

In 2013, Ukraine made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government increased the punishment for engaging children in pornography, begging, and other exploitative labor to between 5 and 10 years of imprisonment.

It provided training on child labor to labor inspectors and on trafficking to law enforcement and migration officials as well as judges. It provided the Cyber Crimes Department with new software to track child pornography. The Ministry of Social Protection (MSP) also published standardized guidelines for all regions to use in providing services to trafficking victims. However, children continue to engage in child labor in the service sector and in the worst forms of child labor in commercial sexual exploitation, including pornography. Gaps remain in some areas of laws as well as policy and program implementation. The Criminal Code does not prohibit the possession of child pornography and lacks clarity regarding the age of consent for sexual relationships. The National Action Plan to Implement the UN Convention on the Rights of the Child and the National Program for Combating Human Trafficking remained unfunded in 2013. Furthermore, shelter and rehabilitation centers for children, including street children and victims of trafficking, are insufficient to fully address the extent of the problem.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Ukraine are engaged in child labor in the service sector and in the worst forms of child labor in commercial sexual exploitation, including pornography.⁽¹⁾ Table 1 provides key indicators on children's work and education in Ukraine.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5-14 yrs.	15.1 (904,210)
Attending School (%)	5-14 yrs.	95.8
Combining Work and School (%)	7-14 yrs.	17.3
Primary Completion Rate (%)		102.8

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2014.⁽²⁾

Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 3, 2005.⁽³⁾

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Harvesting of onions,* other activities unknown (1)
Industry	Construction, activities unknown* (1)
	Mining, including loading, transporting, and sorting of coal (4)
Services	Sales activities in kiosks* (5)
	Street trade,* including distributing advertising leaflets* and washing cars* (1, 5)
	Begging* (1)
Categorical Worst Forms of Child Labor†	Used in production of pornography (1, 6, 7)
	Commercial sexual exploitation sometimes as a result of human trafficking (7-9)
	Begging and domestic service as a result of human trafficking* (6)

* Evidence of this activity is limited and/or the extent of the problem is unknown.

† Child labor understood as the worst forms of child labor *per se* under Article 3(a) – (c) of ILO C.182.

Ukraine




MODERATE ADVANCEMENT

Commercial sexual exploitation of children, including pornography, remains a serious problem in Ukraine.(7, 10) Children are trafficked from Ukraine to other countries as well as within the country.(9, 11) Homeless, orphaned, and poor children are at high risk of being trafficked and are targeted by recruiters for child pornography.(8, 12) There is a lack of research on the work activities carried out by children in agriculture, construction, and services in Ukraine. Access to education is limited for rural and Roma minority children. In areas with low population density, some schools have closed due to the lack of school-aged children, forcing children to travel to distant villages for school.(10)

II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

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

Table 3. Ratification of International Conventions on Child Labor

	Convention	Ratification
	ILO C. 138, Minimum Age	✓
	ILO C. 182, Worst Forms of Child Labor	✓
	UN CRC	✓
	UN CRC Optional Protocol on Armed Conflict	✓
	UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓

The Government has established relevant laws and regulations related to child labor (Table 4).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	16	Article 188 of the Labor Code, Article 150 of the Criminal Code, Criminal Procedure Code (1, 13, 14)
Minimum Age for Hazardous Work	Yes	18	Article 190 of the Labor Code (13)
List of Hazardous Occupations Prohibited for Children	Yes		Order No. 46 (1, 15)
Prohibition of Forced Labor	Yes		Article 43 of the Constitution of Ukraine (16)
Prohibition of Child Trafficking	Yes		Article 149 of the Criminal Code, Criminal Procedure Code (1, 14)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 301-303 of the Criminal Code, Law On Childhood Protection; Law on Amendments to Some Legislative Acts of Ukraine on Combating the Distribution of Child Pornography (1, 14, 17, 18)
Prohibition of Using Children in Illicit Activities	Yes		Article 309 of the Criminal Code (14)
Minimum Age for Compulsory Military Recruitment	Yes	18	Article 15 of the Law of Ukraine on Military Duty and Military Service (19)
Minimum Age for Voluntary Military Service	Yes	18	Article 15 of The Law of Ukraine on Military Duty and Military Service (19)
Compulsory Education Age	Yes	18	The Law on General Secondary Education (20, 21)
Free Public Education	Yes		The Law on General Secondary Education (20, 21)

