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"Nobody asked me how I feel about moving"

The impact of migration on children's rights in Ukraine

Situational Analysis

Table of Contents

Foreword

The Foundation of Terre des hommes Lausanne (Tdh) was created in 1960, with a mission to defend and promote the rights of children, in humanitarian as well as development contexts. Today, Terre des hommes Foundation is the largest non-governmental organization (NGO) for children's aid in Switzerland. Tdh implements projects and programs in more than 30 countries, including in Ukraine. Over the last fifty years, Terre des hommes has developed several programmes, in two core areas: healthcare and child protection.

Every year, Tdh offers sustainable solutions and a better future for over one million children and their relatives by focusing on two levels:

- through field intervention worldwide for children, whereby projects are carried out under our own management or in partnership with local organizations;

- as an ambassador for children's rights in Switzerland and throughout the world, through advocacy campaigns that promote the fundamental rights of children as contained in the Convention on the Rights of the Child adopted by the UN in 1989.

Tdh opened its delegation in Ukraine as a result of the conflict that is affecting the country since 2014 with the objective to alleviate the suffering and provide emergency assistance to thousands of children affected by the conflict. While continuing to provide essential support to children in need, Tdh is also concerned by the longer term challenges that Ukrainian children and youth face in Ukraine or abroad, as well as foreign children present in the territory of Ukraine.

This report was therefore commissioned in order to inform the strategic directions and approaches that Tdh will adopt in the longer term to respond to the needs of children affected by migration and their families, and promote their rights in Ukraine.

Tdh is grateful to Dr Snejana Sulima, who has authored this report for the quality of the work she accomplished. Tdh is also grateful to the numerous organizations who accepted to contribute to the research, including CEDOS, IOM, Ministry of Social Policy, Ministry of Justice, Ministry of Youth and Sports, the Office of the Prosecutor General of Ukraine, Veritas and many others who cannot be listed for anonymity or other reasons.

Finally, Tdh would like to express its gratitude to all children and youths who accepted to take part in the research and without whom the drafting of this report would not have been possible.

Executive summary

The present research looks at the main migration patterns and trends of internal and outward migration from Ukraine trying to assess the push and pull factors for regular and irregular migration which affect children. It focuses on the impact of migration on children's human rights, on the risks, and on the vulnerabilities that children are confronted with at different stages of migration. Also, we sought to identify and analyse specific systemic failures and gaps, the needs and the rights violations of children and families, and whether these elements are specific to a particular group or to a migration pattern. Our conclusions are based on the analysis of available data (grey literature, legal and policy frameworks, and other documents) and of the information collected during four focus-groups and 51 semi-structured interviews with children affected by migration, as well as in several cases with their families, with teachers, and with statutory and non-statutory stakeholders (government officials and staff from supporting NGOs).

The first chapter captures different migration patterns and trends in, to, and from Ukraine. There are two types of migration within Ukrainian territory: the voluntary movement of people and the forced internal displacement caused by the armed conflict in the Eastern regions of the country. The main reasons of continuous emigration of Ukrainians appear to be related to the need for more work and education opportunities. One of the most serious problems induced by parental migration is its distressing psychological impact on the children left behind. As a result, these children often have to face an increased psychological stress; they can get in difficult life situations, and have to deal with behavioural problems. The immigration trends towards Ukraine are declining because of the economic, social and political situation, which makes it less attractive for foreigners. Moreover, persistent obstacles to access the asylum procedure, the lack of legal assistance, and the risk of detention are some of the factors that dissipate the will to seek asylum in this country.

In the second part, we analyse the legal and policy frameworks related to children's rights in the migration field. The multiplicity of international conventions, domestic laws, and other regulations do not effectively guarantee the right of children to protection, let alone the rights of those affected by migration. Particularly difficult situations such as the sexual exploitation of children in travel and tourism, trafficking of children for the purpose of sexual or labour exploitation, and the forced displacement of children produce persistent problems which are not met with adequate responses from Ukrainian authorities. The gaps in regulations, in practice and procedures, and the scarce understanding of these phenomena by both authorities and society are among the main obstacles in solving these problems.

