

ECPAT International
UKRAINIAN INSTITUTE OF SOCIAL RESEARCH

***THE SITUATION OF CHILDREN IN UKRAINE AND THEIR
VULNERABILITY TO COMMERCIAL SEXUAL EXPLOITATION***

Written by:

Julia. Galustyan, Head of Centre for Gender Studies, PhD. in Sociology;
Valentina. Novitskaya, Research Fellow, Centre for Gender Studies.

Editors:

M. Illyash
D. Muir, ECPAT International

Consultants:

Giorgio Berardi, ECPAT International
Olha Shved, ECPAT International

Translated by:

V. Zlobin



Table of Contents

	Page
1. BACKGROUND OF STUDY	4
1.1. Project Topic	4
1.2. Goal	4
1.3. Objective	4
1.4. Methodology of Study.....	4
1.5 Applicable Terms and Definitions	5
2. SUMMARY OF FINDINGS.....	6
3. COUNTRY OVERVIEW.....	12
4. SITUATION OF CHILDREN AND THEIR VULNERABILITY TO CSEC	17
4.1. Harsh Treatment of Children.....	17
4.2. Analysis of Commercial Sexual Exploitation of Children in Ukraine ...	21
4.3. Public Protection of HIV-Infected Children and Children with AIDS ..	24
5. INSTITUTIONAL FRAMEWORK FOR THE PROTECTION OF CHILDREN	
5.1. Analysis of institutional structures.....	27
6. NATIONAL LEGISLATIVE FRAMEWORK	33
6.1. Review of Laws in Force.....	33
6.2. Child Traffic	36
6.3. Child Pornography	42
6.4. Child Prostitution	43
6.5. Child Sex Tourism.....	45
7. EXPERT- STAKEHOLDER’S ASSESSMENT OF CSEC IN UKRAINE...	45
8. CONCLUSIONS AND RECOMMENDATIONS	50
9. LIST OF ORGANISATIONS WORKING IN CSEC ACTIVITIES.....	54
10. BIBLIOGRAPHY.....	58
APPENDIX.....	62

1. BACKGROUND OF STUDY

1.1. Project Topic

The First World Congress against the Commercial Sexual Exploitation of Children took place in Stockholm in 1996. ECPAT, UNICEF and other international organisations supported this congress. In addition to human rights violations, the trafficking of children for sexual purposes and their forced engagement in the sex industry and pornography business are acritical priority for action by the international community as the scope and extent of commercial sexual exploitation of children (CSEC) increases rapidly as a very profitable criminal business.

Ukraine is a country from where children (anyone under the age of 18) are trafficked for sexual purposes, as well as one through which they are trafficked. This situational analysis of CSEC in Ukraine has as its objective to continue the activities of non-governmental organisations and public institutions to scrutinise and find a solution to this serious problem.

1.2. Goal

- Analysis of current situation and clarification of forms of CSEC forms in Ukraine.
- Identification of governmental and non-governmental organisations that deal with CSEC.
- Creation of a database of governmental and non-governmental organisations that study and seek solutions to the CSEC problem in Ukraine.

1.3. Objective

- To evaluate the spread of CSEC in Ukraine (illustrated by examples).
- To study forms of CSEC that appear in Ukraine and define categories of children affected by commercial sexual exploitation.
- To analyse trends associated with the spread of CSEC.
- To identify the role of governmental and non-governmental organisations on CSEC prevention (with examples of the most effective practices).
- To analyse statistics and mass media materials that deal with the topic of CSEC, and also the spread of HIV/AIDS among children.
- To review existing national laws to prevent the trafficking of humans in general and children in particular.

1.4. Methodology of Study

The technique used to assess the CSEC situation in Ukraine is listed below:

- Analyse existing information.
- In-depth interviews with CSEC experts in Ukraine.
- Oral histories.
- Content-analysis method

Choice of Analysis Technique

Analysis technique of existing information (official statistics, data of sociologic and epidemiological researches etc.): this technique allows the evaluation of data and collation of them. It also enables the identification of “white spots” in knowledge and comprehension of

current situation and exploring of certain tendencies. Thus, it enables the effective planning of further steps of study, identification of specific issues to use them as applicable tools.

In-depth interview: it represents a conversation and prompt contact with various respondents and promotes in establishing of trusting psychological relationship between researcher and respondent. It also allows the variation of questions that is impossible on the course of hard structured interview.

Oral histories: stories told by eyewitnesses or participants of real situations regarding involvement of children to commercial and sexual exploitation.

Content-analysis method of CSEC publications in mass media: this method of quantitative and qualitative text analysis allows the comprehension of CSEC extent. It also allowed the summary of CSEC coverage through mass media.

1.5 Applicable Terms and Definitions

This topic is relatively new for Ukraine, so efforts were undertaken to outline specific forms of CSEC, namely: prostitution, pornography and trafficking for sexual purposes.

Commercial sexual exploitation of children is as a violation of children's fundamental rights. The key element is that CSEC arises through a commercial transaction. That is, there is an exchange in which one or more parties gain a benefit – cash, goods or in-kind – from the exploitation for sexual purposes of someone under the age of 18. In other words, a child is treated as a sexual commodity. There are three primary and interrelated forms of CSEC: prostitution, pornography and trafficking for sexual purposes. Other forms include child sex tourism and child marriages.

Prostitution of children is one manifestation of the use of a child in sexual activities for remuneration or any other form of consideration. Most generally, it means that a party other than the child benefits from a commercial transaction in which the child is made available for sexual purposes - either an exploiter intermediary (pimp) who controls or oversees the child's activities for profit, or an abuser who negotiates an exchange directly with a child in order to receive sexual gratification.

Child pornography essentially involves materials that depict a child or children in a manner that is intended to aid sexual arousal and gratification. There are many different kinds of such materials, which will depict a child engaged in real or simulated sexual activities or lewdly depict parts of a child's body. Child pornography includes not only the use of real children to make these materials but also artificially created imagery.

The trafficking of children for sexual purposes involves moving a child from one place to another and the forced engagement of the child in commercial sex. It involves the recruitment, transportation, transfer, harbouring or receipt of a child, using force, coercion or deception, as well as the giving or receiving of payments or benefits to achieve the consent of someone who has control over the child, for the purpose of exploitation.

Child sex tourism is the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children.

Choice of Regions to be Studied

The following regions of Ukraine were selected for study: City of Kyiv, Odesa, Poltava, Zhytomyr and Volyn regions and the Autonomous Republic of Crimea.

City of Kyiv: the capital of Ukraine and the most populous city in the country.

Odesa region: a southern region, where port cities are located. The trafficking of people abroad occurs through this area.

Poltava region: a central region, with no borders with other countries.

Zhytomyr region: a northern frontier region, bordering Belarus.

Volyn region: a western region, which is generally (according to Ukrainian Committee of Statistics data) the most economically poor in Ukraine. It borders Poland.

Autonomous Republic of Crimea: a southern region, with port cities, through which people are trafficked abroad.

Selection of Experts

The study was conducted using a method of in-depth interviews with relevant experts. The key informants represented experts who had studied CSEC in Ukraine or been in contact with child victims of commercial sexual exploitation. The following core (target) groups were identified:

- Law enforcement employees
- Health care employees
- Public organisation employees
- Employees of Departments on Under-Age Affairs
- Orphanage, children's home and boarding school employees
- Customs Department employees
- Social Service employees

The total sampling scope was 45 experts.

Applicable Tools

To enable an expert inquiry, a scenario of in-depth interviews was prepared (see Appendix 1).

2. SUMMARY OF FINDINGS

All the experts interviewed for this rapid assessment agree that CSEC is spreading in Ukraine and that fundamental reasons for this are economic transition, poverty and unemployment, as well as declining moral and ethical standards. Many people do not have the opportunity to provide adequately for themselves (and their families) and to realise their full potential. This negatively impacts on the population in general and the younger generation in particular. At the same time, children in Ukraine suffer from a high level of violence, abuse and neglect. This in turn factors into the high number of street children, most of whom come from troubled families, as well as the large numbers of children institutionalised in orphanages, boarding schools and medical facilities.

Many problems that connect into CSEC derive from the inability of smaller towns to provide sustainable employment to their citizens, with young people leaving these towns and heading to the cities in the wake of family troubles or in the hope of attaining better living conditions. This accounts both for the rise in numbers of street children in the cities and the expansion of trafficking recruitment. Trafficking networks operate through key border cities, port cities and large metropolitan areas in Ukraine such as Kyiv, Donetsk, Odesa, Sevastopol, Dnipropetrovsk and Yalta, and nearby countries including Turkey, Yugoslavia, Russian Federation, Poland, Italy and Germany. The purpose of trafficking in and out of Ukraine is generally to supply local and foreign sex industries.

The experts interviewed for this assessment had varying views on the role of Ukraine's state authorities in trying to tackle and prevent CSEC. A minority believed that government authorities did the best they could in view of the circumstances and limited resources. A majority, however, thought state counter-action was insufficient and that coordinated action was sorely lacking. Some felt that perhaps state authorities had insufficient information for dealing with the issue. Yet the Ministry of Interior Affairs compiles much statistical data on CSEC both in Ukraine and abroad. Thus, there is no reason to assume that the proper authorities do not receive relevant information.

As for the assessment and improvement of existing laws to tackle CSEC in Ukraine, the experts again expressed differing opinions. A third assumed that existing laws were sufficient to meet the requirements and realities of the present day. The rest were not so optimistic and noted several constraints in the legal system. Firstly, it is impossible to prosecute criminals outside of Ukraine for crimes committed against children in Ukraine. Secondly, the law with regard to defining traffickers, including recruiters within Ukraine, is open to interpretation.

Analysis of statistical data received from the Ministry of Interior Affairs, oral stories and expert appraisals leads to the conclusion that children and young people in Ukraine face a high risk becoming victims of commercial sexual exploitation.

Violence against children

In Ukraine, an alarming 7000 to 8000 cases of sexual abuse and exploitation of children are officially reported annually. As high as this figure is, it may not reveal the full extent of sexual abuse and exploitation against children and young people seeing as many cases could be expected to go unreported. A retrospective inquiry of adults reveals that 20% of women and 10% of men had experienced some form of sexual abuse by the time they were 18. Every third girl aged 13 to 16 had experienced sexual harassment; every fifth girl had been subjected to unwanted sexual touching; and one in 10 girls was a victim of rape before the age of 18.

Much of this violence against children is committed in the home, at school or within other kinds of institutions for children. It may be violence committed by adults or peers. Many children consider the school environment to be one where they are forced to deal with harsh treatment, including physical harm, from teachers, classmates and, more rarely, older students. Teachers, too, are also very wary about entering the school environment, to the extent that many have left the profession and it is increasingly difficult to encourage people to take up teaching. This in turn has a further negative impact not only on the quality of education but also on the protection of children at school.

Yet while different forms of violence are a major social problem, Ukrainian health regulations do not specifically require that doctors immediately inform the relevant law enforcement authorities when they note cases of non-sexual violence against children by adults.

Nevertheless, there are medical and social rehabilitation centres for adolescents that seek to protect children against violence and harsh treatment, as well as social service centres for young people and children. In 2002, 821 children sought help from these centres. Reports from centres set up in Dnipropetrovsk, Lugansk and the Odesa region indicate a positive response from children seeking assistance. A similar centre began operating in Kyiv in 2000 and all regions now have centres where children can spend the day and access basic services such as food and showers etc. These centres have recently started to extend their services, setting up shelters and social services for women and children who are victims of violence.

Violence against children in Ukraine is a serious and widespread social problem and requires further study. Even so, it seems fairly clear that the least protected children in Ukraine are those who come from troubled families, street children and orphan children. It is also clear that there is a

critical need for quality rehabilitation measures to be implemented to protect children against violence, both within the family and elsewhere.

Children and the family

In Ukraine, as elsewhere, homeless children and children who live and work on the street are at great risk of commercial sexual exploitation. Research indicates that 18% of street children in Ukraine have been victims of sexual violence and sexual exploitation. This issue is especially important as the number of homeless children has increased alarmingly in Ukraine with the deterioration in welfare services in the country over recent years. The allocation of resources to tackle this problem should be a priority.

It is extremely worrying that studies show that a mere 10% of the parents of children who run away from home try to find their children; that is, 90% of parents of such children take no action to recover their 'missing' children.

This data is just one indicator of an apparent crisis in parental commitment and responsibility to care for their children. There are many factors contributing to this crisis, including: a loss of commitment on the part of parents to educate their children; conflict within families and between parents and their children; a decline in the state's provision of free recreational activities for children; increased migration out of and within Ukraine; and dissemination through the mass media of materialist values and violent imagery.

Economic transition is a critical factor affecting the functioning of the family as a protective social unit, creating essentially new problems in Ukraine that are leading to a catastrophic increase in the number of cases of separation of children from their families. The move to a market economy has seen a decrease in the ratio of resources allocated towards social services, including the education of children and provision of security to enhance a child's life chances. The responsibility for ensuring that children indeed attend education facilities has shifted from the state to parents themselves, and many parents now do not follow through on this responsibility, while state bodies do not have the resources to monitor children's education as they did in the Soviet era.

Many of the children living on the street are orphans, but many others are not technically or legally regarded as orphans. Yet in the absence of parental and familial care, including situations where children may still live in their parents' home but are not provided with nurturance and protection, very many children in Ukraine might be regarded as orphans. This category of children at risk includes children living in troubled families, children on the street, and children forced into begging.

Article 134 of the Marriage and Family Code of Ukraine assigns responsibility to all citizens to inform the authorities of children who are victims of physical harm or at risk of such harm. The Code states that organisations and individuals are obliged to inform child-protection and guardianship authorities about the location and situation of minor orphans, neglected and/or abandoned children, or parents who abuse their parental obligations. In turn, these authorities are required to ensure the safety and care of such children in coordination with other relevant agencies such as the police department's juvenile affairs section, social services for minors, educational institutions, public health services, housing and municipal bodies etc.

However, the outcome of action on this front very often is the institutionalisation of children.

Institutions

With the political, social and economic transformation of Ukrainian society since independence, the situation for children in institutions has changed markedly. Firstly, financial resources allocated for the maintenance of children have declined considerably. A large budget deficit has led to the state not allocating sufficient resources for the needs of children who are being brought up in institutions such as orphanages or medical centres.

Conditions in orphanages, shelters, hostels and boarding schools are very worrying. In a superficial sense, almost all such institutions need maintenance work in order to create at least adequate living conditions for the children. More importantly, however, there is evidence that children in institutions commonly suffer physical violence, including sexual violence such as rape and sexual assaults; early sex among children is also common, as is the consumption of narcotic substances.

Many directors of educational establishments are said to ignore these very serious problems, and even where concerns are raised at higher levels, many senior authorities do not take action on the grounds that they have too many other problems to deal with. In this light, it is hardly surprising that many children escape from these establishments in order to seek out a better – and seemingly safer – life.

The main reasons why children run away from institutions are:

- An adverse social and psychological climate;
- The desire to avoid physical and psychological violence;
- The apparently negligent attitude of teachers and other authority figures;
- A desire “to see” a better life;
- An unwillingness to live in a hostel;
- A desire to find people close to them, such as family members;
- Aspirations to find paying work so they may begin an independent life; and
- Poor maintenance of institutions, including teaching and educational establishments.

With the development of public services in Ukraine over recent years, there has been an acknowledgement of a need to revise the educational and care system for children deprived of parental care. Boarding schools in particular are unable to provide adequate services and carry out their necessary functions. As a result, new structures for providing orphan or neglected children with **foster homes**, where they are cared for temporarily within families other than their own, have been set up. As well, many **shelters for minors** have been established in recent years. However, there appears to be no monitoring guidelines for foster care and shelters.

In cases where it is impossible to place a child with a foster family under temporary custody, the child is placed in a shelter for minors. The child is supposed to stay in such a shelter for a ‘transition period’ of no longer than three months, after which they are referred to a longer-term care arrangement, such as a boarding school or orphanage. The shelters are required to have a doctor, a medical sister and a psychologist in attendance, along with other care staff.

Before placement in such an institution, children are supposed to receive a medical examination in a process that is expected to take usually about one week. However, the reality is that a child may spend up to three months, even a year, in these medical establishments if they are found to be sick or if the relevant documentation for sending them to the next institution is not available or forthcoming. These lengthy stays in a medical establishment can negatively affect the child’s health, as there is a risk that they will contract

an illness from others, and the living conditions and provision of adequate nutrition do not meet the child's needs. The education of a child in such conditions is not worth mentioning.

HIV/AIDS

HIV infection brings with it a variety of psychological and social problems for children. In Ukraine, children with HIV may stay in hospital for as long as three to four years because it is difficult to have them accepted into other institutions, such as boarding schools, foster families or adoptive families. Those most seriously affected are orphans and children deprived of parental care. The welfare of these children completely depends upon the quality of care and education in state facilities.

Analysis of the social status of families of children with HIV reveal that 75% of such families could be defined as socially troubled. Yet while the Ministry of Finance set aside 700,000 UAH in 2002 as state assistance to children with HIV, only 611,000 UAH was actually accessed by families or others, according to data from the ministry. This is not a case of there being insufficient financing but a matter of parents of children with HIV not making use of available assistance. An unsubstantiated assumption here is that these parents are either not in contact with their children or not aware of assistance measures.

The risks for children on the HIV front are promoted by insufficient understanding of the virus and related illnesses, and a lack of life experience. In the case of children living on the streets, research indicates that 21% are not even aware of HIV or AIDS. The majority of respondents interviewed for a recent study could not be expected to actively prevent HIV infection because they do not adequately understand how the virus is transferred between people. In particular, while many of these children share and re-use needles for injecting drugs, 37% of street children do not know that HIV may be spread by sharing needles.

Clearly, it is extremely critical that preventive work focus on educating homeless children and those living on the streets about HIV.

State authorities as a whole face complications in consolidating their efforts to deal with HIV among children at risk because there is a lack of efficient coordination between the various relevant entities, including ministries, departments and local executive authorities. The core of this coordination problem is a lack of a proper management system, and the related absence of good monitoring and evaluation of efforts to stem the spread of the epidemic, most especially among the vulnerable.