In Ukraine, the minimum age for work is 16; however the Labor Code allows children in secondary or vocational schools to perform light work at age 14 with parental consent, provided that work does not interfere with their education and is not harmful to their health.(1, 22) Research found that minors in vocational training programs for hazardous occupations are permitted to perform hazardous work for less than four hours a day beginning at age 14, as long as occupational health and safety standards are met.(15) Moreover, the ILO Committee of Experts noted that the minimum age for such work is 2 years below the international minimum age of 16 for entering hazardous vocational training.(22)

In 2013, the punishment for engaging children in pornography, begging, and other exploitative labor increased to 5 to 10 years of imprisonment.⁽¹⁾ However, existing criminal laws in Ukraine continue to have gaps in fully protecting children from the worst forms of child labor. While the Criminal Code prohibits commercial exploitation of children, it does not specifically define an age of consent for sexual relations. In some courts, children ages 16 to 17 have been prosecuted as offenders rather than victims of sexual exploitation.⁽¹⁾ In addition, there is no law that prohibits the possession of child pornography.⁽¹⁾

The President signed Decree No.562 that prohibits mandatory military service starting in 2014.⁽¹⁾ It is not known whether the unrest in Ukraine will have any impact on this decision.

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

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Social Policy (MSP) State Labor Inspectorate (SLI)	Conduct child labor inspections as part of the regular inspection process. Approximately 85 percent of inspections are unannounced. ⁽¹⁾
SLI/ Department of Oversight for Labor Issues/ Oversight of the insured and child labor/ Child Labor Division	Enforce child labor laws, including laws on hazardous child labor. ^(1, 7, 18)
Ministry of Social Policy's Department on Adoption and Children's Rights Protection	Identify children involved in the worst forms of child labor, most of whom are in the informal sector. ^(7, 18)
Ministry of Interior's Criminal Police for Children's Affairs (CPCA)	Address involvement of children in criminal activities. Among other responsibilities, identify children in the informal sector involved in the worst forms of child labor, and address crimes against minors. ^(1, 7) Refer children in need to social services offered by the Ministry of Social Policy. ⁽¹⁸⁾
Ministry of Interior's Department for Combating Crimes Related to Human Trafficking (CTD)	Enforce laws against child trafficking and cybercrimes. ^(1, 9)
State Migration Service	Assist refugees and migrants in need in the country. ⁽¹⁸⁾ Prevent human trafficking. ⁽¹⁾
State Border Guards Services (SGBS)	Protect the country's borders and identify cases of trafficking. ⁽¹⁸⁾
Office of the Ombudsman for Children's Rights	Monitor the rights of children, including the issue of child labor, ensuring that Ukraine abides by international obligations regarding children's rights. Coordinate the development of laws on child protection. ^(5, 23)

Law enforcement agencies in Ukraine took actions to combat child labor, including its worst forms.

Labor Law Enforcement

In 2013, the State Labor Inspectorate (SLI) employed 572 labor inspectors, which is fewer than the 706 it employed in 2012.⁽¹⁾ A number of inspectors, including new hires, were trained on child labor issues during 2013. According to the SLI, the number of inspectors is inadequate compared to the number of registered employers in Ukraine (1.369 million).^(1, 24) Funding for inspections is limited; inspectors lack offices, transportation, and travel budgets.^(1, 25) Inspectors are required to obtain prior approval for inspections from their central office, which may hamper the inspectors' ability to detect and act on sudden child labor law violations. The percentage of businesses inspected each year is about 2.5 percent and inspections in the informal sector are not authorized.^(1, 24)

During the reporting period, SLI conducted 9,746 child labor inspections, including in the agricultural sector.⁽²⁴⁾ SLI found 1,082 minors working in violation of the labor law: 6 children under 14 years old, 14 children ages 14 to 15, 73 children ages 15 to 16 years, and 989 children ages 16 to 18 years.⁽¹⁸⁾ The most common violations were for overly long working hours, failure to maintain work records, hazardous conditions, and delayed pay.⁽¹⁾

Ukraine

MODERATE ADVANCEMENT

SLI filed 325 administrative cases against employers that resulted in court proceedings and 25 cases were forwarded to law enforcement bodies for criminal enforcement action.(18) According to SLI, administrative and certain criminal fines assessed against employers for child labor violations are too low. They range between \$60-\$200 for administrative violations and are about \$100 for some criminal violations.(1) The amount of collected fines for 2013 was approximately \$1.3 million, but there are no separate statistics on fines collected for child labor violations.(1)

