heightened vulnerability to child trafficking.⁽⁸⁾

During the reporting period, children continued to take part in active combat as part of Russian-backed militant groups. Recruitment of children by militant groups accelerated and took place primarily on territory not under the control of the central Government and in areas where the Government was unable to enforce national prohibitions against the use of children in armed conflict.^(3, 20) Russian-backed militants employed children as soldiers, informants, and human shields during the reporting period.^(3, 20)




Children from Ukraine are trafficked both transnationally and domestically for commercial sexual exploitation and forced begging.^(14, 21) Homeless, orphaned, and poor children, especially those living in state-run institutions, are at high risk of being trafficked and are targeted by recruiters for child pornography.^(2, 8, 13, 14)

Although Ukraine's Constitution and Law on General Secondary Education guarantee free universal education, due to discrimination by school administrators, Roma children are sometimes denied access to education, placed in segregated schools exclusively for Roma children, or erroneously placed in special education schools^(8, 29, 30) A source reported that the municipal governments in Ukraine were ineffective in compelling school administrators to enroll Roma children who had been unfairly denied access to school.⁽²⁷⁾

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF 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, including its worst forms (Table 4). However, gaps exist in Ukraine's legal framework to adequately protect children from child labor.

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 (31-33)
Minimum Age for Hazardous Work	Yes	18	Article 190 of the Labor Code; Article 21 of the Law on the Protection of Childhood (32, 33)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Order 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 (31, 34)
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 (31, 35, 36)
Prohibition of Child Trafficking	Yes		Article 149 of the Criminal Code; Article 32 of the Law on the Protection of Childhood (31, 33)
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 (31, 33, 37, 38)
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 (31, 33)
Minimum Age for 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 (39, 40)
State Voluntary	Yes	17	Articles 15 and 20 of the Law on Military Duty and Military Service (40)
Non-state Compulsory	Yes	18	Article 30 of the Law on the Protection of Childhood (33)
Compulsory Education Age	Yes	17 [‡]	Articles 12 and 20 of the Law on General Secondary Education (41)
Free Public Education	Yes		Article 53 of the Constitution of Ukraine; Article 2 of the Law on General Secondary Education (35, 41)

[‡] Age calculated based on available information (41)

In 2016, the Government amended the Law on the Protection of Childhood to criminally prohibit the use of children in hostilities and armed conflict, as well as to codify the central and local governments' responsibilities to protect and provide services to children affected by war and armed conflict.(3, 33)

Research found that children in vocational training programs for hazardous occupations are permitted 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, although the international minimum age for entering hazardous vocational training is 16.(1, 42)

Although the Criminal Code prohibits commercial exploitation of children, it does not specifically define an age of consent for sexual relations, which has contributed to the prosecution of children ages 16 and 17 for the crime of prostitution.(1)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

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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.(15)
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, 9)
National Police	Enforce criminal laws against the worst forms of child labor, including child trafficking.(15)
State Migration Service	Assist refugees and migrants in need in the country, including victims of human trafficking.(1, 43)
State Border Guards Services	Protect the country's borders and identify cases of human trafficking.(43)
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 preventing child labor. Coordinate the development of laws on child protection.(44) Inform the public of children's rights.(44)
National Referral Mechanism (NRM)	Identify victims of human trafficking, including children, and refer victims to appropriate government agencies for assistance and the provision of services. Led by the MSP.(10)

As part of a long-term program of criminal law enforcement reform, the Government established a new police force in July 2015.(45) The new police force was subject to continued reform in 2016.(15)

Labor Law Enforcement

In 2016, labor law enforcement agencies in Ukraine took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2015	2016
Labor Inspectorate Funding	Unknown	Unknown
Number of Labor Inspectors	320 (15)	510 (3)
Inspectorate Authorized to Assess Penalties	Yes (3)	Yes (3)
Training for Labor Inspectors		
Initial Training for New Employees	Yes (15)	Yes (3)
Training on New Laws Related to Child Labor	N/A	Yes (3)
Refresher Courses Provided	No (15)	Unknown
Number of Labor Inspections	22 (15)	4400 (3)
Number Conducted at Worksite	22 (15)	4400 (3)
Number Conducted by Desk Reviews	0 (15)	0 (3)
Number of Child Labor Violations Found	2 (15)	158 (3)
Number of Child Labor Violations for Which Penalties Were Imposed	0 (15)	177 (3)
Number of Penalties Imposed that Were Collected	N/A	158 (3)
Routine Inspections Conducted	Yes (15)	Yes (3)
Routine Inspections Targeted	No (15)	Yes (3)
Unannounced Inspections Permitted	No (15)	Yes (3)
Unannounced Inspections Conducted	No (15)	No (3)
Complaint Mechanism Exists	Yes (15)	Yes (3)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (15)	Yes (3)