Thus, a variety of problems remains unresolved, namely:

- The lack of a system of social support and social and psychological aid to children from families where members have HIV;
- The failure to develop programmes of psychological support for children and families with HIV;
- Mechanisms for regular medical services to children with HIV need to be improved, as do ensuring such children are provided with adequate nutrition;
- Children with HIV must be provided with access to an adequate and non-discriminatory education, contrary to the current policy among schools in many regions that refuse to allow such children to participate in mainstream education;
- Action must be taken to transfer children with HIV from long-term stays in health-care facilities (subordinated to the Health Protection Ministry) to facilities subordinated to the Ministry of Education and Science;

- Action must also be taken on measures to encourage the adoption and/or transfer of wardship, where appropriate, so that children with HIV may be adopted or cared for within a stable family environment; and
- There is a need to develop a monitoring system for observing the fundamental rights of children with HIV.

Trafficking of children

The trafficking of children through and from Ukraine for sexual purposes is a problem. According to data from the International Organization for Migration (IOM), 10% of all trafficking victims who are known to return to Ukraine, either voluntarily or not, are aged between 12 and 18.

Presently, the movement of children through Ukraine's borders with Russia, Moldova and Belarus is supposed to be based on agreements reached between Ukraine and these countries on a Visa-Free Travel Regime for children aged under 16 years. As a result, it is required that a child's birth certificate be presented before a child is allowed to cross these borders legally. However, these certificates do not carry photos and so it is reportedly easy for traffickers to take children across borders using another child's certificate. This in turn hampers preventive action to stop trafficking of children from Ukraine through these countries to other countries of the Commonwealth of Independent States (CIS).

The Ukrainian legislation dealing with CSEC, which refers to the trafficking of women and children for sexual purposes, looks relatively progressive on paper and was the first such anti-trafficking legislation in the CIS. But while Article 149 of the Criminal Code of Ukraine presents a realistic picture of trafficking for sexual purposes, it nevertheless requires some adjustments (for example, to address the birth certificate problem). As well, there is room for improvement in the practices of law enforcement agencies and courts (for example, the law needs to be changed so that there are provisions for crimes committed against children specifically within Ukrainian territory).

A more positive sign on the legal front is that relevant governmental and non-governmental organisations are increasingly recognising the need for a comprehensive approach to anti-trafficking efforts. Important measures for combating the trafficking of people, and children in particular, include the Programme for the Prevention of Trafficking in People and Children (Cabinet of Ministers' Decree #1768, 25 September 1999) and the Comprehensive Programme for Combating Trafficking in People for 2002-2005 (Cabinet of Ministers' Decree #766, 5 June 2002).

Moves towards a comprehensive approach will include the development of a strategy covering all aspects of the problem of trafficking: legislation, international co-operation, reorientation of law enforcement agencies, cooperation between government agencies, and the development of a prevention strategy and one for the social rehabilitation of victims of trafficking. However, there is a need for specific provisions to deal with the problems and issues particular to child victims of trafficking. Under the Comprehensive Programme for 2002 (unlike the previous one in 1999) the focus was intended to be on providing support to all victims of trafficking (Articles 22-29) and the establishment of rehabilitation centres and shelters (Article 30). The Programme contains a special provision for regulating such establishments. This is a positive move in view of the critical need for regulatory mechanisms to monitor standards within care institutions.

Prostitution of children

The prostitution of children has expanded greatly in Ukraine. Surveys show that of those engaged in prostitution, 11% are girls aged between 12 and 15, and 20% are aged 16 to 17.

Girls who stay in motorcar roads and traffic car-road and service drivers, receive \$5 per sex service (drug users per dose are ready to give any sexual service). Furthermore, boys of age 13 years old have appeared recently on the roads and offered their services to drivers.

The Criminal Code (Article 303) makes illegal the use of children (aged under 18) in prostitution and makes provisions to protect underage girls from engagement in prostitution. Punishment for involving children to prostitution makes from 3 till 5 years of imprisonment.

Child pornography

There is much evidence of the existence in Ukraine of the dissemination of materials containing child pornography. There is less information on the use of children to make pornography, although several cases have been made public in recent years. However, there is obviously a major underground industry with regard to the making of pornography using adults in Ukraine, and in this light, it might be assumed that vulnerable children are at risk of being contracted into the making of pornographic material within the country.

As for the distribution of child pornography via the Internet, and Ukraine-based child pornography websites, very little information could be gathered for this assessment. Nevertheless, authorities should prepare to take preventive action now ahead of a likely increase in Internet usage within the country in coming years. It should also act to educate children about safe use of the Internet.

The Ukrainian Criminal Code's Article 301 outlaws the import, creation, sale and distribution of pornographic materials in Ukraine, but not exports. It also makes illegal the use of under-age persons in the making of pornography. Punishment makes from 3 till 7 years of imprisonment.

Child sex tourism

There is a lack of information at this time on the situation with regard to child sex tourism in Ukraine and there are no laws that specifically address it.

3. COUNTRY OVERVIEW

Geography

Ukraine is situated south-east of Europe within the Eastern Plain. Its area constitutes 603,700 square kilometres. Ukraine is larger than many European countries, including France (551,500 sq km) and Spain (506,000 sq km). Ukraine borders the Russian Federation in the east, the Republic of Belarus in the north, the Republic of Moldova in the south-west and Poland, Slovak Republic, Hungary and Romania in the west. The Black Sea and the Sea of Azov frame the country's south and south-east. The extent of territory is: west to east, 1316 km; north to south, 893 km. The extent of borderlines is: total borderline, 6500 km; sea borderline, 1050 km.

Climate

There are four well-defined seasons: winter, spring, summer and autumn. The average summer temperature is 22⁰ to 25⁰ Celsius and the winter temperature averages about 2⁰ to 4⁰ Celsius below zero (according to data from the Ukrainian Meteorological Office).

Political System

Ukraine is a sovereign, independent and democratic republic. The Head of State is the President of Ukraine, who is entitled to act on behalf of Ukraine. State power is shared among legislative

power, executive power and the judiciary. Self-government is acknowledged and guaranteed. The Constitution of Ukraine has the superior legal power.

The President is elected by Ukrainian citizens on the basis of common and equal electoral rights by way of a secret ballot for a term of five years. The President cannot hold the position for more than two consecutive terms.

Verkhovna Rada (Parliament)

The sole authority of legislative power is the Parliament (the Verkhovna Rada of Ukraine). The Verkhovna Rada comprises 450 People's Deputies, or Members of Parliament, who are elected on the basis of common, equal and prompt electoral rights by way of a secret ballot for a term of four years.

Cabinet of Ministers (Government)

The Cabinet of Ministers is the superior authority in Ukraine's system of executive power.

Judiciary

Jurisdiction is carried only through the courts. Their jurisdiction covers all legal relations that exist in that State.

Verkhovna Rada's Commissary on Human Rights

The Commissary on Human Rights maintains parliamentary control for ensuring adherence to constitutional rights and the freedoms of human beings and citizens. The 1996 Constitution established this institution.

Electoral System

Public self-determination is carried out through elections, referenda and other forms of democracy. The election of state power authorities and local governments are held freely on the basis of common, equal and prompt electoral rights by way of a secret ballot. Electors (both women and men) are guaranteed the right to free self-determination.

Territorial and Administrative System

The territorial system of Ukraine is formed on the basis of the unity and integrity of state territory. The pursuance of state government combines principles of centralisation and decentralisation. Up to 1 January 2003, the territorial and administrative system of Ukraine comprised 27 regions, namely: the Autonomous Republic of Crimea, 24 regions and the cities of Kyiv and Sevastopol. It also includes 490 administrative districts, 448 cities, 894 urban-type villages, 10,253 village councils and 28,739 villages. The sovereignty of Ukraine expands over all its territory. Ukraine is a unitary power. The territory of Ukraine within existing borders is integral and inviolable.

Language

Pursuant to Article 10 of the Ukrainian Constitution, the Ukrainian language is deemed to be the official language. The Constitution guarantees its free development and usage, as well as the protection of the Russian language and the languages of national minorities. The state power promotes the learning of languages of international communication. As soon as Ukraine became a member of the Council of Europe, it signed and ratified (9 December 1997) the Frame Convention on the Protection of National Minorities. All state commitments to ensure the political, social, cultural and language rights of national minorities are reflected in existing Ukrainian laws. For the majority of Ukraine's population, the mother tongue is Ukrainian.

Religion

All Ukrainian citizens are guaranteed equal rights and freedoms. Everyone has the right to choose their religion and ideology. Religious institutions are divorced from the State and school institutions. All religious organisations in Ukraine have freedom to undertake their activities. This is very important because Ukraine has about 23,400 religious communities, which represent almost 100 denominations, trends and courses. Ukraine has 277 monasteries, thousands of churches, more than 126 clerical educational institutions, 7684 weekly religious schools, and 222 periodic religious publications.

Social and Demographic Data

Population

Ukraine has the sixth largest population in Europe. As of 1 January 2003, the population was 47.7 million: 25.6 million females (53.7%) and 22.1 million men (46.3%). The urban population was 32.3 million (67.3%) and the rural population was 15.7 million. (32.7%). Population density was 80 people per square kilometre.

Public Gender and Ageing Profiles

According to statistics as of 1 January 2003, the number of young people aged under 18 was 789,000. Ukraine has an ageing population, with 20.8% of people aged 60 years and over. Annually, more boys are born than girls. However, a high death rate among males in all age groups results in females prevailing in numbers after the age of 31 to 32.

Ethnic and Cultural Composition

Ukraine is multi-ethnic and multi-cultural state. More than 110 nationalities are represented in the country. Ukrainians comprise 72.7% of the total population while Russians comprise 22.1%; Hungarians, Crimea Tatars, Gagauses, Moldavians, Azerbaijani and Bulgarians comprise 5.2 %. Ukrainians represent themselves as a community of people that was formed historically within a certain area., and as a community they have preserved specific cultural features, such as their own language and ethnic self-awareness. Of the 14 million families in Ukraine, mono-ethnic families represent 75%; more than 81% of these mono-ethnic families are Ukrainian. This is most common among rural families, where the ethnic composition is more homogeneous and Ukrainian national customs prevail.

Public Education Level

In recent years, Ukraine's public education system has undergone considerable changes associated with the transition to a market economy. Most childcare facilities have been closed (having decreased by 1.4 times as against 1995). The implication is that the number of children placed in public childcare institutions has also declined.

In 2002, Ukraine operated 45 boarding schools for orphans and children without parental care. It also operated 91 childcare facilities (Ministry of Science and Education), 49 facilities overseen by the Health Protection Ministry, and 57 boarding facilities for disabled children (Labour Ministry). These facilities looked after and educated, respectively, 12,100 children, 5900 children, 4900 and 7900 children.

In the 2002-03 school year, Ukrainian educational institutions taught 912,200 students, namely: 635,000 in general education schools, 50,200 in technical schools, 58,300 in higher education establishments of I and II degrees of accreditation), and 168,700 in higher education establishments of III and IV degrees of accreditation.

The educational system involved 1,033,495 women, or 72% of the total number of education employees. The total number of education employees is 1,422,333 persons. Presently, schools, lyceums, gymnasiums and colleges (of which there are 2200 such establishments) teach more than 7 million students (that is, 78% of all children aged 6 to 17. Females comprise 49% of students.

Demography Profile

The demographic reality in Ukraine during the 1990s was a declining population growth rate, characterised by a big drop in the birth rate and a generally ageing population. These tendencies increased at the end of the decade and have practically developed into a demographic crisis.

The total number of newborn children dropped from 657,200 in 1990 to 390,700 in 2002. The birth rate among all age groups (both urban and rural) has decreased compared with the period before independence.

HIV/AIDS

As of 1 January 2004, 62,365 people in Ukraine were officially reported to have HIV, according to data from the Ukrainian AIDS Prevention Centre of the Health Protection Ministry. Of this number, 6185 were children, of whom 208 had developed AIDS. Since the epidemic began, 3475 people have died of AIDS in Ukraine, including 117 children. Most children with HIV are reported to come from Donetsk, Dnipropetrovsk, Odesa, Mykolayiv regions and Autonomous Republic of Crimea (all of which are well-known areas for prostitution).

By 2010, the more optimistic predictions are that half a million people in Ukraine will have HIV, with new AIDS cases rising to 44,360 and AIDS deaths reaching 43,400. In a worst-case scenario, it is estimated that 1.44 million people may have HIV by 2010, with new AIDS cases reaching 95,210. The number of deaths would be expected to reach 89,200.

Economic Profile

Following the collapse of the Soviet Union, Ukraine has experienced economic crisis as it seeks to implement reforms in order to make the transition to a market economy. However, the latest key social and economic indices indicate a growing economy:¹

	1999	2000	2001	2002
<i>Gross Domestic Product, million UAH</i>	130442	170070	204190	220932
<i>Estimate per single person, UAH</i>	2614	3436	4195	4583
<i>Budget, millions UAH</i>	32876.4	49117.9	54934.6	60812.1
<i>Agricultural sector output, billions UAH</i>	50.7	55.7	61.4	62.5
<i>Industrial sector output, billions UAH</i>	107.5	160.8	184.3	200.1
<i>Natural population growth (decrease), thousands</i>	-350,0	-373,0	-369,5	-364,2

The official exchange rate established by the National Bank of Ukraine is: 1 USD = 5.3 UAH (as of November 2003.)

¹ *Statistic Directory, Ukraine in figures: 2002. – ? ., 2003.*

Further to applicable international standards, Ukraine associates with countries that have a high degree of public inequality regarding incomes and consumption, an inequality that has drastically intensified in recent years. Representatives of professional groups such as physicians, education sector employees, scientists and engineers received average incomes (comparative to national standards) similar to the earlier transition period (when they played a stabilising role in the society). Now, professionals in these categories are among Ukraine's 'new poor'.

In estimating the poverty rate, the considerable growth in unofficial employment and unofficial earning sources need to be taken into account, as do alternative ways of finding an acceptable living standard.

Ukraine has certain regional distinctions, defined through the concentration index of public income (see Figure 1). Thus, the highest Gini-coefficient value, which characterises uneven allocation of public resources by total equivalent costs, was established in the Chernivtsi region (31%). This level in a heavily-inhabited region is the result of a low level of development in the labour market and public total welfare. However, this region also has large businesses in the wood-processing sector.

Kyiv has the highest value of income concentration among the total population (29%), mostly because it is the political and business capital. Among other regions, the highest Gini-coefficient values were identified in southern Ukraine: Kherson, Zaporizhye (both 30%) and Odesa (29%). The Autonomous Republic of Crimea is an exception; here, a levelling of public income to the lowest regional levels (Gini-coefficient in Crimea is 26%) takes place thanks to the resort and tourism sectors, which account for the biggest proportion of public employment.

Figure 1. Regional Distinctions against Differentiation Index of Public Total Equivalent Costs

(Ukrainian Committee of Statistics data of household living conditions)



4. The Situation of Children and their Vulnerability to CSEC

4.1. The Harsh Treatment of Children

The harsh treatment of children and an apparent disregard for their interests is a critical issue for Ukraine. This problem brings heavy social consequences and often is a serious threat to a child's social and personal development.

There are several main forms of harsh treatment of and disregard for children: physical coercion, sexual constraint, psychological violence, and a disregard for a child's basic and fundamental needs and rights.

In Ukraine, all institutions and citizens are obliged to inform child-care and guardianship authorities about occasions where parents deny children their needs and rights as soon as these institutions and citizens become aware of such occurrences (Article 134, Marriage and Family Code of Ukraine).

Several laws and articles of the Ukrainian Constitution seek officially to protect children from violence, however, 43% of adolescents believe that children in Ukraine are often treated harshly. These adolescents were responding to an inquiry conducted under the framework of the *Children's Status in Ukraine: Spring 2003* study (Ukrainian Institute of Social Researches, sampling is all-Ukrainian, representative). Only 18% of respondents thought children were not treated harshly, while more than a third (39%) could not give a definite answer on this issue (23% chose 'do not know' and another 16% did not answer at all). Of those who did think that children were treated harshly, 49% were girls and 36% were boys. A bigger percentage of the respondents in the older age groups felt there was harsh treatment of children in Ukraine: 41% of those aged 14 and 15, 42% of those aged 16 and 43% of 17-year-olds.

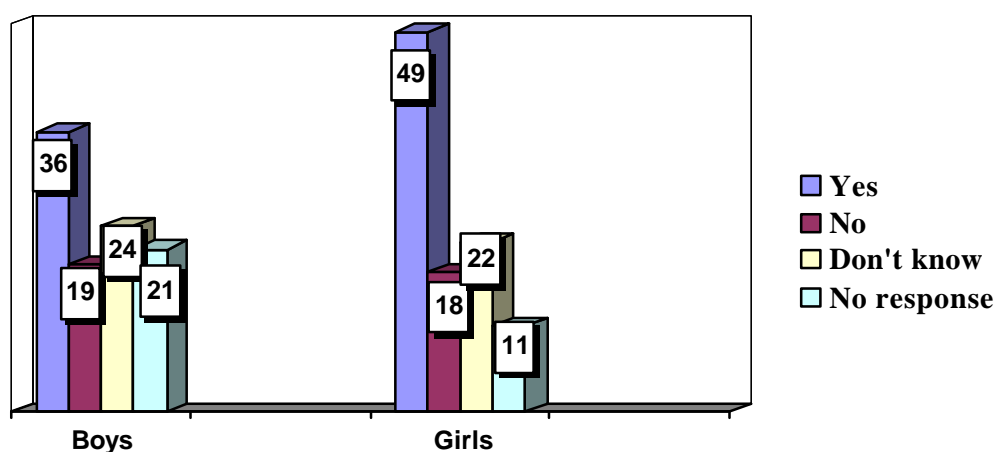


Figure 3.1. Answers of young people in survey (by percentage and gender) to question: **What is your opinion about whether children experience harsh treatment in Ukraine?**

But while many of the polled young people thought that harsh treatment against children existed in Ukraine, the survey's respondents indicated they themselves had not generally suffered from cruelty and harassment very often. Analysis of their answers on the personal experience of cruelty and physical harm resulted in indications that 6% of respondents experienced harsh treatment often, or very often.

Table 4.1.