Criminal Law Enforcement

Under the administrative reform undertaken by the Government over the past few years, the Criminal Police for Children's Affairs (CPCA) was reorganized into a unit under the Criminal Police Department of the Ministry of Interior and the CTD was reorganized as the Counter Trafficking Division under the Criminal Investigation Department and Cyber-Crime Division.(5) The reform resulted in the departure of specially trained detectives and a reduction in time spent on trafficking investigations.(18) However, during 2013, the CTD was elevated back to the level of Department.(1) It is too soon to determine the effect this will have on staffing at the CTD. During 2013, the CPCA employed approximately 3,000 officers throughout the country, while the CTD had more than 500 officers.(1, 18)

In 2013, IOM provided anti-trafficking training to 70 law enforcement officers and 80 State Migration Service officers, as well as training on work with witnesses and victims of trafficking to 120 judges.(1) However, concerns have been raised that the training of judges is more focused on punishing offenders, even if they are under age 18, than treating children as witnesses or victims. During the first six months of the year, 30 minors were brought up on charges for prostitution.(1)

The Cyber Crimes Division obtained two new software tools to scan seized electronic media for pornographic images and to track illicit images online in real time. The Department's regional offices were trained on the software.(1)

In the first six months of 2013, the Government opened five cases under section 149 of Criminal Code involving child trafficking.(22) The State Judicial Administration convicted 109 defendants in 2013, but information on convictions for human trafficking is not broken down by whether the cases involved adult or child victims.(9) Also in early 2013, the Government indicted 201 individuals for criminal offenses involving violence, cruelty, or child pornography and 178 individuals for crimes involving procurement or pimping.(22)

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

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
MSP	Take a leading role in coordinating policy on child labor and trafficking issues.(9, 18)
Interagency Council on Family, Gender Equality, Demographic Development, Prevention of Violence in the Family, and Counter Trafficking Issues	Coordinate efforts to address the worst forms of child labor, including trafficking of children.(5) Members include representatives from the Ministries of Justice, Education, Security, Health, Foreign Affairs and international and non-governmental organizations.(1) Chaired by the MSP.(9)

The Ministry of Social Policy (MSP) published a full year report on its anti-trafficking activities in March, 2014. However, research did not find any evidence of efforts to address other child labor issues.(18) In addition, although the Interagency Council's requirements call for a meeting every 3 months, the council did not meet in 2013.(1, 5)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Ukraine has established policies related to child labor, including its worst forms (Table 7).

Table 7. Policies Related to Child Labor

Policy	Description
National Action Plan for Child Protection 2010–16 (NAP)	Aims to protect children, including from economic exploitation, through awareness raising, rehabilitation of victims found in the worst forms of child labor, access to education, and creation of a child labor monitoring system.(1, 18)
National Program for Combating Human Trafficking Until 2015	Guides the work of the National Coordinator on Combating Human Trafficking and contains specific actions and timetables in regard to preventing, protecting, and prosecuting trafficking crimes.(8) Resulted in a number of adopted regulations, including some that pertain to interagency cooperation, one regarding procedures to identify trafficking victims, another establishing the right to financial assistance for trafficking victims, and another establishing a State Registry for Human Trafficking Crimes.(8, 17)

In 2013, the Government of Ukraine did not provide funding to either NAP or the National Program for Combatting Human Trafficking.(1) Due to a lack of funding, the implementation of the monitoring system under the NAP did not move beyond the implementation of a pilot program in two locations in 2012. Research found no evidence of additional actions under NAP during the reporting period.(5) The lack of sufficient funds hampers the ability of the Ministries to implement actions called for under NAP and the National Program for Combatting Human Trafficking. (23, 26)