The third part reflects the children's narratives on their migration experiences. We used children's rights as a grid for structuring the interviews with children. The results of our empirical study show how important the ideas of 'belonging', 'parenting', 'understanding', 'home', 'friendship' and others are for the children and youngsters. Their perception about their 'human rights' supports many transformations in various environments: 'home', 'school', 'origin country' or 'host country'. Our focus was on how mobility between these environments can shape their sense of human rights, and to what extent the protection or the violation of these rights influence their wellbeing in everyday life. We found that the majority of them have some knowledge about their rights and are capable to express with their own words whether these rights are protected or not, respected or violated in different circumstances.

Our conclusions are based on the analysis of legal and policy frameworks on migration and children's rights and on the findings of our empirical research with concerned children. Some of the

structural and institutional failures and gaps that we uncovered have a direct impact on children's rights; others are more linked with the adults but also have indirect repercussions on children's rights.

Core concepts

In this study we use the definition of *child* given by the CRC (1989) in Article 1 "every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier".

Children on the move are described as "children moving for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers, and whose movement, while it may open up opportunities, might also place them at risk (or at an increased risk) of economic or sexual exploitation, abuse, neglect and violence" (Inter-Agency Group on Children on the Move[1], 2013; Bhabha, 2014).

The Human Rights Council defines by the expression *children left behind* those "raised in their home countries or in their countries of habitual residence who have been left behind by adult migrants responsible for them, such as one or both parents, extended family members, legal guardians or caregivers" (Human Rights Council, 2009, § 45).

A *displaced child* can be described (proceeding from the definition of an adult IDP) as an underage person who has been forced or obliged to flee or to leave his/her home or place of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who has not crossed an internally recognized State border (OCHA, 2004).

Children affected by migration are defined as any child belonging to one of the 4 following categories:

1. Children and youth on the move (involved in an internal or trans-border migration process, forced or voluntary);
2. Children and youth who are potential migrants (living in environments that are affected by migration and/or that could lead to migration for economic, social, cultural, political reasons, etc.);
3. Children and youth left behind by parents/caregivers that left in migration;
4. Children and youth temporarily or permanently out of a migration process (e.g.: integrated in destination/transit countries, refugees in host countries, reintegrated in a third country or returned to the country of origin…).

The principle of the best interests of the child refers to the rule that in every action concerning the child, his/her best interests must be a primary consideration. The essence of the principle consists in the obligation of the State and relevant institutions to take into full account the child's best interests in all proceedings affecting him/ her (Vučković Šahović, Doek & Zermatten, 2012).

The *Best Interest Determination (BID) Procedure* was originally envisaged for addressing asylum seekers' cases (UNHCR, 2008). This procedure is an essential tool to ensure the respect, protection and fulfilment of the rights of unaccompanied migrant children (Ceriani, 2015). The information gathered during a BID Procedure is crucial to appreciate if the child has escaped from

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[1] The Inter-Agency Group on Children on the Move was formed in 2011 following a global Conference on Children on the Move held in Barcelona in October 2010. It includes the following agencies: ILO, IOM, UNHCR, UNICEF, Plan International, Save the Children, Terre des Hommes, the African Movement of Working Children and Youths (AMWCY/MAEJT), Environmental Development Action in the Third World (ENDA), World Vision, the Oak Foundation and individual experts and academics.

abusive or violent family, institution, society or from abandonment, or if the child is seeking the reunification with his family or any other difficult circumstances that must be taken into consideration to appreciate what are the best interests of the child.

According to the *principle of non-discrimination* states must respect and ensure the rights of the children without discrimination of any kind, irrespective of the child's, child's parents or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status (Article 2, CRC). Therefore, the enjoyment of the rights stipulated in the Convention is not limited to the children who are national of the State Party and must also be available to all children – including asylum-seeking, refugee and migrant children – irrespective of their nationality, immigration status or statelessness (General Comment No. 6 of the Committee on the Rights of the Child).

The term *refugee* shall apply to any person who: "[…] owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it" (Article 1(A)(2) of the 1951 Convention relating to the Status of Refugees, read together with its 1967 Protocol relating to the Status of Refugees).

