



# EXECUTIVE SUMMARY

## Ukraine\*



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## Introduction

Ukraine is the second largest country in Eastern Europe, with an HDI ranked 69th out of 169 countries surveyed in the world.<sup>1</sup> In 2009, a study highlighted corruption as a major concern of the Ukrainian administration, with the country ranked 134 out of 180 in the latest Corruption Perceptions Index.<sup>2</sup> In 2010, the Ministry for Family, Youth and Sports Affairs, the main organ responsible for human trafficking, gender equality and child rights, was abolished, leaving no responsible coordinating agency. Children from marginalised ethnic groups or without parental care remain the most vulnerable, as they are reported to be subject to various kinds of discrimination, especially with regard to education. The 2004 enlargement of the EU which included Hungary, Slovakia and Poland has left Ukraine as the main door between Central Asia and Western Europe. Insufficient border checks and state capacity reportedly facilitate smuggling and human trafficking including child trafficking.

**Child prostitution** is most evident in the capital Kiev and other big cities such as Odessa, Kharkiv and Sevastopol.<sup>3</sup> Though prostitution is illegal, it is still widespread due to light punishment. The majority of child victims of prostitution are unaccompanied children coming to the cities from rural areas and small towns in the eastern and southern regions. Some children are forced to migrate to large cities to pursue higher education and are

later pushed to sell sex to support themselves. Prostitution of boys is also becoming an increasingly acknowledged problem.<sup>4</sup>

Ukraine is a country of origin, transit and increasingly a destination for **child trafficking**.<sup>5</sup> In 2010, 38 cases of trafficking in children were reported.<sup>6</sup> Trafficked children are usually exploited in forced labour, other illegal occupations and through sexual exploitation. Moreover, illegal adoption has increasingly become a cause of trafficking.

**Sexual exploitation of children in tourism** is especially prominent during the summer season in the coastal areas where many children are trafficked from CIS countries like Moldova and Russia for prostitution, with demand from both local and foreign tourists. According to research conducted in 2010, the Internet plays a key role in the facilitation of child sex tourism in Ukraine, including through tourism agency websites that market sex with children to foreign tourists.

Ukraine is a producer of **child pornography**. Some “Child Model Agencies” are reported to have cameras hidden in bathrooms to take pictures of naked children. Additionally, child trafficking is believed to be closely linked to the production of child pornography, as there have been a number of cases of children being trafficked from neighbouring countries in the CIS region for this purpose.<sup>7</sup>

## National Plan of Action (NPA)

Following the expiration of the National Programme “Children of Ukraine” in 2005, the National Plan of Action for Children to Implement the UN Convention on the Rights of the Child until 2016 was adopted, including chapters with specific measures against child trafficking, sexual exploitation and other forms of child abuse.<sup>8</sup> This Plan aims to improve the function of child protection, rehabilitation and reintegration systems. Although this NPA includes a participatory approach involving NGOs in its implementation, children were unfortunately excluded from the drafting process. Additionally, the plan is criticized as insufficiently funded. Activities regarding CSEC issues are overlooked, with most attention devoted to domestic violence.

With regard to trafficking, Ukraine’s State Program on Counteracting Trafficking of People (2007 – 2010) also focused on eliminating child prostitution, child pornography and child trafficking by serving as a guideline for strategies against child trafficking and enforcing mechanisms to eliminate child labour. With funding around UAH 10 million allocated for the implementation of this plan,<sup>9</sup> by 2008 programmes for social and psychological rehabilitation of children affected by trafficking were developed and implemented. In 2009, the Ukrainian government approved the establishment of anti-trafficking action plans in major *Oblasts*, where local councils and NGOs met to implement the plan accordingly.<sup>10</sup>

## Coordination and Cooperation

In 2007, the Inter-agency Council on the Issues of Demographic Development, Family, Policy, Gender Equality, and Combating Trafficking in Human Beings (composed of representatives from government agencies as well as experts, academia and NGOs), was established to serve as a standing consultative and advisory body. After it was criticized for limited legal competence (especially in the area of human trafficking) there was an attempt to establish a more effective body to replace the Council. However, the attempt failed and the Council has been inactive since 2010.