Adolescents who responded 'never' (by social environment and as a percentage) to the question:
How often in your life have you been treated harshly or physically injured by another person?

<i>No harsh treatment</i>	<i>Regional centre</i>	<i>Other town</i>	<i>Village</i>		<i>Boys</i>	<i>Girls</i>
Family members	50	52	54		53	51
School environment	56	56	58		51	61
Unknown social environment	43	47	48		41	50

Table 4.2

Adolescents who responded 'never' to the same question, by gender and status.

Status of persons among respondents	Total inquired	Inquired boys, 2837 persons	Inquired girls, 2753 persons
<i>Father or stepfather</i>	71	70	73
<i>Mother or stepmother</i>	78	77	80
<i>Senior brothers and/or sisters</i>	64	65	63
<i>Leaders and child' group members</i>	82	79	85
<i>Militia employees</i>	87	81	93
<i>Teachers</i>	73	69	75
<i>Unknown contemporaries</i>	70	65	74
<i>Unknown adults</i>	80	76	84
<i>Classmates</i>	73	72	73
<i>Senior grade scholars of your school</i>	76	68	83
<i>Other people</i>	66	64	67

The findings suggest that boys are more likely than girls to experience harsh treatment or physical injury, while rural adolescents are less likely than urban-based children to experience this, especially in large cities and regional centres. It is generally the case that this harm is caused by unknown contemporaries.

Within the family, children suffer less harsh treatment at the hands of mothers or stepmothers; a comparatively larger share experience abuse from fathers or stepfathers, older brothers and/or sisters (even this share is larger than that for abuse from unknown adults). The younger group were more likely to suffer at the hands of older brothers and sisters or classmates.

Violence in the family (in particular threats and corporal punishment) present a serious problem in present-day Ukraine.

A resident of Sevastopol was jailed for 8 years for fatal injuries he inflicted on his daughter of 1.5 year.

Segodnya newspaper, 8 April 2003

A 24-year-old father beat his 2-year-old son, who died of his injuries. (Zakarpatyie Region, village of Vinogradivskiy district).

Segodnya, 19 April 2003

Government departments on under-age affairs are responsible for the coordination and control of social protection of adolescents against harsh treatment. These departments, together with guardian and care authorities, have the right to examine the conditions of children's education in families where parents and guardians are deemed not to provide the children with an adequate living environment. Children who leave their families because of harsh treatment by parents can be taken to the orphanage facilities of departments on under-age affairs.

Risks at school

In addition, it should be noted that many children are of the opinion that school is an environment in which they often face harsh treatment and physical harm at the hands of teachers, classmates and, in rare cases, older students.

The Segondya newspaper (19 June 2002) notes a precedent set in Sevastopol, where a teacher was prosecuted for assaulting a school boy.

For these actions, the new Criminal Code foresees as follows: occasions of beating and assaults imply penalties in amount of 50 non-taxable minimum rates of citizens' incomes or public works for the terms of 200 hours or correctional works for the term of 1 year (Clause 126); exceeding the authority or duties, accompanied with violence, is subject to imprisonment for between 3 and 8 years and not permitted to take jobs in educational facilities or to undertake certain other activities for 3 years.

Further to data in the study *Health and Behaviour Orientations of Youth*, only 42.5% of grade 6 students, 48.4% of grade 8 students and 57.5% of grade 10 students said they had not suffered harm at school in the previous two months. Cases in the previous week were recorded by 9% of sixth formers, 6.9% of eighth formers and 4.1% of tenth formers. Cases of reported harm were equally shared by boys and girls.

The mass departure of teachers from schools means that professional requirements for entering the profession have been minimised. It is reported that teachers often humiliate their students and in many cases, confidential information on the problems of a child and their family are indiscreetly disclosed, becoming a topic of conversation among students and parents. This in turn harms a child's psychological state.

At the same time, some teachers put pressure on students to achieve high marks at school. But in many cases, this can only be attained when a child takes supplementary lessons, for which they must pay.

Sexual violence and crimes against children

Data from the Ministry of Interior Affairs reveals that law enforcement authorities in 2002 identified more than 3,500 cases where adults has sought to coerce under-age persons into criminal activities as defined in Article 304 of the Criminal Code. Of these cases, 450 or 13% related to adults forcing children to go begging; 41 or 1% related to adults persuading adolescents to use harmful substances (Clause 324 of the Criminal Code); 121 persons, or about 3.5%, forced children to use drugs, psychotropic substances or analogous substances (Article 315 of the Criminal Code).

A retrospective inquiry of adults reveals that by the time they are 18, 20% of females and 10% of males have experienced some form of sexual abuse and/or exploitation. In Ukraine, 7000 to 8000 cases of sexual abuse of children are officially reported each year. In view of the probability of

many cases not being reported, it could be expected that many more cases occur.² Every third girl aged from 13 to 16 had experienced sexual harassment (data from O. Ivashchenko); every fifth girl had been subjected to undesired sexual touching; and one in 10 girls had suffered rape.

The Ukrainian Committee of Children's Protection conducted a study, *Sexual abuse, sexual exploitation and sexual depravity against children and adolescents in Ukraine*, during 1996 and 1997, supported by the United Nations Development Programme (UNDP).³ This study concluded that every fifth or sixth adolescent (of both genders) had suffered from sexual abuse by the time they were 18. The least protected were children from troubled families, street children and orphan children.

While different forms of sexual violence are criminalised under Ukrainian law, only 52 people were convicted in 2002 under Article 155 of the Criminal Code (with regard to sexual abuse of a child who has not reached puberty).

Protection of children

A serious form of harsh treatment against children in Ukraine is an irresponsible attitude on the part of parents, and the failure to provide children with adequate care, including food, clothes, housing and medical treatment.

A criminal lawsuit was enacted against a resident of Chernivtsi, Ganna B., who starved her 3-year-old daughter. The prosecutor established that the mother had taken her daughter out of a children's home, but did care for her welfare.

Golos Ukrainy newspaper, 6 May 2003

Note: Ukrainian health protection legal fundamentals do not specify the duties of doctors to inform relevant law enforcement authorities immediately when they encounter cases of intentional harm against children.

Unfortunately, mechanisms for prompt and effective protection of children do not exist in Ukraine. There is an insufficient number of institutes and experts, even though relevant work is carried out. In particular, the Ukrainian Committee on Family and Youth Affairs, together with concerned ministries, has drafted a project on *Regulation of Children's Appeals Regarding Harsh Treatment*. The objective is to ensure active work among various departments and the involvement of all relevant services and institutions. In 2002, a draft of regulation of appeals and notifications regarding violence in family or its real threat was submitted for agreement to the Ministry of Justice and the Cabinet of Ministers.

Among extrajudicial methods to protect the rights of children, it is necessary to mention an appeal to the Verkhovna Rada's Commissary on Human Rights. It oversees functions of all state power executives and local government authorities, including court decisions, terms of court

² The working children as social and pedagogical phenomenon. – ?., Nika-Center, 2003. p.377.

³ Project results *Sexual abuse, sexual exploitation and sexual depravity against children and adolescents in Ukraine*, supported by UNDP. Information booklet of Ukrainian Committee of Children's Protection. – ?., 1997.

* N.A. Gutorova. 'The Responsibility for Trafficking in People as Provided by the Criminal Code of Ukraine and the Challenges of the Internal Affairs.' <http://reform.geoweb.ge/Researches/Ukraine.HT.htm>

examinations, violations of proceedings etc. The procedure to appeal to the Commissary is free of charge and flexible; it does not contain any formal requirements.

The Verkhovna Rada's Commissary on Human Rights examined over the period from 2001 to 2002 about 580 individual appeals regarding violations of children's rights and social assistance to families; 285 appeals were decided in favour of the child.

Governmental and local authorities have applied various measures to draw public attention to the problem of harsh treatment of children and ways to prevent it.

► In 2002, the Kyiv Municipal State Administration's Head Department of Education and Science, the Kyiv Palace of Children and Youth, the Parliament of Kyiv Children and the Kyiv Municipal Council of Senior Scholars took the initiative and held a city conference on Youth Against Violence: For Tolerance. The working groups discussed the following topics: violence in schools and among adolescents, violence in the family, violence on the street, violence on TV and the Internet, among others. Within the framework of the International Action for "16 days against violence", some actions were conducted in the Cherkasy region (Action 'Youth Against Violence', tours of mobile consulting points to districts and regional towns to bring training exercises; theatre shows, disputes, placard competitions). In the Khmelnytsk region, several actions were undertaken (press-club, competition of pictures 'Children's Art Against Violence'). Psychologists work in many regions to ensure the protection of children against various forms of violence in infant schools, general schools and other educational institutions. The employees of services on under-age affairs and police employees conducted a joint operation, 'Family without Violence' in the Ternopil region. Educational employees, interior affairs employees and psychologists held several lectures on the 'Reasons and conditions for crimes against gender freedom and preventive measures' at educational institutions in the Kherson region.

Further to data of the Ukrainian State Committee on Family and Youth Affairs, departments on under-age affairs examined the living conditions of 52,599 adolescents in 2002; 33,442 under-age persons were identified as being in need of social and legal protection.

In 2002, 821 children who had suffered harsh treatment and violence called centres of social services for youth for social help. Of these, 27 persons were involved in mutual aid groups; 429 received consultations, 42 received lectures, 65 received material help, 401 received help from a psychologist, 106 received consultations from lawyer; and 31 received medical care.

Medical and social rehabilitation centres for adolescents operate to protect children against harsh treatment. Positive feedback from children who participated in activities at such centres was received in Dnipropetrovsk, Lugansk and the Odesa region. A similar centre was set up in Kyiv in 2000 and all regions have opened centres where children can access services during the day. These centres are also establishing shelters and social services for women and child victims of violence.

To avoid harsh treatment of children and to protect them against various forms of violence, local information materials are issued. These materials list institutions and organisations that help children, and public organisations that conduct activities aimed at solving problems of violence. As well, the materials have information on law enforcement authorities to whom victims can appeal, especially in cases of family violence associated with the use of alcohol or drugs.

► The booklets 'How to protect us from violence' and 'Parents' Attitudes on Children' were issued and distributed in the Ivano-Frankivsk region. A presentation of the textbook and movie 'Resistance to Trade in People' took place in the Zakarpatye region.

Violence against children in Ukraine requires further study, although it is understood that measures are needed to take all possible measures to prevent the harsh treatment of children. The prevention of violence must necessarily entail good rehabilitation measures.

4.2. Analysis of Commercial Sexual Exploitation of Children in Ukraine

The commercial sexual exploitation of children in Ukraine is a negative phenomenon that has become more apparent in the course of the social transformation that has occurred with the transition from the Soviet economic system to a market economy and the consequent crisis that Ukrainian society has been undergoing. As social anomie has expanded, problematic and dysfunctional forms of social phenomena have become more apparent, such as CSEC. Child victims suffer commercial sexual exploitation not only at home but also abroad. It is one of the most brutal forms of violence against children; young victims are affected physically and psychologically, and experience specific physical and psycho-emotional trauma. As well, young victims risk contracting sexually transmitted infections and young girls may become pregnant and even die during childbirth.

A high risk of commercial sexual exploitation is associated with young children who are homeless and live and work on the street. The number of homeless children in Ukraine has increased in recent years due to a deterioration in welfare and social services. Homelessness factors into economic exploitation of children by adults, in particular forcing children to beg and steal. Some of the reasons for this situation occurring include: parents loose their commitment to educate their children; conflict in the family and between parents and children; a decline in the state's provision of recreational activities for children; increased migration; and the dissemination of images and ideas about a 'carefree' life, as well as violent imagery.

The study *Social Portrait of Street Children* was conducted in 2002 to explore key issues related to children in Ukraine. The State Institute of Family and Youth Problems conducted the study at the request of the State Centre of Social Services for Youth.

The study found that more than half of street children in Ukraine were aged under 14; the percentage of girls living on the street was 20% to 30%; and many children left home 'independently' from about the age of 6 to 7. Further to expert appraisals, it was found that less than 50% of street children still have both parents alive.

Most of these children come from troubled families; many come from broken homes where their parents are divorced and live apart. In other cases, one of both of the child's parents have died; other parents are in jail. Other street children come from economically poor families, where the family's earnings are very low. Often, these families live in bad conditions, where parents may use alcohol and drugs and be in conflict with the law.

Expert appraisals also find that only 10% of parents every really endeavour to seek out their children who have left home and end up on the streets.

There are also street children who have left trouble-free families, but this is rare. In such cases, children leave home as a result of conflict with their parents and in order to seek self-affirmation. It is a form of defiance as children seek to defend their personal opinions and thoughts. These children usually leave home as they reach puberty, around the age of 12 to 13, as they encounter the crisis of an awkward age.

A social portrait of street children, who in Ukraine are often called 'sewer children', is described below:

- Children placed into wardship, 3.2%;
- Orphan children and children who are deprived of parental care, 20.3%;
- Children who live with well off parents, 14%;

- Children from unbroken families, 22.8%;
- Children from broken families, 48.9%;
- Children from troubled families, 56.2%.

This official data on street children comes from the Interior Affairs Ministry. The number of children detained by ministry employees has grown continuously each year. For example, 31,100 children were detained in 1999, 35,000 were detained in 2000, and 36,000 were detained in 2001. Of these, 27,000 children were detained as street children while 9,000 were arrested for theft.

The nutritional intake of children on the street depends on the amount of money they are able to collect, either through working or begging. Most of these children do not eat enough; much of their food is collected from food scraps and rubbish heaps outside cafes (22%). Many such children ease hunger cravings by smoking cigarette butts they find and sniffing glue.

Generally, street children are unable to wash or change their clothes very often, maybe every month or so, because most of them do not have a regular domicile. However, it should be noted that some children often receive clothes from humanitarian sources.

Theft, begging and prohibited sleeping in public facilities are common features of homeless children's behaviour: 19% of street children respondents to the *Social Portrait of Street Children* study, had been arrested or detained by law enforcement authorities on accusations of theft; 26% for 'hooliganism'; 27% for intoxication; 38% for begging. Child respondents felt that they were forced to engage in some of these things in order to survive, and they had come to think of this situation as 'normal'.

One of the biggest problems for street children is making money. Many seek to resolve this by working to collect waste paper and other materials and then taking them to collection points, where they are reimbursed. For example, 23% of street children collect metal for reimbursement; 49% collect empty bottles. Other labour includes washing cars (29%); garden and farm work, such as collecting vegetables and fruits (9%); shop help or selling wares at the market (12%); loaders (28%); and assistance to known and unknown people for reward (28%). One in five such children admit to stealing or selling stolen goods in order to get money.

Not all children are equal within the community of street children, where some of the children forced into street life are treated with disdain and violence, deemed by their peers to be outsiders. Children relegated to outsider status face great risks. They are commonly treated as objects of revenge and as targets for the release of nervous energy by stronger members of the street community: 29% are deprived of any money they may have; 6% are deprived of food; 12% are forced by their peers to beg and work; 44% suffer ridicule; and 32% receive insulting nicknames. Almost a quarter of children regarded as outsiders (21%) are beaten by their peers.

On top of all this, 18% of children who live and work on the street have suffered sexual violence. Consequently, these homeless children are at great risk of also becoming victims of commercial sexual exploitation.

Study of the CSEC situation as it affects street children and other children in Ukraine is, however, complicated because large-scale studies of the phenomenon have not been conducted. Nevertheless, the Interior Affairs Ministry has gathered some information in the course of implementing the Comprehensive Programme for Preventing the Trafficking of People 2002-2005 (Issued 5 June 2002, No. 766) and in compliance with the new Ukrainian Criminal Code (Articles 301, 302, 149 and 150). The programme's objective is to prevent trafficking in humans, especially women and children. In addition, employees of the Interior Affairs Ministry collaborate with international organisations such as Europol and Interpol to block the channels through which people may be trafficked, including the transfer of children for sexual exploitation.

4.3. Public Protection of Children with HIV and AIDS

Since the second phase of the HIV epidemic's expansion through Ukraine (1995), the virus has become more firmly established among children, especially in the Odesa, Dnipropetrovsk, Donetsk, Lugansk and Mykolayiv regions. The spread of the virus among increasing numbers of women has resulted in a rise in the number of HIV-positive babies born to parents with HIV.

The fight against HIV/AIDS is a priority in Ukraine's health care, especially with regard to the younger generation. State policy aims to ensure the rights of children and youth, international cooperation with respect to medical help, and social protection. It is crucially important that Ukraine conduct systematic situational analyses of the epidemic's expansion and identify the social groups most vulnerable to HIV, especially children, in order to enact appropriate preventive and care measures.

According to data from the Ukrainian Centre for AIDS Prevention, about 70% of babies with HIV are born to socially troubled families. One in five children born with HIV is abandoned by their parents in the maternity hospital. But most children with HIV (80%) live with their natural families. Of the children who remain initially with family members, 80% stay with their parents, 10% stay with other relatives, and 2% are adopted out later.

The welfare status of children with HIV is low or very low. Only 20% of families are able to provide the child with adequate nutrition and basic needs, as well as other household things and toys etc. A troubled or impoverished family is generally unable to meet even the simplest needs of children with HIV.

Measures for fighting HIV/AIDS are developed and implemented by relevant central, local executive authorities, local self-governments and enterprises and institutions of all forms of property. The Health Protection Ministry is the central authority in charge of management and inter-departmental coordination for combating HIV/AIDS. A Governmental Commission headed by the Vice-Prime-Minister of Ukraine was established to enable implementation of the Presidential Decree on Urgent Measures for Prevention of HIV/AIDS.

State assistance to children with HIV (pursuant to Article 29 of the On Protection of Childhood law) is ensured in compliance with the On Prevention of AIDS Disease and Social Protection of the Population law. This law establishes in compliance with international law standards and World Health Organisation recommendations the procedures for taking action on HIV, including the regulation of activities to prevent HIV expansion and to provide medical aid to people with HIV and AIDS. This law is the principal guarantor of the rights of people in Ukraine with HIV. Thus, pursuant to Article 4, state power ensures regular epidemiological control over HIV expansion. Factors included in HIV prevention and care measures include the guaranteed provision of quality health care, information dissemination, and educational programmes at educational institutions. The state is also expected to promote civil society activities aimed at HIV prevention. Under Article 30 of the law, HIV results are to remain confidential and any disclosure by health care employees or other relevant employees is subject to penalty.