Although the budget for the State Labor Service (SLS) is unknown, a source reported that funding levels were inadequate. As in 2015, due to inadequate funding, some inspectors worked as little as 1 week per month during the reporting period, and insufficient funding for supplies, such as vehicles and fuel, negatively impacted the quality of inspections.(3) In 2016, the Government authorized an increase in the number of labor inspectors employed. However, of the 747 positions authorized, only 510 inspectors were employed in 2016.(3) The SLS reported that an insufficient number of labor inspectors hampered the SLS's capacity to enforce child labor laws.(3) According to the ILO's recommendation of 1 inspector for every 20,000 workers in transitioning economies, Ukraine should employ roughly 902 labor inspectors.(46-48)

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In addition, although regulations require that new labor inspectors receive an initial training, training for new inspectors has not been conducted since 2012.(3)

During the reporting period, the SLS was no longer required to request approval from the Cabinet of Ministers before conducting any inspection not connected to a criminal investigation, as it was in the first half of 2015.(15, 49, 50) However, legislation continued to require that the SLS seek approval from the Cabinet of Ministers to conduct an inspection of any business with an annual income of less than \$750,000 throughout the reporting period. The Government estimates that about 80 percent of businesses are covered under this provision, which remained in force through the end of 2016.(50, 51)

The SLS reported that fines established for labor infractions, which range from \$35 to \$115, remain too low to serve as effective deterrents.(1, 3, 15, 52)

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in Ukraine took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Yes (15)	Unknown (3)
Training on New Laws Related to the Worst Forms of Child Labor	Yes (15)	Unknown (3)
Refresher Courses Provided	Yes (15)	Yes (3)
Number of Investigations	Unknown (15)	Unknown (3)
Number of Violations Found	Unknown (15)	Unknown (3)
Number of Prosecutions Initiated	Unknown (21)	Unknown (3)
Number of Convictions	Unknown (21)	Unknown (3)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (3)	Yes (3)

During the reporting period, the IOM supported training for 611 police officers and social workers on combating child trafficking and victim referral. An additional 77 prosecutors and judges also received training on victim identification and interagency cooperation in combating human trafficking.(3)

In 2016, criminal law enforcement authorities prosecuted three criminal cases of child trafficking and three cases of engaging children in prostitution. During 2016, law enforcement agencies prosecuted 13 criminal cases on forced begging, achieving 9 convictions.(3) However, the Government also prosecuted 18 children as offenders for involvement in prostitution.(3) Concerns have also been raised that the training of judges is not adequately sensitive to the situation of child trafficking victims who may have been used 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, full data on the number of investigations, prosecutions, and convictions were unavailable.(13)

Children who are discovered to be in dangerous situations during the course of criminal investigations are referred to the MSP system of Shelters and Centers for Socio-Psychological Rehabilitation of Children.(1)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

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

Coordinating Body	Role & 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. Members include representatives from the Ministries of Justice, Education, Security, Health, and Foreign Affairs; and from international and local NGOs.(1, 53)
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 transnational 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.(24)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 9).

Table 9. Key Policies Related to Child Labor

Policy	Description
National Action Plan (NAP) to Implement the UN CRC (2010–2016)	Aims to protect children, including from labor exploitation, through raising awareness, rehabilitating victims found in the worst forms of child labor, providing access to education, and creating a child labor monitoring system.(1, 43, 54) In 2016, the Government adopted an Action Plan for 2016 to operationalize this plan, which devolved responsibility for child labor inspections to local authorities.(3)
State Program for Countering Human Trafficking (2016–2020)	Guides the work of the National Coordinator on Combating Human Trafficking and contains specific actions and timetables for preventing, protecting, and prosecuting human trafficking crimes.(21)
USAID Country Development Cooperation Strategy (2012–2016)	Aims to support the development of democratic practices, economic growth and development, and increased integration into European structures. Includes a special objective on countering trafficking in persons that involves piloting an NRM for victims of human trafficking and improving methods for rehabilitation and reintegration of victims, including children.(55)

A lack of sufficient funding hampers the ability of ministries to implement actions called for under the National Action Plan (NAP) to Implement the UN Convention on the Rights of the Child and the State Program for Countering Human Trafficking.(1, 10) Research found that, although the Action Plan for 2016 required local governments to enforce child labor laws, the Government did not provide local governments with sufficient staff, personnel, or operational authority to conduct satisfactory child labor inspections.(3)

In 2016, the Government developed a concept for a new NAP to Implement the UN CRC for 2017–2020, because the previous iteration of this policy expired at the end of the reporting period. The concept justifies the need for a new NAP and 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.(3, 56, 57)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Key Social Programs to Address Child Labor

Program	Description
<u>Global Action Program on Child Labor Issues Project</u>	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 <u>Web site</u> .