After the Administrative Reform in 2010, child protection was assigned to the State Service for Youth and Sports, under the Ministry of Education and Science, Youth and Sports; however, there is no clear plan for child victims of trafficking. In 2011, the President of Ukraine appointed a new post, the Commissioner on Children Rights, to serve under the President of Ukraine. However, the Commissioner may not necessarily focus on CSEC issues, and the effectiveness of the new post remains unclear.

With regard to trafficking, *Oblast* Coordinating

Councils on family matters, gender equality, demographic development and combating trafficking in persons were set up in almost all Ukraine’s regions.<sup>11</sup> At the national level, cooperation between government agencies and NGOs has been established, especially in the area of victims’ assistance. Although agreements setting up referral systems between law enforcement agencies and NGOs are made informally, they usually function well.<sup>12</sup>

At the regional level, many activities were conducted in cooperation with Council of Europe (CoE) and European Union.<sup>13</sup> The State Program on Counteracting Trafficking of People also enumerated measures to increase international cooperation against trafficking. Consequently, Ukraine has engaged in various kinds of cooperation<sup>14</sup> with, for instance, Interpol, Europol, and the Regional Centre of South-eastern European Cooperation Initiative in the fight against transnational crime (SECI). In addition, Ukraine has cooperated at the international level to combat child pornography, for example, with the United States and Interpol regarding the database on child abuse images.

## Prevention

There is no specific preventive work against **child prostitution** conducted by governmental institutions. A number of awareness raising initiatives were implemented by NGOs under the All-Ukrainian Network against CSEC (ECPAT affiliate in Ukraine) such as awareness raising publications, as well as several trainings regarding the issue. Participants of such trainings included law enforcement representatives and professionals from the education system.

Activities to prevent **child sex tourism** in Ukraine are mostly carried out by NGOs, particularly the All-Ukrainian Network against CSEC, such as trainings for government ministries. Unfortunately, no tourism company in Ukraine has signed the Code of Conduct for Protection of Children from Sexual Exploitation in Travel and Tourism.

The Ukrainian government has been active in implementing preventive measures against human trafficking. Anti-trafficking

awareness-raising materials were published and distributed to the public, though there was no special focus on **child trafficking for sexual purposes**. Efforts were made to include lessons for prevention of human trafficking in school curricula.

Moreover, through a network of 75 NGOs, IOM coordinates a wide variety of prevention activities, such as campaigns, telephone help-lines and manuals in order to reduce the risks of human and child trafficking.<sup>15</sup> As part of the National Trainers Network, prevention activities were conducted in 13 regions with the aim to raise awareness among people and build safety skills on the issues of human trafficking, gender violence, and child rights protection.<sup>16</sup>

La Strada-Ukraine runs an Internet hotline for **child pornography** reporting. With regard to private sector collaboration, *Onlandia* ([www.onlandia.org.ua/ukr/](http://www.onlandia.org.ua/ukr/)) is a website developed by Microsoft Ukraine to raise awareness among children and young people about online safety.

## Protection

Ukraine is party to all the main international and regional treaties protecting children from sexual exploitation. With regard to national law, the main domestic legal instruments to protect children are the Criminal Code and the 1996 Constitution. The Family Code also prescribes provisions relating to child rights. The Criminal Code of Ukraine criminalises sexual intercourse with sexually immature persons, though without defining the age of sexual maturity.

Prostitution is illegal in Ukraine. Though the law does not provide a clear definition of prostitution, it does levy a harsher punishment for the involvement of **children in prostitution**. However, a major defect in Ukrainian law is that those who purchase sex with children are often not prosecuted, while child victims still face liability for their own exploitation.

Ukrainian law regarding **child trafficking** is improving gradually in order to be in line with

international standards. Despite the lack of specific reference to trafficking in children, the definition of trafficking in the Criminal Code covers recruitment, transportation, harbouring, transfer or receipt of a person, for the purpose of exploitation. If committed against an underage person or a minor, the requirement of fraud, blackmail, abuse of position or threat will be lifted. According to the explanatory note to article 149 of the Criminal Code, exploitation means all forms of sexual exploitation, including use in pornography.