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of Ukraine funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description
Shelters and Centers for Socio-Psychological Rehabilitation of Children‡	MSP operated program to provide protection in 28 short-term shelters and 80 long-term rehabilitation centers for children in need, including street children.(9)
Centers for Social Services for Family, Youth, and Children‡	Government run program to provide services for victims of human trafficking, assess victims' needs and draft rehabilitation plans. As of 2013, offered 736 Centers.(8, 9) In 2013, MSP adopted "Standards for Social Services for Trafficking Victims" to standardize the provisions of services across local regions.(9)
Anti-trafficking awareness-raising programs‡	Joint effort by State Border Guard Service (SBGS) and IOM to prepare anti-trafficking messages aired on television. Publishing articles in print and electronic media to raise awareness of trafficking.(9)
Multiplication of the Anti-Trafficking National Referral Mechanism in Ukraine‡	Government and OSCE joint program that trained approximately 5,000 officials in several regions of Ukraine to identify and provide services to trafficking victims. Involved collaborative work between local agencies and non-governmental partners.(17) Included training for additional 300 officers on the national referral mechanism in cooperation with IOM.(9)
Countering Trafficking in Persons (TIP) Project	USAID-funded project implemented by IOM to reduce trafficking in persons by building the capacity of Ukrainian institutions to address the problem by strengthening the national referral mechanism and increase government funding for counter-trafficking efforts.(27)
Global Action Program on Child Labor Issues Project	USDOL-funded capacity building project implemented by the ILO in approximately 40 countries to support the priorities of the Roadmap for Achieving the Elimination of the Worst Forms of Child Labor by 2016 established by the Hague Global Child Labor Conference in 2010. Aims to improve monitoring and enforcement of laws and policies related to child labor in Ukraine.(28)
The Decent Work Country Program*‡	Government and ILO 3-year joint program that incorporates the results of the evaluation from the 2008–2010 Decent Work Country Program of Ukraine.(29) Includes a social protection component to improve the social status of migrant workers, develop and implement a national occupational safety and health program, and strengthen the labor inspection system.(29)
Free school lunches*‡	Government sponsored program that provides free school lunches to certain categories of children including those from families with many children, families of Chernobyl victims, low-income families, and families in some rural areas.(26)

* The impact of this program on child labor does not appear to have been studied.

‡ Program is funded by the Government of Ukraine.

Ukraine

MODERATE ADVANCEMENT

During the reporting period, IOM identified 23 children as trafficking victims, the majority of whom were girls. Most of the children were trafficked for forced labor, street begging, and sexual exploitation.(9) IOM provided services to all victims. However, MSP granted only nine children status as victims of trafficking, which allows victims to benefit from free government services.(9) IOM asserted that the failure to grant this status may have resulted from the insufficient provision of documentation to MSP.(9)

Although MSP provides services for children in shelters and social-psychological rehabilitation centers, the current capacity is insufficient to fully address the extent of the problem.(5) In addition, the Centers for Social Services for Family, Youth, and Children have experienced a large turnover of staff due to an excessive workload and low pay.(8) This may restrict the Centers in their ability to efficiently address the main needs of trafficking victims. Likewise high turnover in the regions, where local agencies are responsible for identifying trafficking victims under the National Referral Mechanism, has hampered the provision of services to victims.(9)

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

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Ukraine (Table 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Laws	Amend the Labor Code to prohibit all children younger than age 16 from working in hazardous occupations in vocational training.	2011 – 2013
	Ensure that laws treat children of age 16 and older as victims of sexual exploitation rather than as offenders.	2012 – 2013
	Amend the Criminal Code to prohibit possession of child pornography.	2012 – 2013
Enforcement	Increase the number of inspectors, provide labor inspectors with appropriate resources to carry out inspections, and increase the number of inspections.	2011 – 2013
	Increase the fines assessed by inspectors for administrative and criminal violations of child labor laws.	2013
	Collect complete data, disaggregated by age and type of trafficking for victims of trafficking served by the justice system.	2013
	Ensure that judges treat children who are victims of commercial sexual exploitation and other worst forms of child labor as victims and not offenders.	2013
	Closely monitor the effects of the recent administrative reform and ensure that protection of children from child labor and its worst forms remains a priority.	2010 – 2013
	Ensure that the Interagency Council on Family, Gender Equality, Demographic Development, Prevention of Violence in the Family, and Counter Trafficking Issues carries out its mandate to coordinate the Government's efforts on all child labor issues, not just trafficking, through regular meetings and other activities as appropriate.	2009 – 2013
Government Policies	Provide sufficient funds to implement the National Program for Combatting Trafficking and NAP, including the mandated child labor monitoring system.	2010 – 2013
Social Programs	Conduct research to determine the activities carried out by children working in agriculture and construction to inform policies and programs	2013
	Assess children's access to rural schools and develop programs to facilitate access to schooling for Roma and children in rural areas.	2010 – 2013
	Assess the impact that Decent Work, Families for Children, free school lunches, and related programs may have on child labor.	2011 – 2013
	Ensure that all reasonable efforts are made to obtain needed documentation when considering whether to grant "trafficking victim status" to children.	2013
	Increase the number of shelters and social-psychological rehabilitation centers for children.	2013
	Take steps to reduce turnover in both the Centers for Social Services for Family, Youth, and Children and in local agencies that are part of the National Referral Mechanism to ensure that victims of human trafficking are provided the amount of quality services they require.	2012 – 2013

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