Table 10. Key Social Programs to Address Child Labor (cont)

Program	Description
Shelters and Centers for Socio-Psychological Rehabilitation of Children†	MSP-operated program to provide protection in 10 short-term shelters and 76 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, 21, 24) The rehabilitation centers also provide regular social, medical, psychological, and other types of services for non-residents.(10, 21) In 2016, shelters and centers provided services to 5,762 children.(20)
Centers for Social Services for Family, Youth, and Children†	Government-run program to provide services for victims of human trafficking, among other populations in need. In 2016, the number of shelters available to assess victims’ needs and draft rehabilitation plans increased from 656 to 692.(1, 21)
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 trafficking victims. Involves collaborative work among local agencies and non-governmental partners.(13) During the reporting period, the Government took steps to build the capacity of the NRM, including training more than 1,000 local officials.(3)
Countering Trafficking in Persons Project (2004–2018)	USAID-funded project implemented by the IOM; aims to reduce trafficking in persons by building the capacity of Ukrainian institutions to address the problem by strengthening the NRM and increasing government funding for counter-trafficking efforts.(59) Through the NRM, the Government granted victim status to 110 individuals during the reporting period.(20)
UNICEF Country Program (2012–2016)	Aims to decrease social exclusion and disparities affecting children and ensure that socially excluded children benefit from quality health care and social services.(60)

† 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 in order for them to access available government services.(10, 13, 21) Research found that delays in this practice often result from the insufficient provision of documentation to the MSP by local administrations.(10, 13, 21)

Although the MSP provides services for children in shelters and social-psychological rehabilitation centers, the current availability of shelters and trained personnel is insufficient to fully address the extent of the child labor problem.(61) 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.(62) In addition, the centers remain understaffed after budget cuts enacted in 2014 resulted in the layoff of 12,000 social workers.(63) This continued to restrict the centers in their ability to efficiently address the main needs of human trafficking victims in 2016. Likewise, high turnover in the regions, where local agencies are responsible for identifying trafficking victims under the NRM, has hampered the provision of services to victims.(13)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

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

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that laws prohibit all children under age 16 from working in hazardous occupations during vocational training.	2011 – 2016
	Ensure that laws treat children ages 16 and 17 as victims of commercial sexual exploitation rather than as offenders.	2012 – 2016
Enforcement	Increase the budget of the SLS, in order to increase the number of inspectors, and make information on the budget publicly available.	2011 – 2016
	Provide labor inspectors with appropriate training, including by conducting required initial trainings and institutionalizing periodic refresher training for all inspectors, and provide them with the resources required to carry out inspections, such as adequate transportation and fuel.	2011 – 2016
	Address legal provisions that have created obstacles to conducting labor inspections, and ensure that inspectors have sufficient ability to conduct both complaint-based and targeted inspections of all businesses, including unannounced inspections.	2014 – 2016

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Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)

Area	Suggested Action	Year(s) Suggested
Enforcement	Ensure that fines imposed for violations of child labor laws are sufficient to effectively deter employers from violating child labor laws.	2013 – 2016
	Ensure that judges treat children who are victims of commercial sexual exploitation and other worst forms of child labor as victims and not as offenders.	2013 – 2016
	Track and make data on the number of investigations, prosecutions, convictions, and implemented penalties related to violations of all criminal laws on the worst forms of child labor publicly available.	2014 – 2016
Government Policies	Provide sufficient funds to implement the National Program for Combating Trafficking and the NAP, including implementing the mandated child labor monitoring system.	2010 – 2016
	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 – 2016
Social Programs	Develop programs to facilitate access to education for Roma children and ensure that municipal governments are effective in holding schools accountable for discrimination against Roma children.	2010 – 2016
	Ensure that all children who are victims of human trafficking are able to access government services available for victims. Ensure that all reasonable efforts are made to obtain needed documentation when considering whether to grant trafficking victim status to children.	2013 – 2016
	Increase the number of shelters and socio-psychological rehabilitation centers for children and the number of trained personnel staffing these shelters, in order to fully meet the demand for their services. Provide sufficient funding to return the number of social workers to the level prior to budget cuts.	2013 – 2016
	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 – 2016

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