The law “On the Introduction of Amendments to Several Legislative Acts of Ukraine regarding Counteraction to Distribution of Child Pornography” defines **child pornography** as representation, by whatever means, of a child or a person appearing to be a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for sexual purposes.<sup>17</sup> However, the definition

of the age of a child is not provided by this legislation. The Criminal Code also prohibits importing pornographic materials into Ukraine, with punishments increased in 2010. Use of technology to create or facilitate pornographic materials is also criminalised, and IT providers are legally required to block media containing child pornography. However, online grooming is not criminalized unless it leads to the production of child pornographic material. Article 7 of the Criminal Code extends extraterritorial (active nationality) jurisdiction over Ukrainian citizens or permanent residents of Ukraine who commit offences abroad.<sup>18</sup>

In the area of human trafficking, the Department on Combating Cybercrime and Trafficking in Human Beings, under the Ministry of Interior was assigned to be in charge of investigation of all trafficking crimes. With representatives in all districts of Ukraine, the staff were trained by IOM to investigate trafficking cases as well as to collaborate with local NGOs in providing assistance to victims.<sup>19</sup> In 2009, a specialized Cyber Crime Unit was established to investigate cyber crime cases, including those relating to child pornographic materials.

In Ukraine, NGOs are the main service providers for children in need. There are no recovery programmes run or funded by the State specifically targeting victims of

commercial sexual exploitation.<sup>20</sup> With regard to general services, Ukraine has established over 1,500 regional, municipal and rural Centres of Social Services for Families, Children and Youth. These centres run databases of families in difficult conditions and provide consulting and legal services related to trafficking in human beings. Services for trafficking victims are primarily funded by IOM and include legal support, medical examination, consulting and reintegration programmes, but none focuses specifically on children. It is reported that child victims of trafficking are often placed in temporary homeless shelters for children and not offered specialised services. Additionally, child-friendly procedures in the justice system are limited and children are often provided with insufficient legal assistance.

Trainings are conducted for law enforcement officers, mostly through collaboration with civil society or international organisations, such as OSCE, which has been active in providing anti-trafficking programmes. Council of Europe and the European Union also offered trainings and workshops for law enforcement, especially in the area of cybercrimes and cross-cutting issues in child pornography and other forms of CSEC. Additionally, during 2009-2011, trainings on the identification of child victims of CSEC in major cities were organised by La Strada, with technical assistance from ECPAT International.

## Child and Youth Participation

Though Ukraine has been criticized for inadequate youth and child participation in policy and decision-making processes, there has been some progress in recent years. The Children's Parliament was established in 2001

as a result of consultation with a number of NGOs. The All-Ukrainian Network against CSEC also engages youth participation in their work.

### National plan for action

There should be a comprehensive national plan of action for CSEC issues with sufficient funds allocated. Also, the government should adopt the State Programme on combating Trafficking in Persons for the period up to 2015.

### Cooperation and Coordination

The government of Ukraine should determine and assign an institution to be responsible of trafficking in children and commercial sexual exploitation of children. Additionally, a National Rapporteur on Human Trafficking should be established, as well as an Inter-Agency mechanism to combat child pornography and child sex tourism.

### Prevention

A national research centre on CSEC should be established in order to gain a deeper understanding of the issue and its root causes. With regard to the implementation of all preventive actions, more attention should be shifted to vulnerable children. Lastly, in order to effectively combat child pornography, a coalition of private sector actors should be formed.

### Protection

Ukrainian legislation should include clear definitions of child trafficking and child prostitution. The justice system should adopt child-friendly processes, taking into account the full protection of children rights. Furthermore, the government should be more active in providing care services to victims of CSEC and the provision of specific trainings for law enforcement.

### Child and Youth Participation

The participation of children and young people in the development of policies regarding CSEC should be institutionalised. Initiatives for child and youth participation should also be allocated sufficient funding from the government.

## Endnotes

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