The state's budget must reserve annual financial provisions for monthly assistance to children aged under 16 who have HIV or AIDS, according to Article 23 of the law (AIDS Prevention and Social Protection of the Population) and other various Cabinet decrees and laws. An HIV-free child born to a mother with HIV is also provided with state assistance.

Interestingly, of the 700,000 UAH set aside in 2002 as state assistance to children with HIV, only 611,000 UAH was actually used, according to Ministry of Finance data. Insufficient financing is not the problem with regard to providing families with financial assistance. Some parents and families simply did not call upon the assistance available to them.

Under an order issued by the Health Protection Ministry (On Improvement of Medical Assistance to People with HIV/AIDS, 25 May 2000, No. 120), the medical examination of children with HIV or AIDS is to be carried out by the medical departments of AIDS prevention centres, isolation wards, or district physicians and children's doctors. Medical care is to be provided immediately at all medical facilities and hospitals.

Other state assistance on HIV/AIDS is also to be given to the Health Protection Ministry's Ukrainian Centre for AIDS Prevention, regional and municipal AIDS-prevention centres, isolation wards in hospitals, narcological, venereological and tuberculosis centres, as well as family planning centres. Both physical and psychological assistance is to be provided, as is support to the employees of prevention centres, youth services centres, employment centres, labour and social protection departments, and charitable organisations.

► In 2002, 1160 clients with HIV or AIDS received various services at centres of social services for young people: 101 received mutual aid, 294 attended consultations, 35 received material aid, 190 received psychological support, 10 were provided with legal assistance, 23 received social support and 108 were referred to other experts.

Monitoring of pregnant women and newborn children with HIV is meant to be conducted in accordance with the observance of children's rights, under an order issued by the Health Protection Ministry (7 December 2001, No. 488) that local health protection authorities develop measures for implementing a programme on the prevention of HIV transfer from mother to child.

Thanks to cooperation between paediatric regional services and international organisations such as Doctors without Frontiers, the care of children with HIV is organised through regional hospitals, special wards for children, and narcological and TB prophylactic centres. Regular preventive examinations are carried out and children with HIV are regularly vaccinated. Psychologists and psychiatrists give support to children in hospitals or state facilities.

State protection of children with HIV who live in public institutions and child collectives is regulated by an order issued by the Health Protection Ministry (29 November 2002, No. 448) regarding medical aid and care for children in pre-school facilities and educational institutions, as well as regulations covering children with HIV who live in organised children's collectives. Under recommendations issued by the Health Protection Ministry, the conditions of education for children with HIV should not differ from the provisions applicable to children without HIV. These issues were discussed at a national workshop supported by UNICEF in November 2002.

HIV and AIDS bring a variety of psychological and social problems. The most vulnerable affected group is children who are orphans or deprived of parental care. The welfare of these children completely depends upon the quality of care and education in state facilities. Therefore, special training of staff should be provided so that care givers are better able to take the child's psycho-emotional needs into account while also looking after the child's physical development. The education and psychological support provided to these children is expected to cover health care issues, communication with other children, support for the child during hospitalisation, and discussions about HIV-related topics. A study on the *Status of Children in Ukraine*, however, found that in practice, the provision in state facilities of adequate services to children with HIV encounters many difficulties. These difficulties include: a lack of HIV-specific medicines, poor dental services, the transfer of children from hospital to boarding school, and problems in assuring the children of education.

According to data from the Ukrainian Centre for HIV/AIDS Prevention, there are no adequate mechanisms for promoting the transfer of children with HIV from state facilities to the care of other guardians. If a child in a state home was found to have HIV, that child generally would remain in the home while other children sometimes spend three to four years living in a hospital. Not one child diagnosed with HIV has been accepted into the care of a family or a family-type house.

Thus, the scope and character of the measures implemented so far are inadequate to meet the special needs of children with HIV and AIDS. And in many cases, the scope and character of services expected to be provided by state authorities do not meet the provisions set forth in existing laws.

The consolidation of efforts to resolve these problems faces difficulties because the implementation of certain commitments rests with individual ministries, departments and local executive authorities. The core of the problem is that there is a lack of a proper management system with mechanisms monitoring and evaluating its efficiency.

Presently, no unified state standards exist to care for children with HIV and provide social support to families with children who have HIV. The actions of state authorities are not harmonised.

At the same time, children and women have a low level of understanding about HIV issues in general. In Ukraine, many people show a mostly negative attitude towards people with HIV and AIDS, including children. Moral judgements tend to be made against people affected by HIV, and this negative attitude is reflected in the content of educational and information materials and activities distributed among older people.

Further to research data, children attending school are generally aware of the two main ways in which HIV may be contracted: sexual contact and the sharing of needles to inject drugs. However, this knowledge is insufficient and in many cases is mistaken. Research in the study *Health and Behaviour Orientation of Student Youth* demonstrates that one in two children believes HIV is transferred through ordinary contact with others: 40% believe HIV is transferred through kissing; a third of children believe HIV is transferred through sharing a cigarette with someone else; 29% believe HIV is transferred through food; 22% believe it can be contracted through shaking hands with someone; and 16% believed HIV was transmitted through the air.

The most important issue in preventing the spread of HIV/AIDS through Ukraine is to educate children and prevent the virus's spread among them. Insufficient knowledge about the virus and a lack of life experience mean that young people face great risks when it comes to contracting HIV. Special action is needed to improve children's understanding of HIV/AIDS and its consequences. Examples of such action include topic lessons and 'peer to peer' education', directed towards preventing the spread of HIV and promoting the care and rehabilitation of children with HIV.

Further to research data from a 'Social Portrait of Street Children', 21 % of these children are not aware of HIV/AIDS. Most respondents would not be able to prevent HIV contagion because they have inadequate ideas of way in which the virus is transferred. In particular, 37% of street children were not aware of the virus being transferred through sharing needles to inject drugs.

In particular, preventive work among especially vulnerable categories of children, such as homeless children, is urgently required.

Thus, a variety of problems must be addressed, namely:

- The absence of a well coordinated system of social support and social and psychological aid to children with HIV and from HIV-affected families;
- The failure to develop specialised programmes of psychological support for such children;
- The need to improve mechanisms for regular medical services to children with HIV, as well as ways of ensuring such children receive adequate nutrition;
- The exclusion of children with HIV from mainstream educational facilities in many regions of Ukraine;
- There is a need for a decision and action to transfer children with HIV from medical facilities subordinated to the Health Protection Ministry to children's facilities subordinated to the

Ministry of Education and Science, as well as the promotion of incorporating children with HIV into safe and caring family environments through adoption or foster care (dependent on assessment of the family's situation);

- A monitoring system and control over the observance of the rights of children with HIV needs to be developed and implemented.

The priority tasks in preventing the spread of HIV and providing adequate care and treatment for children with HIV include:

- Using HIV-specific legislation to act against discrimination and stigmatisation of people with HIV, including children;
- Promoting and strengthening a partnership between governmental, public, private and international organisations on HIV issues;
- Promoting children's access to appropriate HIV information in regular educational and vocational institutions, with programmes to develop life skills to minimise the risk of contracting HIV;
- Promotion of access to a voluntary consulting system and HIV/AIDS testing;
- Monitoring and assessment of the current situation.

5. INSTITUTIONAL FRAMEWORK FOR PROTECTING CHILDREN

5.1. Analysis of institutional structures

As of 2002, 91 orphanages in Ukraine registered the entry of 30,007 children aged from 7 to 14 (some of whom may have left and entered several times in a year). According to data from the State Committee for Family and Youth Affairs, 193 sexually abused children were transferred to orphanages in 2002, 55 more than in the previous year.

Background

In the days of the Soviet Union there was a wide network of official bodies in Ukraine that were engaged with children. Guardianship and education authorities supervised the process of training and educating children. All children had to attend school and active work was organised at school; various sections worked free of charge and there was also a network of out-of-school educational and recreational establishments where children could be engaged after school hours. The Pioneer and Komsomol organisations (youth wings of the Communist Party) were responsible for the moral and ideological education of children and young people. Public health service bodies were responsible for children's health, as well as sanitation and recreation.

With the collapse of the Soviet Union, a crisis emerged in the management of all sectors, including the national education system, which was broken up. The management of the country was focused on resolving economic questions and did not pay too much attention to the problems of the social sphere. As a result, many educational establishments, especially in rural areas, had to shut down because of insufficient financing and staff shortages etc.

Economic problems negatively affected the functioning of the family as a social unit as well as educational institutions, leading to essentially new problems for Ukraine regarding the separation of children from their families. The result has been a catastrophic increase in the number of children who are orphans or are otherwise deprived of parental care. It can be said that the current situation of orphan-hood in Ukraine is a consequence of the insufficient attention paid by society to the social problems of families with children. Besides the increasing number of official orphans, many other children also deprived of parental care but who are not recognised by the law as such

could be considered as orphans. This is because, for various reasons, their parents are not properly engaging in the education of their children, particularly in cases of children from troubled and dysfunctional families, children living and working on the street, and children forced into begging, etc. Children whose parents may be alive but are not considerate of the child's best interests and welfare (including ensuring the children gain an education) might be regarded as 'social orphans'. The practical experience of Ukraine's transition from the Soviet economic system to a market economy is that the ratio of resources directed towards the care and maintenance of children has shifted dramatically and negatively. The responsibility for children's education now lies with parents, while state bodies meant to provide families with support on this front are not coping and not doing their job.

Towards institutionalisation

Today, at the state level, the departments of education, public health services, social protection, family and youth affairs, are meant to engage in identifying children in need and at risk, including orphans, children deprived of parental care and minors in dubious social environments. But Article 134 of the Marriage and Family Code also makes this a duty of all citizens. It states that organisations and individuals who are aware of minor orphans or others who are neglected, as well as parents who abuse their parental rights, are obliged to inform child-protection and guardianship authorities about the location of such children. In turn, these authorities are required to coordinate their actions with other interested bodies and services, such as the police department's juvenile affairs division, agencies dealing with children's affairs, educational institutions, public health services, and housing and municipal bodies etc.

As a rule, when a child enters a children's establishment, special complications with official registration of papers do not happen; there is generally good information about the child's parents through medical documentation and civil birth registries. Complications with a child's settlement arise when the child is abandoned and his or her parents are unknown, or they are known but their residence is not established. In such cases, it is necessary to make inquiries at maternity hospitals, civil registries, law-enforcement bodies and address bureaus in order to establish the identity of a child's parents and the child's birth registration details.

Currently, children in these situations will be uniformly referred to a medical establishment before they can be settled elsewhere.

Institutionalisation

It is ruled that a child's stay in a medical establishment cannot last more than one week. However, in this amount of time it is usually impossible to collect all the necessary documents of the child and his or her parents, and as a result a child may in fact spend a long time – as long as 3 months to a year – in the medical establishment. Such lengthy stays in these facilities can negatively affect a child's health; they may get sick as a result of contact with sick children, maintenance and nutrition conditions may not meet the child's needs, and education in such conditions is not worth mentioning. In the case of children with HIV (see the HIV section above), there is a danger they may stay in hospital for three to four years.

Upon identification of a case of an abandoned or lost child, or one who has been thrown out of home, police and ministry staff dealing with juvenile affairs are obliged to register the case officially and then take all actions necessary to search for the child's parents or close relatives. They must also act to place the child in temporary care in a shelter or medical establishment. A notice is sent to guardianship authorities to deal with questions related to custody, care, adoption and settlement of the child in special state-run establishments.

The settlement of the child is then supposed to occur immediately. The child should be registered in civil registries, which requires determination of his or her age. This determination may be made upon a medico-legal examination. Upon formal registration of the child, they are given a first name and a surname (generally a paternal name suggested by the applicant), and the data concerning the child's parents is voluntarily entered in a form. According to the law, a child should be sent to a children's facility with a birth certificate.

Since the political, social and economic transformation of Ukrainian society, the position of children in hostels has essentially changed. Financial resources for maintenance of the children have considerably worsened. Due to a large budget deficit, the state cannot allocate enough to meet the needs of children in hostels.

Hostels function on the basis of a thesis about educational establishments for children - orphans and children without parental care. This document was authorised by an order of the Ministry of Education (13 May 1993). According to Article 139 of the Marriage and Family Code, if the custody of the above-mentioned children is not established, and they are in state establishments, the custody and care functions of the trustee are assigned to these establishments.

The basic types of state-run establishments for children are:

- a) Homes for babies (aged up to 3);
- b) Hostels for preschool age children;
- c) Hostels for children of school age;
- d) Hostels for children of preschool and school age;
- e) A comprehensive boarding school for orphans and children without parental care.

Under state executive authority, educational establishments can be created for orphans and children without parental care, where children may be brought up from their birth to the age of majority. Preschool branches (or groups) are created within hostels for children of preschool age whose siblings are in the establishment and also for children without parental care. There are special establishments for children with physical or mental disabilities, including comprehensive schools and hostels for mentally disabled children, as well as orphans and children without parental care.

By local state executive authority, special establishments can accept orphans; children taken from their parents by court order; children of parents whose marriage has been annulled; or whose parents are in jail, under investigation, somehow unable to care for the child, or whose location is unknown. At a decision of local state executive authority, preschool-age children of single mothers (or fathers), children from families with very children, children from needy families, and children in police custody may also be accepted into special establishments.

The general rule is that where state care is needed by more than one sibling from the same family, these children will be placed together except if an individual child has particular needs, such as specialised medical care. The separation of children from one family through, for example, the adoption of a sibling is not permitted (unless there are special medical considerations).

Temporary care arrangements

With the development of public services in Ukraine in recent years, there is a need to revise the educational system of children deprived of parental care. This is connected with the fact that boarding schools are unable to cater to all children requiring care. As a result, a foster homes system has been initiated, whereby children are placed in the temporary care of a

voluntary **foster family**. Such a family may care for from one to five orphans or children otherwise deprived of parental care, and will take responsibility for overseeing their education. However, there are no formal monitoring guidelines for the assignment of a child into foster care.

In recent years, many **shelters for minors** have also been established. Where a child cannot be placed with a foster family, he or she is sent to a shelter for minors. The child can be directed there by guardianship and child-care authorities, law-enforcement bodies or delivered by citizens if the child is found in the street or somewhere without parental care. The child can be in a shelter for up to three months, a so-called transition period, until he or she is sent to a longer-term children's establishment. The shelters should be attended by a doctor, a medical sister and a psychologist, along with other care staff.

According to regulations regarding shelters for minors (dated 1997), they should cater for children who are lost, have been abandoned by parents or guardians, have been forced into begging, whose parents' whereabouts are unknown, who have remained without parental or trustee care, who have left their families or an educational institution, have been withdrawn by state authorities from their families, and those who have no constant residence and means.

The basis for acceptance of minors into a shelter is:

- An appeal by a minor to for assistance;
- Assignment by state authorities;
- A written appeal from the head of education departments or the executive committee of council.

The conditions in shelters, hostels and boarding schools are clearly not perfect. Almost all of them need repair work and face financial problems. For 'planned nutrition' at boarding schools, US\$1 per day is spent per child; US\$3 per child is allocated for the needs of children graduating from boarding school. Boarding schools are most generally staffed by women; because of the especially low salaries, men simply will not work in the likes of boarding schools or hostels.

Lack of protection

However, all this is only a superficial description of the situation. Of great concern is that many directors of educational establishments ignore cases of beatings, rape, early sexual relations and use of narcotic substances. Even when these serious problems are aired among senior authorities, many do not act because they are distracted by other issues. It is hardly surprising that children seek to escape from these establishments in search of both safety and a better life.

The main reasons that children run away from hostels and other facilities are:

- An adverse social and psychological climate;
- The desire to avoid physical and psychological violence;
- The negligent attitude of some teachers;
- A desire to find a better life;
- An unwillingness to live in a hostel;
- Poor financial maintenance;
- A desire to find people to whom they feel close, such as family members;
- An aspiration to get work in order to begin an independent life etc.

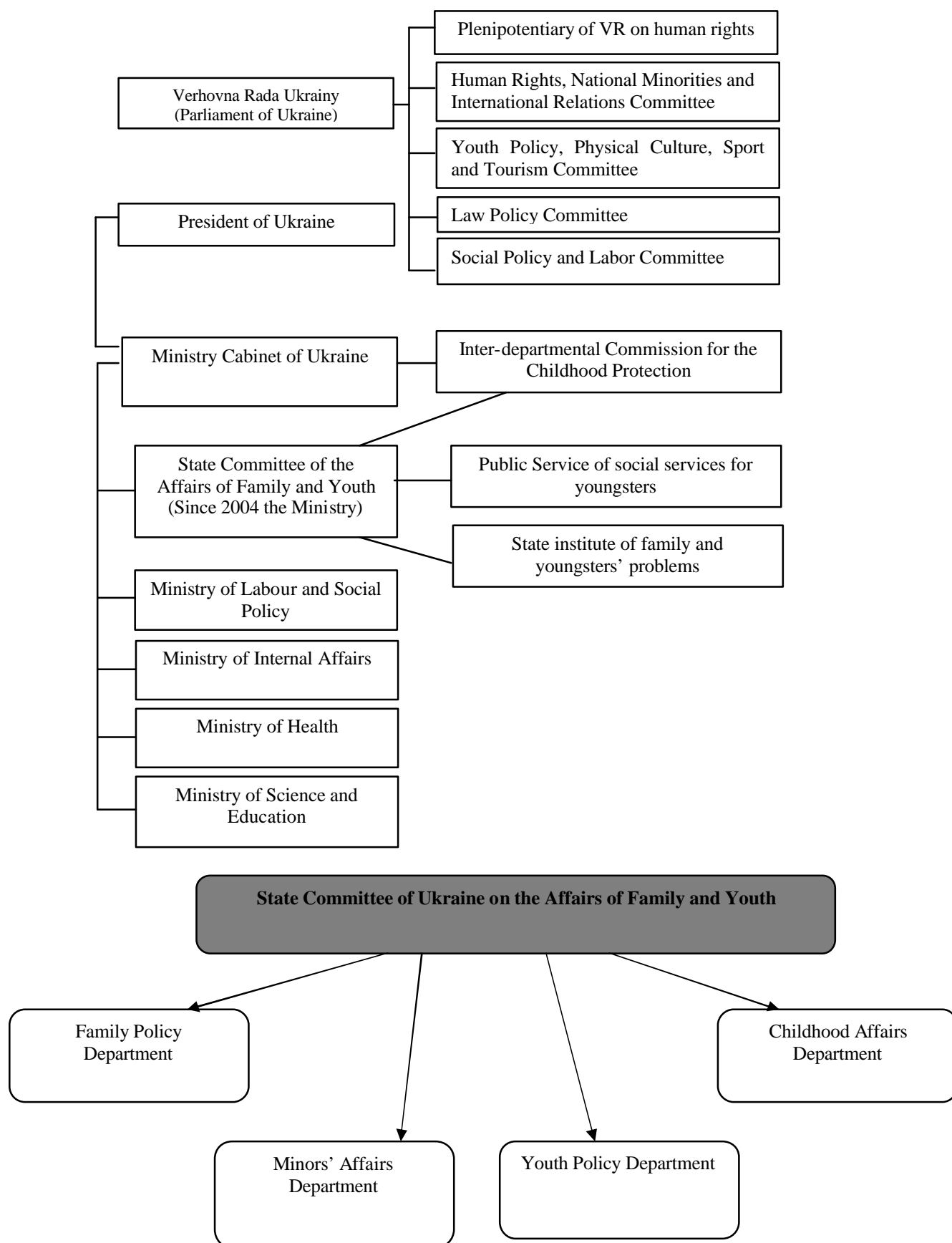
In October 2003 in Kharkiv, a 39-year-old Russian was charged with sexually abusing at least three under-age boys over a period of three years. The man set up an orphanage known as the Children and Youth Centre for Rehabilitation of Extremely Affected Children, or Our House. This institution was under the patronage of a Kharkiv charity association. Girls were not accepted at the orphanage, only boys whose parents were ready to give up their child. In many cases, the parents suffered alcohol problems.

In the town of Pivdenne, the man rented rooms at a former kindergarten, recruited staff, and personally selected boys aged 5 to 18. Periodically, the director came to the orphanage, not far from Kharkiv, and requested that certain boys (generally younger than 15) visit his office for 'overnight duty'. He explained that this was intended to help the children adapt to a family environment. He said he taught the children to use a computer.

Firstly, he impressed the boys by buying them new clothes. Then, he would take the child home and feed him special food, such as smoked meats and pineapple juice; sometimes he offered them vodka. Later, he would invite a boy to the bathroom, give him a bath and then coerce the boy into the bedroom for sex.

This case came to light after a 15-year-old boy fled the orphanage house after a night in the director's office. He escaped to his home village, from where his mother appealed to the district prosecutor. The investigation is continuing.

Interaction of the central authorities relevant to the protection of children's rights at the state level



6. NATIONAL LEGISLATIVE FRAMEWORK

6.1. Review of Laws in Force

The protection of children's rights and assurance of their psycho-social development has national significance. This issue should be considered in light of various contexts: historical, sociological, cultural, demographic, pedagogical and, of course, legal. It requires endorsement through certain laws and regulations, strictly defined rules, standards and requirements in order to organise critical functions for children.

Children, defined as anyone under the age of 18, are a special social and demographic group within the wider population. This group has its own specific needs, interests and rights, but children are generally unable to assert and defend these needs, interests and rights within the society.

From legal point of view, a child is an independent subject of law, covering the complexity of civil, political, economic, social and cultural human rights.

The Declaration of Children's Rights was adopted by the United Nations General Assembly on 20 November 1959. This document regulates the status of the child in contemporary society. It contains 10 principles, which declare that a child should be legally ensured of social protection regardless to skin colour, language, sex and religious faith. A child should be provided with the conditions and possibilities required to enable him or her to develop physically, mentally, morally and intellectually. Certain conditions are required to ensure a child's health and status, and to guarantee of their freedom and dignity. A child should be the first to receive protection and help from the wider society. A child should be protected against all forms of negative attitudes and actions, especially cruelty and exploitation.

The Convention on the Rights of the Child (CRC), approved by the UN on 20 November 1989, declares that humanity is obliged to give children the best of care and to ensure that children are guaranteed the right to develop into full citizens. Ukraine ratified the Convention in 1991 and updated its national laws accordingly.

The CRC is not only a declaration only but an international legal instrument, whereby all signatory countries are required to meet their commitments under the CRC. This includes legislating to protect children against any form of abuse, harm or infringement of their rights.

The fundamental basis of legal assurance of the rights of children in Ukraine is the principle that "all children are equal from the date of their birth"; pursuant to Article 52 of the Constitution of Ukraine, children have equal rights regardless their origin and whether or not they were born in wedlock.

Based on the provisions of the Constitution of Ukraine and the CRC, Ukraine adopted a law On the Protection of Childhood on 26 April 2001. This law identifies the protection of childhood as a strategic national priority. To ensure a child's rights to life, health protection, education, social protection and comprehensive development, the law established primary goals of state policy in this sphere.

Article 10 of the law On the Protection of Childhood determines: The state shall protect a child against:

- All forms of physical and psychological violence, abuse, negligent and harsh treatment and exploitation, including sexual abuse and exploitation by parents or others;
- Involvement in extremist, religious, psycho-cultic groups and trends, and the use of a child to create pornographic materials or to engage in prostitution, begging, vagrancy and involvement in gambling etc.

Articles 28 and 52 of the Constitution guarantee the rights of children to be protected against all forms of violence. Pursuant to these Articles, no-one should be subjected to harassment or cruel, inhuman or disrespectful treatment or punishment.

Any violence against a child and the exploitation of a child is liable to be prosecuted by law. In particular, Ukraine's new Criminal Code stipulates the punishment for violence against a child: premeditated murder (Articles 115, 116); physical injury (Articles 121 to 125); beating (Article 126); torturing (Article 127); leaving a child in unsafe conditions (Article 135); illegal organ transplants (Article 144); kidnapping (Article 146); holding a child as hostage (Article 147); the trafficking of a child abroad (Article 149); exploitation (Article 150); sexual crimes (Articles 155, 156); and the misuse of guardianship rights (Article 167), etc.

A child's right to be protected against all forms of harsh treatment are regulated by the law on the Prevention of Violence in the Family (15 November 2001, No. 2789-??). Pursuant to Article 7 of this law, guardian and care authorities shall be liable:

- To help in the restoration of infringed rights and in the protection of the lawful interests of under-age persons, including children in families, institutions or elsewhere, and in cases, where violence at home is a threat to the child;
- To attend to the legal and court interests of under-age and disabled members of a family who are victims of violence in the family;
- To exercise other powers prescribed by law with respect to the prevention of family violence.

The court power has a function to protect constitutional rights and freedoms of under-age persons. The Family Code strengthens the rights of children to appeal independently to a court.

Every participant in a family who has reached the age of 14 has the right to appeal to the courts and request the protection of their rights and interests.

Clause 18 of Family Code

Besides legal methods, there are also extrajudicial methods to protect a child's rights through appeal to relevant authorities and officials. In particular, Article

10 of the law On the Protection of Childhood declares the right of every child to appeal to wardship and care authorities, departments on under-age affairs, centres of social services for youth, and other authorities for the protection of their rights, freedoms and legal interests. Through relevant authorities, in accordance with legal procedures, state power is meant to give the required assistance to children or the people who care for them. This assistance is aimed at preventing and identifying cases of harsh treatment.

All institutions and citizens are committed to inform guardianship and care authorities on occasions of abuse of parental rights as soon as they are aware of such cases (Marriage and Family Code, Article 134).

State power therefore seeks to ensure the protection of children against:

- All forms of physical and mental coercion, injury, inadequate and harsh treatment, exploitation and sexual abuse;
- Involvement in criminal activities and the use of alcohol, drugs and psychotropic items;
- The use of children to make pornography and the engagement of children in prostitution, begging, vagrancy and gambling etc.

In recent years, several regulations were endorsed to meet Ukraine's commitments under the CRC. One of the essential acts is the national programme known as Children of Ukraine, approved by Presidential Decree on 18 January 1996, No. 63. The programme aims to improve the educational level of children and to create favourable conditions for their physical, intellectual and moral

formation. It also aims to improve the system of care, education and training of orphans and children deprived of parental care.

In 2000, Ukraine ratified the International Labour Organization's Convention No. 182 to prohibit, prevent and eliminate the worst forms of child labour. This Convention requires its signatories to apply urgent and effective measures to deal with the worst forms of child labour. Article 3 interprets 'worst forms of child labour' as follows:

- a. All forms of slavery or practice similar to slavery such as selling and trafficking of children, debt bondage, serfdom, enforced or compulsory labour (including recruitment into armed conflict);
- b. The usage, supply or offering of children for purposes of prostitution, pornography production or performance of pornography shows;
- c. The usage, supply or offering of children for illegal activities, especially those related to illegal drugs;
- d. Work of a nature or in conditions that could harm the health, safety and morality of a child.

Article 32 of the law on the Protection of Children From Trafficking outlaws the trafficking of children; pursuant to Ukrainian laws and relevant international agreements, the state shall undertake measures to fight illegal trafficking, removal, kidnapping, trade, smuggling and the failure to return children from abroad.

In September 2000, the Cabinet of Ministers endorsed a Decree On the Establishment of an Interdepartmental Commission for Children's Protection" (No. 1200). Further to paragraph 3, the key objectives of the commission are:

- Executive authorities, local governments, enterprises, institutions and organisations of any form shall coordinate their efforts in order to implement governmental policy in the sphere of childhood protection and to ensure the rights and freedoms of children in accordance with international instruments and Ukrainian laws in force;
- To draft laws, by-laws and regulations and governmental programmes on issues of childhood protection.

The Presidential Decree approved the Regulation on a National Foundation for the Social Protection of Mothers and Children ('Children of Ukraine'). This foundation was established to improve the social protection of children, mothers and families and also to promote the lawful protection and intellectual development of children. This institution can be used for coordination of actions to protect children's rights.

The Presidential Decree issued on 24 January 2001 on Additional Measures to Ensure the Implementation of the National Programme 'Children of Ukraine' during the period to 2005 approved the above additional measures. These measures stated: The most part of measures listed in the National Programme 'Children of Ukraine' has a long-term nature and their implementation goes on. The analysis of children's rights and interests protection demonstrates that several problems were aggravated. It concerns the public education of children, children who have lost their parents, orphans and homeless children, begging, inadequate public care, mostly related to wardship and care authorities. The untimely investigation of troubled families, delays to remove children from such families, and inadequate public control of the education of children from troubled families caused a lack of adequate social protection for an increasing number of children. It also has impacts on children from rural areas.

The key objectives of these measures are:

- The further improvement of laws on children's social protection;

- The improvement of social support mechanisms for children in inappropriate or risky conditions;
- The development of networks and efficiency to improve special institutions and children's protection services;
- The prevention of homelessness, vagrancy and begging among children.

For the above purposes, it is forecasted that:

1. Expert assessment of Ukrainian laws should be carried out to examine their compliance with international instruments on child protection.
2. The proposals should be prepared to improve Ukrainian laws in force and bring them into compliance with Articles of the ILO's Convention 182 on the worst forms of child labour. The regulations should be issued to regulate child labour, in particular regarding procedures for the employment of graduates from boarding schools, special social rehabilitation institutions, family-type child homes, children from receiving families and educational corrective facilities.

The law on Under-Age Affairs Departments and Under-Age Special Institutions was issued in 1995 and amended on 8 July 1999. Pursuant to the Constitution and the CRC, this law determines the legal fundamentals for under-age affairs departments and special institutions. The scope of these institutions is the implementation of social protection and the prevention of violence among people aged under 18. The law also describes the competence and functions of the Criminal Police on Under-Age Affairs.

Strong evidence of concern to solve problems related to crimes committed by children is contained in the State Programme for the Prevention of Children's Homelessness (2003 to 2005), which was issued in 2002 and approved by Presidential Decree on 21 February 2003, No. 154.

6.2. Trafficking of children

The trafficking of children involves moving a child from one place to another and the recruitment, transportation, transfer, harbouring or receipt of a child, using force, coercion, deception or other forms of abuse of power or adversity, or by way of bribery as payments or profits to obtain the assent of a person who supervises a child.

Ukrainian law did not deem trafficking in people to be a crime until March 1998, when the Criminal Code was supplemented with a number of articles providing for responsibility for the illegal adoption of children and trafficking in people, including children. The code's section on 'crimes against will, honour and dignity' contains Article 146, which refers to 'illegal deprivation of liberty or kidnapping'; Article 148, the 'substitution of the child'; Article 149, 'traffic in people or other illegal agreements on the displacement of people'; and Article 150, 'exploitation of children'.

Article 149 states:

1. The sale or other paid transfer of people as well as any other illegal agreement associated with illegal or legal, involuntary or voluntary displacement of a person through the frontier of Ukraine for the purpose of further sale or transfer to the third party for sexual exploitation, or involvement in the pornography business or criminal activity or financial dependence, or illegal adoption for commercial purposes, or involvement in armed conflict, or labour exploitation, **brings a jail** term of three to eight years.
2. The acts described above if committed against a minor person or several persons, or repeatedly, or in agreement between two or more persons, or using the advantages of professional duties, or

by a person on whom the victim was financially or in other way dependent brings a jail term of five to 12 years with or without expropriation of property.

3. The acts described in Articles of 1 and 2 of this article committed by an organised group, or associated with illegal displacement of children out of Ukraine or failure to return children to Ukraine, or the use of the victim(s) as donor(s) of organs/tissues for illegal transplantation, or if caused serious damage to the victim(s) brings a jail term of eight to 15 years and expropriation of property.

According to IOM data, of 1355 Ukrainian victims of trafficking who asked for help, 10% were adolescents (mostly aged from 12 to 18).

In September 2003, in the Poltava region, a girl born in 1986 was captured. She was forced into prostitution and transferred to Novorossiysk (Russian Federation). She gave birth to an infant girl in 1988. She gave this infant to Russian souteneurs (pimp) for further sexual exploitation. While this case was subject to criminal investigation, another group of under-age victims (5 persons) was revealed. Regarding the girl, a criminal lawsuit was brought in accordance with Article 149, Chapter 3, of the Ukrainian Criminal Code.

In a village in the Mykolayiv region, police investigated a route used to transfer to Moscow girls of 15 to 17 years to staff brothels.

In October 2003, Vinitsia Police Department brought a criminal lawsuit against four members of criminal groups. This lawsuit meets Article 149, Chapter 2, of the Criminal Code. These people recruited under-age local girls and transferred them for further sexual exploitation to Moscow (Russian Federation). 15 victims were revealed and returned back to Ukraine.

Makiyivka criminal police detained young women aged 22 and 18. These women stayed on the car-road and offered to get a girl of 12 years. The hourly rate of sexual service cost 30 hrivnas (about \$6) requested by these 'owners'.

A criminal case was investigated in Yenakiyevo in the Donetsk region. Two local women selected, recruited and transferred under-age girls to Moscow for sexual exploitation. It was established that 15 under-age girls were removed.

There are rare cases when parents themselves sell their children:

In Yevpatoria, Crimea, a mother offered her 10-year-old son for homosexual contact.

In Kyiv, a mother sold her 9-year-old daughter for dollars. The mother was happy that she got a good price and used the money to spend time with her friends. She said other parents received for their children only 10 hrivnas (2 US dollars). (Documentary film: 'Meeting with Chimeras'.)

In the Zhitomir region, alcoholic parents sent their under-age daughter 'to go for a drive' in a car (to give sex-services). As reward, these parents received vodka.

The Interior Affairs Ministry issued an ordinance on 23 May 2000 that established special squads in regional police departments to fight human trafficking. Since then, the squads have played a key role. The key objectives of law enforcement authorities are as follows: prevention, identification,

revelation and investigation of violence associated with trafficking in people. These authorities worked closely with other governmental and non-governmental agencies to help trafficking victims. However, coordination is needed across all relevant departments and agencies in order to achieve positive results.

Cases of trafficking of Ukrainian children across the border are also recorded.

Presently, the admission of children through the border to Russia, Moldova and Belarus is done in accordance with agreements reached between the Government of Ukraine and these countries on a Visa-Free Travel Regime for children aged 16 years. To cross the border legally, the child's birth certificate must be shown. However, these certificates do not carry photos, and so it will not necessarily be certain that the certificate shown belongs to the child presented. This complicates identification and control over trafficking of children out of Ukraine to CIS countries and can result in unauthorised removal of children by criminal authorities from Ukraine to CIS countries and then to other countries.

While analysing the national legislation on trafficking in people, the expert panel for this study pointed out some weaknesses. These include text that is obscure and difficult to understand. There are some serious gaps in wording (for example, buying a person is not considered to be a criminal activity, which in turn causes serious difficulties in legal procedures and confirming the occurrence of a crime). There is also a failure to mention some important crime indicators (for example, fraud) that increase the social threat of such crimes. As well, the responsibilities for crimes described in Article 1 of Article 149 are inadequate and there is an absence of provisions encouraging prevention.

The imperfection of Article 149 of the Ukrainian Criminal Code and expert proposals can be formulated as follows:

1. Article 149 should be amended to recognise trafficking as a crime that occurs within Ukraine.
2. Special attention should be focused on all forms child trafficking and labour exploitation (not just sexual exploitation).
3. Article 149 does not describe in detail how recruitment occurs. The existing laws apply only to recruitment as a form of fraud and are not specific to the trade in people.
4. The existing Criminal Code complicates identification of payments linked to trafficking. This issue should receive more precise interpretation and be amended with formulations regarding recruitment, transportation and trafficking. The existing formulation can be interpreted to say that trafficking may occur voluntarily and so not all cases may be regarded as trade in people.

Expert poll proceedings

Analysis of the Ukrainian legislation dealing with CSEC appears relatively progressive on paper and was the first such anti-trafficking legislation in the CIS. But while Article 149 of the Criminal Code of Ukraine presents a realistic picture of trafficking for sexual purposes, it nevertheless requires some adjustments (for example, to address the birth certificate problem). As well, there is room for improvement in the practices of law enforcement agencies and courts (for example, the law needs to be changed so that there are provisions for crimes committed against children specifically within Ukrainian territory).

The Ukrainian legislation on trafficking in people also appears effective on paper. According to experts in the field, it has played a positive role in the initial stage of developing a response strategy. However, the focus is currently more on the protection of human rights in general, overlooking the specific rights of children. Nevertheless, the legislation on the protection of the human rights of trafficking victims still needs improvement (even though researchers and practitioners dealing with these problems consider it to be relatively sophisticated).

The Ukrainian law provides for criminal responsibility for trafficking in people. Yet the law does not allow for individual rehabilitation work with offenders, nor does it ensure an effective prevention framework. Many experts suggested amendments to the law On Administrative Surveillance Over Persons Released from the Penitentiary System in order to introduce more effective monitoring over people convicted of crimes associated with trafficking in people. This would require amendments to the Instructions to Law Enforcement Agencies contained in the law. The Ministry of Internal Affairs is expected to play the key role in dealing with trafficking in people. However, the response to the problem faces serious difficulties associated with lack of knowledge. In this light, staff training ought to be a key priority in both the reform of the law enforcement system and the prevention of trafficking in people.

One of the more positive changes in the field is that the need for a comprehensive approach to dealing with trafficking is increasingly recognised by the governmental and non-governmental organisations involved. Important documents in this regard include the Programme for the Prevention of Trafficking in People and Children (Cabinet of Ministers Decree No. 1768, 25 September 1999) and the Comprehensive Programme for Combating Trafficking in People 2002-2005 (Cabinet of Ministers Decree No. 766, 5 June 2002).

A comprehensive approach will ideally provide for the development of a strategy covering all aspects of the problem: legislation, international cooperation, reorientation of law enforcement agencies, cooperation between different governmental agencies, and the development of a prevention strategy and one for the social rehabilitation of victims. The Comprehensive Programme for 2002 (unlike the previous one for 1999) put the focus on support to victims (Articles 22-29) and the establishment of rehabilitation centres and shelters (Article 30). Importantly, the programme contains a special provision to regulate such establishments.

The involvement of non-governmental and international organisations is another important feature of state policy. These are involved in the implementation of 20 Articles (of the 33 Articles in the law covering the programme).

Article 33 reads: ‘... to ensure the involvement of international and non-governmental organisations and charity funds in the implementation of projects aimed at prevention of trafficking in people, protection of the human rights of victims of trafficking, the search for victims in other countries, their return to Ukraine and rehabilitation’.

According to the programme, NGOs are to be involved in ‘the development of executive structures responsible for coordination of the programme (Article 1); providing comprehensive research on trafficking in people (Article 3); professional training of the unemployed; the implementation of a youth employment policy and business development (Articles 5-8); counselling and distribution of relevant materials (Articles 12, 14, 15, 16 and 18); support to and running hot lines in the field (Article 17); educational activities (Articles 19-20); protection and social support of victims (Articles 25, 28, 29 and 30); running seminars and workshops for practitioners in the field (Article. 32)’.

The Interdepartmental Coordination Council was established pursuant to paragraph 1 of the Comprehensive Programme and this council is subordinated to the Ukrainian Vice-Prime Minister for Humanitarian Affairs. This council coordinates measures set forth in the Comprehensive Programme. The council members include representatives of concerned ministries and departments, international and non-governmental organisations. Regional permanent commissions

were also established to coordinate efforts and data exchange with respect to preventing the trafficking of people.

The expert opinions of law enforcement authorities were identified in the course of the inquiry on CSEC in Ukraine. According to these, an effective strategy would require separate divisions of police for working on people trafficking which are not to be subordinated to the general Criminal Investigation Departments. Such divisions would either form a separate branch or be incorporated into police squads on organised crime (that is, they would require a status different to that of police in the Criminal Investigation Departments. There was an opinion that amendments to Article 149 might complicate the practices of law enforcement agencies at least for some time, as police had already adjusted their work to the existing regulations. The police officers emphasised the need to put a special focus on the legal barriers to trafficking in children.

Analysis of some legal cases demonstrated that in most cases the traffic in children is intended for the purpose of:^{*}

- Involvement in prostitution and sexual exploitation;
- Involvement in the pornography industry;
- Illegal adoption; and
- Illegal transplantation of organs and tissues.

Before 1996, the adoption of children by foreign citizens was not legally allowed in Ukraine. However, as demand for adoption from abroad grew in developed countries, the trafficking of children out of Ukraine and other countries intensified among criminal groups.

Ivano-Frankivsk regional court dealt with a criminal case on the illegal adoption of Ukrainian children abroad. 130 Ukrainian children from maternity hospitals were transferred out of Ukraine to the United States, Switzerland, Canada, Germany and France from 1992 to 1994. The mothers of the new-born children were told that the children were born dead. But local health care administrators sold these children to foreign citizens. In 1994, 124 orphan children and children deprived of parental care were transferred from the Ternopil region to the US to get medical treatment; 56 never returned to Ukraine.

Presently, consular services of the Ukrainian Foreign Affairs Ministry are meant to monitor the maintenance and education of children aged under 18 adopted abroad by foreign citizens.

The Ukrainian Criminal Code establishes in Article 169 responsibility for illegal actions regarding adoption. This Article foresees responsibility for illegal mediation or any other illicit actions with regard to the adoption of a child, wardship, or education in families.

After the application of strict regulations for the adoption of Ukrainian children by foreign citizens, criminals have looked for new options. These options include arranging for pregnant women to travel abroad to give birth, using false identification documents when children are born abroad, and the trafficking of children specifically for adoption to foreign citizens. The women who travel abroad to give birth are paid for the child, but often lose the money on their return.

A criminal group and a Ukrainian pregnant woman were arrested in Italy. It was not clear what was to happen to the woman's child when it was born, but it was assumed the intention was that the child would be used for the transplantation of organs.

STB TV Channel, 31 October 2003, CHAS “?” Programme

The trade in children for the transplantation of human tissue and organs is treated as the most horrific crime among all forms of trafficking in children. Mass media outlets often report on the

disappearance of children in Ukraine. In the case of the disappearance of a 3-year-old and a 4-year-old girl from the Kirovograd region in the summer, many people believed the children were kidnapped for the purpose being adopted or used for the transplantation of organs. In another case, two girls of 11 years disappeared in Kiev; they remain missing.

Ukraine endorsed the law on the Transplantation of Organs and Other Anatomic Human Materials on 16 July 1999. However, this law is not perfect because the legal relevance of organ transplantation is not clearly identified. A special criminal regulation with regard to illegal transplantation does not exist.

The Criminal Code contains Article 156 defined as the Depravity of Under-Age Persons. This Article stipulates punishment against people who seek to incite children under 16 years old to engage in inappropriate behaviour, namely such a person should be jailed for 6 months to three years.

A database of physical and legal entities has been set up with the aim of helping to prevent the trafficking of women and children, as well as prostitution (paragraph 6 of the Programme for the Prevention of Trafficking in Women and Children). The data has been collected from criminal investigations, preliminary examinations, lawsuits or verifications received from Interpol authorities in various countries. The Ukrainian Cabinet of Ministers initiated this programme and it is expected that a coordinated database will allow for more efficiency in law enforcement activities.

In September 2003, the Criminal Investigation Department of the Ukrainian Interior Affairs Ministry, together with other concerned departments, conducted an international prevention operation, 'Mirage', in Ukraine. The South-East Collaboration Initiative (SECI) organised the operation for fighting against transborder crimes in European countries (Albania, Bosnia and Herzegovina, Bulgaria, Greece, Macedonia, Moldova, Romania, Serbia and Monte Negro, Slovenia, Croatia, Turkey and Hungary). Ukraine, together with the Kosovo UN Mission, participated in this operation as a member country.

During the 20-day operation, Ukrainian law enforcement authorities investigated 38 criminal cases under Article 149 of the Criminal Code. Accordingly, 39 persons were charged with criminal offences while 93 females (of whom four were adolescents) women were found and returned to Ukraine. In the Dnipropetrovsk region, an organised criminal group was uncovered. This group had international contacts and recruited Ukrainian girls aged 16 to 18 during the period of 2002 to 2003 in order to traffic them through Hungary to Serbia and Monte Negro, Bosnia and Herzegovina and Kosovo. There, the girls were sold to local souteners (pimps) for sexual exploitation.⁴

Today, these joint international operations covering certain regions are the most effective and successful options applied by law enforcement authorities to deal with trafficking of women and children.

Since the Ukrainian Parliament ratified the UN Convention against Transnational Organised Crime (2000) and signed the Protocol for Preventing and Ending the Trafficking of Humans, and accordingly prosecuted people for these crimes, there has been a further intensification in the activities of law enforcement authorities in several countries to uncover and prosecute members of transnational criminal groups.

6.3. Child Pornography

Child pornography is deemed to be any materials that depict a child or children in a manner that is intended to aid sexual arousal and gratification. There are many different kinds of such materials,

⁴ Imenem Zakonu – No. 45 – 31.10.2003. – p. 6.

which may depict a child engaged in real or simulated sexual activities or lewdly depict parts of a child's body. Child pornography includes not only the use of real children to make these materials but also artificially created imagery.

Article 301 of the Ukrainian Criminal Code refers to the *Importation, Creation, Sale and Distribution of Pornographic Items*. It covers the importation into Ukraine of productions, pictures or any other pornographic item for sale or distribution, as well as the making of such materials and their distribution. It also covers the *use of under-age persons to make such materials* (picture-making or movie and video products, and software). The penalties for committing related offences are jail for terms of three to seven years.

Meanwhile, Article 302 stipulates imprisonment of two to seven years where an adult engages an adolescent in *Creation and Keeping Places of Depravity (Debauch) and Procurement (pimping)*. In 2003, more than 170 such crimes were revealed and prosecuted.

In addition, the Ukrainian Parliament endorsed on 20 November 2000 the draft of a law to prohibit the distribution of pornographic products through the mass media (TV, newspapers, broadcasting). The special executive body in the sphere of culture and art is expected to identify any pornographic content in these products.

While the sale of pornographic materials is prohibited, some sales points exist and sell products to their own clients (for example, video cassettes costing 30 to 35 UAH that are produced mostly in Dnipropetrovsk, in Ukraine, and Saint Petersburg, in Russia). On this subject, however, there are only a limited number of customers who are prepared to discuss the topic.

There is much evidence of the making, distribution and use of pornography in Ukraine, and in fact the business appears to be well organised. However, the extent to which children are used in the making of such materials is less clear, although the examples in the box below indicate a worrying trend. For example, there are cases where parents make their children available to pornographers, while in other situations street children are lured into making pornography on the promise of receiving some kind of reward. While the laws seek to deal with the issue of child pornography, there is no reference to its accessibility and distribution via the Internet, which could be expected to become an increasing problem in Ukraine as Internet use expands in time.

The illegal production of CDs and videocassettes was revealed in Orbita, a Dnipropetrovsk industrial company. The legal business of the company is the production of electronic and computer hardware for the space industry. However, it was found that most of its products contained pornography. This production continued to operate over two years and products were distributed in Dnipropetrovsk, Zaporizhye, Donetsk, Chernigiv regions and elsewhere.

In a raid on the company, SBU (Security Service of Ukraine) employees seized 30,000 video cassettes containing pornography, worth 1 million UAH.

Facts newspaper, 26 November 2003.

In September 2003, in the Mykolayiv region, a person was identified and prosecuted for having a pornography studio and using four under-age persons to make pornography. The materials were distributed via the Internet, including Western-based websites. A criminal lawsuit was enacted pursuant to Article 301, Chapter.3 of the Criminal Code.

In Kyiv, homeless children were picked up in a central street of Kyiv by passengers in a car, who then took the children to an apartment. The children received a bath, food and 50 hryvna (about \$10) before the adults used the children to make pornographic movies and put them on

pornography websites. This was not the first time for the children, who are not able to recognise the harm being done to them.

Law enforcement authorities ceased the activities of two foreign citizens (Swiss and German) who made pornographic pictures of children for the Internet. The police investigation found that Daniel, a company owner from Switzerland, stayed in Ukraine as a participant at a charity programme run by an international organisation. His official mission was to help children from poor families.

Pornographic photos of girls aged 9 to 14 were produced at Facility, in the resort area of Odesa. The owners gave food to the girls, whose parents had voluntarily taken them to the pornographers. The parents were aware of what their daughters had to do. The girls came from Kyiv, Odesa and Illichivsk. From available information, it can be assumed that some of the 28 under-age girls used to make pornography were also being prepared to be trafficked abroad.

In September 2002, a person was detained in Kyiv for molesting under-age children. He showed the children pornographic materials movie and took photos of the girls naked.

A criminal lawsuit was enacted against the Relcom Ukraine company in Kyiv under Article 301 of the Criminal Code. The action related to the disclosure of pornographic products on the company server and the illegal dissemination of such products through the Internet.

The father of a 15-year-old girl sought police action when he found out that his daughter had been photographed naked when she studied at a model agency.

A trainer (Uncle Dima) working with residents at a Kyiv orphanage suggested that a 9-year-old boy engage in indecent actions. Boys stayed at the man's flat/office and looked at pornographic photos

6.4. Prostitution of Children

The prostitution of children is one manifestation of the use of a child in sexual activities for remuneration or any other form of consideration. Most generally, it means that a party other than the child benefits from a commercial transaction in which the child is made available for sexual purposes - either an exploiter intermediary (pimp) who controls or oversees the child's activities for profit, or an abuser who negotiates an exchange directly with a child in order to receive sexual gratification. The prostitution of children in Ukraine has greatly increased in recent years.

The Ukrainian Institute of Social Research conducted a survey in 2001-2002 among females who engaged in commercial sex. Of this group, 11% were minors aged from 12 to 15 while 20% were aged 16 to 17. The focus group members also spoke of 10-year-old girls being forced into prostitution. Among themselves, people engaged in the sex industry tend to keep strict confidences that considerably complicates communication with them in the course of conducting a sociological survey. This group, including the minors, had paid fines for engaging in prostitution. According to police records, 5300 people are involved in the prostitution business in Ukraine. Therefore, realistic figures regarding the number of minors engaged in the commercial sex sector are higher than the survey would have anticipated.

The age at which people first enter prostitution is not officially known, although statistics in surveys indicate that the age of 'sexual debut' is declining. This may be connected with the rapid expansion of communication technologies and the fact that young people receive mixed messages as the infiltration of Western consumerist culture becomes stronger. There is an apparent

generational difference in sexual culture, whereby values and behaviour considered unacceptable by the older generation are not considered by young people as such. This shift in social values might be expected to have an impact on the coercion of children into commercial sex.

In general, the age of 'sexual debut' has dropped to about 15 or 16 years, although in many cases sexual contact starts as young as 9 to 10. Among boys, 3% had their first sexual experience at the age of 11 or earlier. Generally, among age groups of 11-years-old, 21% of boys and 5% of girls told of having had their first sexual experience. Among children who graduated from grade 10 or first-year undergraduate studies, 48% of boys and 24% of girls had experienced sexual contact.

According to Article 303 of the law on Prostitution or Coercion or Involvement in Prostitution:

1. The regular exercise of prostitution, granting sexual services with the intention of gaining an income, is subject to financial penalty or an order to engage in public work for 120 hours.
2. Coercion or involvement in prostitution (that is, granting sexual services in exchange for payment by way of coercion or threat of its application, destruction or damage to property, blackmail or fraud, is subject to a financial penalty, arrest within the terms of six months, or a jail term of one to three years.
3. Actions stipulated in paragraph 1 or 2 of this Article caused against an under-age person or by an organised group are subject to a jail term of three to five years.
4. Souteneurnity (pimping), that is the creation, supervision or participation in an organised group that provides sexual services to male or female persons to gain incomes is subject to a jail term of five to seven years.

There are numerous examples from Ukraine of children engaging in prostitution. It used to be the case that children (mainly girls) who entered prostitution generally came from urban areas, but now the prostitution of children mostly involves young people from rural areas or small towns, and boys engaged in prostitution are becoming more apparent. It is also clear that the spread of prostitution and the increased exploitation of young people in the making of pornography are the basis of trafficking in women and children for sexual purposes.

A case of sexual exploitation of 12 year old girls by sailors occurred in the Black Sea Fleet. The girls were placed in the hold and beaten. A criminal lawsuit was brought and the captain was dismissed.

At a charitable canteen operating at the "Vulkan" plant, where homeless children went to get lunch, a car came by and passengers forced girls aged 12 to 14 to get in. They were taken to a road and forced to engage in prostitution.

Over four years, a pimp in Zhitomir ran a prostitution business from his own flat, other apartments and hotels. He offered women and under-age girls for 100 UAH an hour (about \$20). He paid them 25 to 50 hryvnas per hour.

He placed in his flat an under-age girl, took her passport and maintained her for a certain amount of time. Then, he said she had borrowed money from him and must reimburse it. Every day she was forced to give sexual services to clients in hotels and flats.

In 2003, he was arrested and charge of pimping was made by the Zhitomir Public Prosecutor's Office.

Law enforcement authorities have been inspecting school buildings, looking for brothels and strip-tease bars, after a brothel was revealed in the cellar of a school in Odesa. The school director was dismissed. However, law enforcement authorities suspect there is a network of 'school brothels'.

In October 2003, the Ukrainian Institute of Social Research together with NGOs held sessions with the Coordination Council of the NGO Network, which worked with women engaged in commercial sex. Representatives of the NGOs said remuneration for sexual services depends upon the place where commercial sex occurs. For example, prostitutes received an average of \$200 to \$500 for servicing wealthy clients in expensive hotels. Girls and women who stayed on the streets or at truck stops received \$5 per sex service. Some people may exchange sex for a dose of drugs or a bottle of vodka. Recently, boys of about 13 years have appeared on the streets to offer sexual services to drivers.

6.5. Child Sex Tourism

Child sex tourism is the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children.

Ukraine's national legal framework does not contain any provisions regarding child sex tourism. However, while information about the occurrence of this form of commercial sexual exploitation of children is limited for now, a few cases have indeed been reported. In view of the vulnerability of many children in Ukraine to commercial sexual exploitation, most especially street children, it could be assumed that child sex tourism may become more apparent in time, most especially in the holiday destinations by the Black Sea and Carpathian Mountains that draw in both local and foreign tourists.

National legislation meets international standards in general, in particular the ILO Convention No. 182. However, it can be noted that the legal system in Ukraine is overburdened with regulations that are not implemented because of the lack of effective mechanisms for implementation and relevant control of the law. In general, the Ukrainian population has not had the opportunity to track and familiarise itself with the large number of new laws, by-laws, enactments etc.

At a Kherson hotel, boys aged 9 to 12 years old scuffled with each another in a fight over who would service a foreign client who would pay \$10 to a child who had sex with him.

7. EXPERT-STAKEHOLDER'S ASSESSMENT OF CSEC IN UKRAINE

The in-depth interviews with CSEC experts was used as key method of study for this research. The interviews involved a conversation and prompt contact with various respondents to promote a trusting psychological relationship between the researcher and the respondent. This method also allowed questions to be varied in a way that is impossible on the course of a tightly structured interview format. The experts represented several sectors, namely: employees of the Interior Affairs Ministry, regional department chiefs, district police officers, employees of regional departments for under-age affairs and state departments for family and youth affairs, orphanage employees, regional customs employees, doctors at regional AIDS prevention centres, NGO

representatives (from Chance, Woman for Woman, Female Consortium of Ukraine, the School of Equal Opportunities, Katerina and others). International organisations were also represented (IPEC, IOM in Ukraine, La Strada Ukraine etc).

The survey was held in five regions (Volyn, Zhytomyr, Poltava, Odesa, Autonomous Republic of Crimea) and Kyiv. A total of 45 people were interviewed.

Practically all the experts acknowledge that the problem of prostitution of children, child pornography and trafficking in children for sexual purposes is a topical issue in present day Ukraine. Most of those surveyed think this problem is extremely critical and presents a real threat to Ukraine's security. At the same time, not only does commercial sexual exploitation seriously harm children in both the short term and the long term, it also restrains the country's general development and impinges on its democratic achievements. With regard to child sex tourism, however, not all the experts hold concerns because lot of them are not aware of this issue.

Yet while none of the experts could give an example of child sex tourism, all had dealt with many cases of CSEC such as the prostitution of children, child pornography, and the trafficking of children for sexual purposes.

The responses reveal that not all of the experts comprehend equally the problem of CSEC and its various forms in Ukraine. However, most answers show that CSEC is understood as a complicated and dynamic phenomenon, even though there is no uniform conceptual understanding of CSEC. Apparently, it is worth using terminology developed by international organisations.

Most of the experts shared the opinion that CSEC is a continually expanding problem. The worst fear was that the society in general would become accustomed to such abuse and exploitation of children.

There is no doubt that CSEC is complex and results from various interlinked factors. Fighting it requires a systematic approach. However, the economic situation in Ukraine limits the opportunities for taking action and the experts reasonably assume that preventive actions, even where they are carried out, are sporadic and irregular. At the same time, there is no implementation of action to eliminate the core reasons for the phenomenon and efforts to deal with the consequences are episodic in character. Nevertheless, the experts believe that reasons for CSEC need to be eliminated first. The main efforts of state power and civil society should be concentrated on resolving the country's social and economic problems. All the experts agree that fundamental reasons for the spread of CSEC in Ukraine are economic transition, poverty and unemployment, as well as declining moral and ethical standards. Many people do not have the opportunity to provide adequately for themselves (and their families) and to realise their full potential. This negatively impacts on the population in general and the younger generation in particular.

From analysis of data from the Interior Affairs Ministry, oral stories and expert appraisals, it can be said that there is a high probability that children in particular risk groups could become victims of sexual exploitation. This is especially the case for children who suffer from violence at the hands of family members, as well as street children, orphans, children who use drugs, children from troubled families and children at boarding schools. Children from small towns are also at risk as they seek to move to larger cities in order to seek better living conditions. Much of the risk, especially of being trafficked for sexual purposes, is associated with geographic regions into which trafficking recruiters have greatly expanded their operations. In Ukraine, such regions are border cities, port cities and large metropolitan areas such as Kyiv, Donetsk, Odesa, Sevastopol, Dnipropetrovsk and Yalta, as well as other countries such as Turkey, Germany, Poland, Italy, Yugoslavia and the Russian Federation. Where children are trafficked abroad, it is commonly for the purpose of sexual exploitation or begging.

Expert group's assessment of gender and age distribution of child victims of commercial sexual exploitation:

"Mainly girls (75-80%) aged 11 to 16 years from small towns."

"Risk groups also cover adolescents, who suffered from violence in families."

"Boys and girls aged 9 to 13 years - homeless children, children from troubled families, orphan children."

"All known cases are only girls aged 12 to 14 years. They are homeless and came from troubled families."

"Girls aged 10 to 15 years from troubled families and orphan children".

"Disclosure of boys is the most complicated task and it is much more complicated to hear from them the true explanation."

"Criminals watch girls who participate in beauty contest and the shows of top model agencies."

"Graduates from special boarding schools, who are absolutely not adapted to contemporary life".

It is mainly girls aged 11 to 16 from troubled families who become victims of sexual exploitation both in Ukraine and abroad. Many of these girls never get an education.

As for the physical and psychological state of child victims of commercial sexual exploitation, all are psychologically harmed and intimidated by the experience; often they suffer depression, and sometimes they resort to drugs and alcohol as a means of escape. Children are often also afraid to tell anyone about what has happened to them and so they do not ask for help; alternatively, they are not aware that help may be available to them. In addition, CSEC victims are also at risk of contracting HIV in the course of commercial sex, although official data on this with regard to Ukraine is deemed confidential and so is not made available.

The experts agree it is difficult to estimate the number of children who are used to make pornography in Ukraine. Parents may be unaware of their children being exploited in this way while adolescents may be lured into making pornography in order to earn money not only for their own needs, but also to meet their family's needs. In addition, certain aspects of the sex industry in Ukraine have been legalised, including peep shows and strip-tease acts, which take place in every district head town. It is important to note that young refugees or children of refugees, who are denied special support outside of the zones in which they live, are particularly vulnerable and thus very attractive 'material' for adults wishing to force them into pornography and prostitution. There are also cases where parents themselves have used their own children for making pornography, in exchange for money. There are also known cases where children were used to make pornography in order to blackmail their mothers.

A woman, 24, from Lutsk and two her daughters (four and three years old) were sold into slavery in Poland. For this purpose, she received a foreign passport and was promised employment as a housekeeper at a salary of \$200. In Katowitch, Poland, she was forced to beg together with her children. One daughter stayed with the mother, the other was held as a hostage. The girls were beaten harshly because they could not sit in a wheelchair all day. The younger girl was beaten so hard that she could not walk at all. The children stayed hungry throughout the day; at night they received a piece of cheap sausage. They were lucky: the police found them and deported them home.

A 9-year-old girl was returned from Bulgaria to Kherson. She became a hostage due to her mother, who engaged prostitution in Greece. Nobody knows how this story might have ended, if it were not for Interpol's intervention.

The experts noted that people who deal in trafficking of people select as victims mostly young women and girls who live in regions where the social and economic status is very low and there are less chances to improve one's life situation. Criminals especially look for single women with small children and offer them a 'profitable job' abroad (as the above examples show).

It is worth noting that the risks to children of being commercially sexually exploited are also related to a lack of public information. The experts stated that newspaper articles illustrate only occasional cases and offer no in-depth explanations. The media in general does not seem prepared to launch an information campaign in the public interest; at the same time, such a campaign would need not to be just city-based but also reach into the regions. TV stations do air programmes that report on cases of trafficking of women and children abroad, but these programmes were generally not shown in prime time.

Nevertheless, the mass media is in a position to influence the development of culture and the formulation of ideas and values. On the one hand, it is blamed for de-sensitisation with regard to violence and the spread of violent imagery. On the other hand, mass media is a means for educating people about sexual violence against children and adolescents. The contradiction is where media seeks to fight the abuse of children while also creating and promoting sexually provocative images of adolescents. As a result, the experts believe the media's role may be negative in awareness-raising on CSEC issues.

"Mass media almost ignored the CSEC problem. On the contrary, mass media promotes this violence and cruelty through public TV channels."

"Mass media highlighted the CSEC topic from one side, with no analysis of reasons, no proposals to solve it."

"Statistical data are not provided."

"On the contrary, mass media demonstrated violence and cruelty. Episodic programmes do not give any effects."

Expert survey proceedings

The above examples demonstrate a reason of low level of public information on these negative phenomena.

Regarding the adoption of Ukrainian children by foreign citizens, the experts expressed different opinions. Half assume adoption is a basis for further commercial sexual exploitation and they even identified several organisations that need to be dealt with in this regard; 25% think adoption is under the control of state authorities. The rest of the experts did not respond on this issue.

The experts were also divided on the role of Ukraine's state authorities in trying to solve CSEC. A minority believed that government authorities did the best they could in view of the circumstances and limited resources. A majority, however, thought state counter-action was insufficient and that coordinated action was sorely lacking. Some felt that perhaps state authorities had insufficient information for dealing with the issue. Yet the Ministry of Interior Affairs compiles much statistical data on CSEC both in Ukraine and abroad. Thus, there is no reason to assume that the proper authorities do not receive relevant information.

As for the assessment and improvement of existing laws to tackle CSEC in Ukraine, the experts again expressed differing opinions. A third assumed that existing laws were sufficient to meet the requirements and realities of the present day. The rest were not so optimistic and noted several constraints in the legal system. Firstly, it is impossible to prosecute criminals outside of Ukraine for crimes committed against children in Ukraine. Secondly, the law with regard to defining traffickers, including recruiters within Ukraine, is open to interpretation.

“Violence, which breaches sexual inviolability and the normal sexual development of a child has the most hazardous character. Therefore, a special legal amendment should be dedicated to violence against children.”

“The legal framework is not well developed. Violence against children shall be emphasised in a special legal amendment and carry a harsh punishment.”

“Possibly, criminal responsibility of the parents for a negligent attitude to children should be introduced, as well as for the consequences of such an attitude.”

“Provision of Law (Clause 149) needs to be replaced so that it would be possible to prove violence during the crossing of Ukrainian border or outside Ukraine's borders.”

“Administrative, criminal responsibility of parents and officials of children's educational institutions should be envisaged in cases where children suffer from an offence.”

Expert survey proceedings

Thus, collaboration among law enforcement authorities from various countries lagged behind the collaboration of criminals. The experts feel it is necessary to pay more attention to various forms of CSEC. Rather than adhering to the traditional approach generally taken by Ukrainian law-makers to prevent sexual, it is now crucially important to strengthen the legal protection of the rights and freedoms of adolescents and laws regarding their protection against all forms of sexual exploitation.

Many experts summarised their opinions as follows:

- The trafficking of children is a critical issue in Ukraine;
- Trafficking in children for sexual purposes is largely an unseen phenomenon;
- Activities to prevent trafficking of children should be carried out on the basis of other legislative framework and distinctive methods of work (this means there is a need for improvement or replacement of strategies);
- Activities to prevent trafficking of children for sexual purposes should be done in close collaboration with NGOs.

8. CONCLUSIONS AND RECOMMENDATIONS

The spread of commercial sexual exploitation in Ukraine attributed to the economic transition, poverty and unemployment as well as declining moral and ethical standards, has resulted in a serious situation in the country. In the context of the world community concerned with combating the problem, Ukraine has become a major supplier country and transit country of “human cargo” destined for sexual and other forms of exploitation. In this regard the prostitution of children has also visibly increased in Ukraine as has the trafficking of children for sexual purposes. The rapid assessment conducted indicates some urgent and priority areas that need to be addressed to protect children from sexual exploitation and to care for those already affected by such violations. In addition, general strategies must be employed to generate social commitment to the protection of children. These include awareness-raising campaigns for prevention of CSEC in Ukraine and training of social workers, employees of educational institutions and NGO members on the topic of CSEC. Also the collaboration of governmental institutions and non-governmental organisations for the prevention and protection of children against CSEC including the sharing of national and international experience and best practices is essential.

A broad legal framework is necessary for the protection of children. Such a framework must be comprehensive to protect children from all forms of sexual abuse and exploitation. In this context, an analysis of the Ukrainian legal code related to children is essential. In-depth interviews with experts working on children’s issues have highlighted the following action priorities and recommendations:

- Articles 121, 122, 125, 126, 127, 149 of the Ukrainian Criminal Code must be brought into compliance with international requirements and others must be newly developed or reviewed to ensure comprehensiveness of protection;
- Ratification of the Optional Protocol to the Convention on the Rights of the Child relating to trafficking in children, prostitution of children and child pornography is required;
- The current legal framework provides inadequate protection of children from CSEC and other forms of sexual violence. Special chapters for violence against children should be outlined. Therefore a comprehensive review of the legal code as it relates to children is needed specifically;
- Training of law enforcement and the judiciary to sensitise them on child protection issues related to CSEC and to promote child rights based approaches is needed.

Violence against children in the country is a serious and widespread social problem. The least protected children in Ukraine are those who come from troubled families, street children and institutionalised children. The violence which children experience in their homes, in the street and institutions is a key factor pushing children into commercial sexual exploitation. In this regard, it is critical that priority action is taken to:

- Provide all members of the society with more information and channels to take action to protect children including reporting of such violations to relevant authorities and institutions responsible for their care;
- The educational programmes on children’s rights in school should include the problem of sexual violence, exploitation and abuse, slavery, measures for self protection from the luring toward and use in prostitution, pornography and also to guide them of how to use the Internet safely.

Children and the family

Many of the children living on the street are orphans, but many others are not technically or legally regarded as orphans because they may still have parents who are not responsible for their

care. Children at risk including those living in troubled families and street children are forced into begging and earning money in any other way. For these groups of children:

- Effective legislation is required to establish criminal responsibility of those who sexually exploited them through prostitution, trafficking and pornography. This should include all those whose actions are responsible for commercial sexual exploitation of children, including family members;
- More social interventions are needed to work directly with families whose children are vulnerable to all forms of exploitation, such as mediation and sensitisation to children's issues. The study has found that an alarming number of families whose children are in trouble, including when they disappear, do not take any action to assist them or to locate them.

Institutions

Boarding schools and other institutions for needy children are unable to provide adequate services and to carry out essential functions needed to assist such children.

- A large number of children who experience violence and abuse or whose families have social and economic problems end up in institutions. Few options are available for them to receive any other form of help or care.
- Such “children under state wardship” are given little social or financial support to prepare them when they are released from state institutions (boarding schools): for example they have little assistance to find habitation, employment, education, and to protect them from all forms of exploitation including CSEC;
- New structures for providing orphan or neglected children are appearing in Ukraine: foster families and shelters. These new care institutions should have regulatory frameworks to guide their operation and oversight and monitoring.
- The shift toward promoting wardship and social rehabilitation of street and neglected children from institutions to foster families requires further development and must be considered comprehensively. That is, the aim to give temporary wardship of children, from a few weeks to up to the full age of a child, must be accompanied by regulatory structures that prevent and protect any misuse or abuse of the child in such circumstances. Such form of wardship is a positive move away from solely institutional responses provided that it allows the social protection of the child who has temporarily lost parental care and will be under another adult's care.
- The receiving foster family as a new social institution can successfully implement its function only, when they are provided guidance, support and supervision so as to perform systematically the full scope of care for the child.
- In addition to placing a child in a foster family or institution, work should be conducted with families of child victims of CSEC to enable them to return to their native home safely as the priority of native family has absolute character;

HIV/AIDS among children

The risk of children contracting HIV is high in Ukraine, especially among street children.

- Special attention should be given to launch a preventive campaign among street children on HIV/AIDS to provide them with information relevant to their situations and inform them and assist them to access needed health care
- Special assistance should be provided to HIV- infected children through monitoring systems that enable regular assessment of their needs and the protection of their rights.

- Children with HIV must be provided with access to an adequate and non-discriminatory education, contrary to the current policy among schools in many regions that refuse to allow such children to participate in mainstream education;

Commercial Sexual Exploitation of Children

Trafficking of children

Trafficking of children to countries that do not require passports of children but only a birth certificate is very easy. In addition the IOM reports that 10% of all trafficking victims who are known to return to the Ukraine are aged 12 to 18.

- The Comprehensive Programme for the Prevention of Trafficking in Children in Ukraine should be highlighted through the mass media and monitored for effectiveness of its implementation;
- To enable the application of Article 149 of the Criminal Code on trafficking, amendments must be made to the definitions and provisions to ensure that they comply with those of international instruments for the protection of children. In this regard the children can be used in prostitution, pornography, and through trafficking for begging and other forms of exploitation including forced labour and services, slavery or customs equivalent to slavery or bondage. The consent of a victim to such exploitation cannot be accepted.
- The crossing of the Ukrainian border should not be treated as the only component for a definition of trafficking in children.
- A victim cannot be the subject of criminal prosecution for illegal crossing of a border and the usage of false documents.
- Support should be given to developing agreements between countries to which Ukrainian children are trafficked. Most attention should be dedicated to identifying locations of children that are trafficked and to fighting organized criminality.

Prostitution of children

Based on the findings of the study, children of both sexes work in prostitution starting from age 12-13. To address the problem of child prostitution it is necessary to:

- Sensitise police to the circumstances that drive children to be exploited in prostitution so as to prevent them being treated as offenders rather than victims
- Design special outreach social services (drop in centres, hotlines) that reach children victims of prostitution
- NGOs, social workers, juvenile police can carry out outreach work among prostitutes to gain their support and participation to assist in the elimination of sexual exploitation of children

Child pornography

There is a major underground industry with regard to the making of adult pornography in Ukraine. Although there has been little documentation on the scope of child pornography, it can be expected that this form of sexual exploitation is likely to grow as there has been an increasing number of reports in this regard.

- Education to prevent the exploitation of children in pornography is required. Children should be provided with information and skills to protect them from those ready to exploit

them through the internet or other forms of media such as the entertainment industry (recordings, films, modeling).

- Internet safety for children should be introduced in school curricula.
- The legal code should criminalise the possession and the export of all forms child pornography in addition to production and distribution.

Rehabilitation and reintegration of CSEC children

Ukraine has no adequate system for rehabilitation of children who have suffered from sexual exploitation. Special institutions and experts to work with such children do not exist. Although some public organisations give psychological help to commercially sexually exploited children and their parents, in many cases, parents do not seek this help.

- Children who have suffered from commercial sexual exploitation require special care and help (psychological, medical and financial);
- The creation and development of non-governmental organisations to work on preventing commercial sexual exploitation of children and helping victims of CSEC should be promoted;
- Reintegration and rehabilitation programmes for CSEC victims should be developed;
- Special training programmes for caregivers otherwise known as specialists working for rehabilitation of children should be carried out.

9. LIST OF ORGANIZATIONS WORKING IN CSEC ACTIVITIES

Ministry of Internal Affairs of Ukraine

01024, Kyiv, Akademika Bogomoltsya St. 10

tel.: (+38 044) 291-16-45

Mykhailo I. Andrienko, Head of Department for Combating Traffic in People, the Ministry of Internal Affairs of Ukraine.

Department for Youth Delinquency, Criminal Police of Ukraine

01024, Kyiv, Kruglouniversitetskaya St., 16

tel. (+38 044) 291-31-08

Olexander D. Zaporozhets – Department Chief

Ukrainian State Committee for Family and Youth Affairs

01025, Kyiv, Desyatinnaya St., 14

tel. (+38 044) 229-11-24, 228-58-51

Lyudmila Yakimenko – Chief of Under-Age Affair Department

United Nations International Children Emergency Fund (UNICEF)

01021 Kyiv, Klovskiy Uzviz, 1

tel. (+38 044) 253-04-79

UNICEF aims to protect child' rights and supports the healthy style of life. The prioritized programme is given to improvement of protection and support for HIV/AIDS infected children and families.

“Chance ”, Charity Fund

Olena Ivanivna Makarenko – Vice-President of Fund

Lvivska St., 63-B, suit 67

Lutsk, 43018

Ukraine

tel. (+38 03322) 4-04-92

e-mail: sharuta2002@mail.ru

The fund conducts its prevention activity among drug users and HIV-infected.

“School of Equal Opportunities ”, International Public Organization

Irina Konchenkova – School Director

Pugacheva St., 10, office 407

Kyiv, 04050

tel. (+38 044) 213-29-41, 213-94-31

e-mail: gender@ukr.net

The most concern is drawn to work among young people to improve their educational level. The following training is carried out, which topics are as follows: prevention to people' traffic, healthy style of life, prevention to violence etc. The NGO has a network of 18 regional “Schools” where participate about 2000 children. 13-20 years old peer-educators conduct trainings among youth. The “School” has a performance theatre, interactive theatre and training program on prevention of trafficking in children and child prostitution. All these activities with big success have been presented for young and adult people in several cities of Ukraine.

“Katerina” Zhytomyr Public Charity Foundation for Protection of Under-Age Children

Lyudmila Proskurina– Board Administrator
Zhytomyr, Tsiolkovskogo St., 14
Ukraine
tel. (+38 0412) 33-09-85, 33-73-56
e-mail: mirdan@com.zt.ua

This Foundation protects rights of children through overall spheres of life and gives them psychological, legal and medical assistance.

“Red Ribbon ”, Kharkiv Regional Charity Foundation for Help to HIV-infected and AIDS-diseased

Lyudmila Yeskova– Deputy Chief
Borby St., 6
Kharkiv, 61044
Ukraine
tel. (+38 0572)90-19-83, 92-22-08
e-mail: aidsic@vl.kharkov.ua

Its activity is aimed to help to violence victims, HIV-infected. The foundation employees work with women of sex business.

IPEC, International Labor Organization

Olena Petrachshuk– National Manager
Esplanadna St., 8/10, suit 808
Kyiv, 01023
Ukraine
tel. (+38 044) 226-29-38, 220-87-48
e-mail: ipec_petrashchuk@mlsp.ukrpack.net

International organization draw its care to issues of labour training and scholar' education and introduces international programme to extirpate the worst forms of child' labour.

Women’s Consortium of Ukraine, Ukrainian Public organization

Grace Kenan – the President
Hmelnitsky street 50, office 5
Kiev, 01030
Ukraine
tel. +38 (044) 238 62 92

The organization provides special aid to waifs, children violence victims. In its work it collaborates with international organizations in order to eradicate the phenomenon of children working. Also it works to prevent violence and people traffic.

La Strada – Ukraine, An International Women’s Law Centre

Katherine Lewchenko – the President
Hmelnitsky street 44
Kiev, 01030
Ukraine
tel. +38 (044) 234 04 46
e-mail: lastrsda@lastrada ldc.net

The organization has as the main purpose of its actions - prevention women traffic in Central and Eastern Europe. It organizes a lot of radio and TV programs, discursions, seminars, “hot lines”.

Sophia, Ukrainian Found of Social and Medic Help

Ludmila Gucol – the President of the Found

Chernyshewsky street 6

Kharkiv, 61002

Ukraine

tel. +38 (0572) 43 51 48, 47 45 52

e-mail: iom@kharkov.ukrtel.net

The organization is a beneficial one, it works in order to improve medical and social services by creating and inculcating modern medical technologies and preparations for prophylaxy and therapy of social diseases (namely, oriented to children).

Faith, Hope and Love, Public Movement

Tetyana Semikop – the Leader

Youth square 17

Odessa, 65006

Ukraine

tel. + 38 (0482) 63 33 39, 23 48 67, 68 39 85

e-mail: kitchenko@te.net.ua

The Public organization, in order to prevent people traffic, takes a part in the creation and elaboration of the “hot line” and also works on the realization of special curses for elementary school to prevent drug addiction etc. Prophylaxis of HIV/AIDS among women working in sex-business is also one of the main purposes of organization work.

Agapit, Kiev Found of Medical and Prophylaxis Programs and Social Aid for People

Timchuk Ihor – the President of the Found

Berdichewska street 1

Kiev, 04116

Ukraine

tel. +38 (044) 244 57 13

The organization provides for prophylaxis work with teenagers, including educating work of HIV/STD. Also they provide for informative-educating work with women working in sex business.

Avante, Beneficent Found

Andrew Romanets – the Director of Found

Kulisha 1, apt. 10

Lviv, 79058

Ukraine

tel. +38 (0322) 62 51 53

e-mail: avante@mail.lviv.ua

The Found works with waifs, teenagers and women working in sex business. The organization creates the centres of HIV/AIDS information in Ukraine, raises the informative level among students.

Mother, Family, Mercy, Beneficent Found

Larysa Ermakova – the President

Dzerzynsky street 84, floor 2

Kirovohrad, 250022

Ukraine

tel. +38 (0522) 22 95 86

e-mail: humax@kdtu.kw.ukrtel.net

The Found puts into the practice such programs as “Society Against Women Sexual Exploitation”, “Psychological Aid to the Children of Problem-families”, starts patronage programs as “The House of Kids”, “Special Boarding-schools” and conducts an individual work with children.

Salus, Beneficent Found

Oleksandra Sluzytska – the President
Technichna street 10, apt. 4
Lviv, 79000
Ukraine
tel. +38 (0322) 34 32 85
e-mail: salus@icpm.lviv.ua

The main purpose of the Found work is to prevent sexual violence towards women, stop women traffic, provide prophylaxis assistance, diagnostics and therapy of HIV/AIDS and STD.

International Organization for Migration

8 Mykhailivska St., 01001 Kyiv
E-mail: iomkiev@iom.int
Fax number: +(380 44) 568 50 16
Phone number: +(380 44) 568 50 15
E-mail: ievops@carrier.kiev.ua

IOM has programmes for trafficking in women and girls. These programmes include medical treatment (a rehabilitation centre in Kyiv’s hospital) and vocational courses in many regions of Ukraine as an integration of victims to society.

9. BIBLIOGRAPHY

Legislation

2003-2005 State Programme for the Prevention of Children's Homelessness (No. 154 of February 21, 2003)

Collection of International Documents and Laws of Ukraine on Social and Legal Protection of Children. Revised Edition. Volumes 1 and 2. Kyiv. 2001.

Comprehensive Programme for Combating Trafficking in People for 2002-2005 (No. 766, of June 5, 2002).

Criminal Code of Ukraine. Adopted by Verkhovna Rada of Ukraine on April 5, 2001.

Decree of the President of Ukraine 'On Complementary Measures on Missing People and Co-operation between Law Enforcement Agencies and Other State Agencies for Investigation' (No. 20/2001 of January 18, 2001).

Declaration 'On the Basic Principles of State Youth Policy in Ukraine' (No. 2859, of December 15, 1992).

Law of Ukraine 'On Ratification of the ILO Convention 'On of the Ratification of the ILO Convention on the Elimination of Child Labour' (No. 2022, of 5 October, 2000).

Law of Ukraine 'On Prevention of Domestic Violence' (No. 2789-???, of November 15, 2001).

Law of Ukraine 'On Protection of Childhood' (No. 2402-???, of April 26, 2001).

National Programme 'Children of Ukraine'. (No. 63 of January 18, 1996).

The Legal Status of Minors: a collection of laws and regulations. Kharkiv City, Espada. 2002.

Programme for Prevention of Trafficking in Women and Children. Decree of the Cabinet of Ministers of Ukraine, No. 1768 of September 26, 1999.

Reports

Child Labour in Ukraine. State Report. Kyiv. 2001.

ILO. *International Labour Organisation: information campaign to prevent trafficking in women.* Kyiv. 1998.

Interpol. *Trafficking in Children for their Sexual Exploitation and Adoption of Foreign Children; the history of the problem and nowadays solutions.* 1999.

Report on Rapid Assessment Sociological Survey 'Prevention of Trafficking in Women for Involuntary Servitude and Sexual Exploitation in Ukraine.' Kyiv. 2003.

Secretariat of the Verkhovna Rada of Ukraine. *Export in Women and Involuntary Involvement in Prostitution: a manual for MPs*. Press Release. Kyiv. 1997.

Secretariat of the Verkhovna Rada of Ukraine. *Export in Children: a manual for MPs*. Press Release. Kyiv. 1997.

State Institute for Family and Youth. *Social Analysis of the Main Factors Contributing to Trafficking in People: the real situation and perspectives for prevention*. Kyiv City. 2003.

Web pages

Centre for Public Relations at the Ministry of Internal Affairs of Ukraine. <http://mvsinfo.gov.ua>

Do Not Seek Easy Money and Turn to Police in Case of Troubles.
<http://mvsinfo.gov.ua/events/2002/112702.html>

Effective Response to Traffic in People Requires an Improvement of the Ukrainian Legislation.
<http://mvsinfo.gov.ua/events/2002/112302.html>

N. A. Gutorova. *The Responsibility for Trafficking in People as Provided by the Criminal Code of Ukraine and the Challenges of the Internal Affairs.*
<http://reform.geoweb.ge/Reseaches/Ukraina.HT.htm>

N.A. Orlovskaya. *To the Issue of Traffic in People: the experience of Odesa Region.*
www.inter.criminology.org.ua/materials/orlovskaya

N.A. Orlovskaya. *On Some Problems with Regard to Combating Porno Business: the experience of Odesa Region,* www.inter.criminology.org.ua/materials/orlovskaya

Books

A collection of materials on trafficking in women and children prepared by the Legal Adviser of the US Embassy in Ukraine. Kyiv. 2000. Volumes I and II.

O. M. Bandurka. *Law Enforcement Agencies in the Prevention of Traffic in People*. NUVS, Kharkiv City. 2001.

O. V. Kuzmenko. *The Notion of Traffic in People and Its Role in Illegal Migration: Traffic Problems and Solutions*. Volume 10. Kyiv. 1998.

Working Children as a Socio-Pedagogical Phenomenon. Kyiv. Nika-Centre. 2003.

V. O. Ivachenko. *Criminology and Legal Aspects of Combating the Traffic in Women and Children*. NAVSU, Kyiv. 2000.

E. B. Levchenko. *How to Organise a Response to Traffic in Women. Practical Training Guide*. Kyiv. 2001.

E. B. Levchenko. *Social Work on Prevention of Traffic in People and Support to Victims. A Training Manual*. Kyiv. 2001.

S. Krivosheev, V. Kuts, and V. Sobolev. *A Review of Mechanisms, Means and Measures to Combat Traffic in People in Ukraine*. MOM, Kyiv. 2002.

NUVS. *Prevention of Traffic in Women: a manual*. NUVS, Kharkiv City. 2001.

Protection the Women's Rights and the Objectives for Law Enforcement Agencies' (a collection of articles. Kyiv City, Kharkiv City, 1999.

Prevention of Traffic in People. Methodological and Training Guide. National University of Internal Affairs. Kharkiv City. 2001.

O. P. Petraschuk. *Combating Child Labour*. Translation from English by L. Taran and G. Lozynska. Pulasry, Kyiv. 2002.

V. I. Tiotkin, O. P. Petroschuk. *Combating Exploitation of Children: a manual for labour inspectors*. Translation from English by I. O. Inozemtseva. Millennium, Kyiv. 2002.

The working children as social and pedagogic phenomenon. Nika-Center, Kyiv. 2003.

L. S. Volynets. *The Rights of Children: problems and prospects*. Ukrainian Institute for Social Research, Institute of Childhood. Logos, Kyiv. 2000.

V.O. Ivashchenko. *The criminological, criminal and legal aspects of fighting against trade by women and children*. NAVSU? , Kyiv City, 2000.

Winrock International. *Prevention of Domestic Violence and Trafficking in People*. Kyiv. 2001.

Magazines

N. Vlasenko, V. Kostyrytsya. 'Child Labour in Ukraine'. *Sotsialniy Zakhyst*, Vol. 7. 2000. pp.37-39.

S. F. Denisov, P. P. Serduk. 'Improvement of the Legislation on Traffic in Women'. *Visnyk Odeskogo Instytutu Vnutrishnih Sprav*, 2000, Vol. 2, pp.48-55.

B. Golovkin, V. Bogatyriova, 'Public Opinion on Traffic in People: a criminological insight', 'Pravo Ukrainy', 2003, Vol. 7, pp.,34-38.

A. Diachenko, 'The Responsibility for Sexual Exploitation of Women and Children', 'Ugolovnoe Pravo', 2003, Vol. 2, pp.22-24.

O. Naden, 'Traffic in Women: components and solutions', 'Pravo Ukrainy', 2003, Vol. 7, pp.16-21.

Newspapers

G. Romanova. 'Child Labour Needs Legalisation'. *Golos Ukrainy*'. 21 November 2000. p.8.

M. Svistelnikov. 'Labour of Children under 16 Years of Age Needs to Be Legally Regulated'. *Pravo Ukrainy*, Vol. 4, 1998. p. 88.

‘Mirage – 2003’, People promote the regional cooperation in fighting against people trade. *Imenem zakonu*, 31 October 2003.

I. Rybinskaya. ‘Offering smoked chicken and ananas juice to orphanage boys, Uncle Valera put them after in bed and demanded petting from them’. *Facts and Comments*, 17 October 2003, pp.23-24.

V. Gareva, ‘Left a Daughter Abroad ... as a Deposit’, *Segodnya*, 17 October 2002.

O. Geidor, ‘10% of the Ukrainian Prostitutes are Students at Schools or PTUs’, *Segodnya*, 17 February 2003.

I. Gudzovaty, ‘This is Not in the Statistics’, *Golos Ukrainy*, 26 December 2002.

A. Udovichenko, ‘The Wolf and Seven Hostages’, *Kievskie Vedomosti*, 12 September 2003, p.11.

‘Ukraine Won the Bronze in Traffic in People’, *Segodnya*, 20 March 2003, p.2.

Appendix 1

The Expert's Interview Script on the problem of Commercial Sexual Exploitation of Children (CSEC)

1. First of all it would be suitable to know how you perceive and understand this problem.

Is the CSEC problem urgent for Ukraine, namely:

- prostitution _____
- pornography _____
- people traffic _____

What are the modern tendencies of this problem in Ukraine? _____

It is obvious, that CSEC – is a very complicated phenomenon that is influenced by many interdependent factors and of course that all the actions against it have to be integrated. But Ukraine's current economic situation restricts this achievement of all the possibilities.

Please, name some of the actions against CSEC listed below that, in your opinion, were successfully put into the practice in Ukraine

- CSEC's preventive actions _____
- Elimination of the causes of the phenomenon _____
- Struggle with the consequences _____

Could you please help us add some other actions to make this list complete? In your opinion, what kind of actions against CSEC nowadays have to become the most important in Ukraine? _____

Does the government treat this problem as a priority for the country and, in your opinion, are they fully informed about the current situation? _____

Could you please name Ukrainian Public organisations and International organisations that work on this problem solution in Ukraine? Do you think their work brings real results and is effective? _____

Do you think the government does enough to overcome the CSEC problem in Ukraine? _____

Are the Ukrainian Media emphasising the CSEC problem? _____

If yes, are they doing it in a proper way? If not, what is wrong in their highlighting? _____

2. What are the main destination countries for CSEC from Ukraine or, in the case of domestic trafficking, what are the recipient regions? _____

What kind of CSEC you have faced in your practice? (could you please tell us in details about those accidents)? _____

Children of what sex more often become the victims of the CSE (boys or girls; how old are they; wives, children from problem families, orphans; children belonging from big cities or the country side; are they studying or working? Could you please tell us their percentage proportions. _____

What is your opinion of children's psychical and physical conditions after they have been rescued from CSE? _____

Do you know any examples of such situations when CSE was the reason for their being infected with HIV? If you know such an examples, please tell us more about them.

3. The next point applies to the basis of the national law system for the prevention of people trafficking. How do you evaluate Ukrainian current legislative and normative basis in people traffic prevention? Do you think it is necessary to create a special section in the law which would apply to crimes against children – children traffic with the purpose of sexual exploitation, forcing children to prostitute and take part in pornography, etc.

It would be nice to know your personal suggestions on how to improve, add or change the legislation? What kind of documents, legislative acts have to be approved to provide an effective campaign against the CSEC problem in Ukraine? _____

Could you please name governmental and regional programmes of CSEC problem prevention you know? _____

4. What do you think could be done to provide more effective governmental CSEC – prevention programs beyond legislative and normative basis improvement?

Which methods of CSEC combating do you consider as the most effective? Please give us your examples? _____

Could you please name the most relevant reasons for CSEC spreading? _____

5. What would you like to add to this problem solving? Please tell us your personal impressions and remarks.