An *asylum seeker* is a person who seeks safety from persecution or serious harm in another country than his or her own and is waiting for the decision on the application for refugee status under relevant international and national instruments. If the decision of the authorities is negative the person must leave the country and may be expelled unless a permission to stay is provided on humanitarian or other related grounds.

The status of *irregular migrant* can be the result of the irregular access to the country of destination, the stay in the country after a rejected asylum application or after the expiration of a temporary regular status.

Unaccompanied children are those who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for their welfare. *Separated children* have been separated from their parents or from their previous legal or customary primary caregiver, but not necessarily from other relatives (Cernadas, 2015). Both categories, unaccompanied or separated, are in a particularly vulnerable situation and could face failures in their rights protection.

The *circular migration* is the fluid movement of people between countries, including temporary or long term movement which may be beneficial to all involved. It occurs voluntarily and is linked to the labour needs of countries of origin and destination (IOM, 2011).

The *international migration is outward* when the migrants are leaving the country and *inward* when they enter a country (UN Department of Economic and Social Affairs, 2015).

A *country of origin* is a source of migratory movements whether regular or irregular (IOM, 2011). The *countries of transit* are those through which a migrant passes in order to enter a *country of destination* for migratory flows (regular or irregular) (EMN-IES, 2017).

Remittances constitute the "household income from foreign economies arising mainly from the temporary or permanent movement of people to those economies" (International Monetary Fund, 2009).

Forced migration occurs when a migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes as for instance the movement of refugees and internally displaced persons (IOM, 2011).

Trafficking in persons is defined as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation" (Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000).

Introduction

The collapse of the USSR and the fall of the Iron Curtain in the early 1990s opened new trends in the mobility of Ukrainian nationals. Today Ukraine is a country of origin, transit and destination of international migration routes. It is one of the main transit countries both to EU countries and to the Russian Federation (CARIM-East, 2014; Fedyuk and Kindler, 2017; IOM, 2016a; 2016b). It is an important country of origin, and its geographic position along the Eastern migration route adds complexity to the management of migration through, from and to Ukraine. What is the place of children within these journeys and how are they affected by different contexts of migration? Like adults, and even more, children need various key elements for their development which are partially or completely absent in their home country, pushing them or their parents to move in their search of a better life.

We tried to understand what is the impact of migration on children's human rights, on their development, what are the risks and vulnerabilities that children are confronted with in different contexts of migration. Also, we sought to identify and analyse specific systemic failures and gaps, the needs and the rights violations of children and families, and whether these elements are specific to a particular group or to a migration trend.

a) Overview of migration processes in Ukraine

The main reasons of the continuing migration from Ukraine are: the deep and prolonged economic crisis, the high unemployment, and its political instability (Lopukh, 2014). The main cohort of migrants from Ukraine is formed by people of working age (between 18-44 years old), both short and long-term migrant workers (IOM, 2016b). Although these people are at the age of parenthood, their children are far from being engaged in the same trends of migration as their parents. The study of how migration influences childhood in this country provides different angles for analysis: children on the move with their parents or alone, children left behind by one or both parents migrating for work, and foreign children moving to Ukraine. Another particular situation concerning children's movement in Ukraine includes displaced youngsters because of the armed conflict in the Eastern regions of the country. Thus, Ukraine constitutes a complex case study to explore how different migration circumstances influence the human rights of children. Trying to uncover the impact of migration on Ukrainian children, the present report includes several categories such as: children on the move (accompanied/ unaccompanied) in/outward/ to the country, children left behind (by one or both parents), displaced children (with their families or alone).

b) Theoretical framework

The implementation of the UN Convention on the Rights of the Child (1989), the most comprehensive international legal instrument for the protection of the human rights of all children, without discrimination, supposes the recognition of the primacy of children's rights over any other aspect or policy involved, including migration policy. As was asserted by the Committee on the Rights of the Child (hereinafter the Committee) and other stakeholders, childhood policy and legislation take precedence in a normative and policy migration framework (Committee, 2012; Mercosur Member States, 2011). According to the Recommendations of the same Committee (2012), in the context of migration a child should be approached first and foremost as a child, whatever the condition he or she may find himself or herself in. Yet, there are major gaps between

migration policies and legislation, on the one hand, and the principles and obligations enshrined in the CRC, on the other (Cernadas, 2015). There is also an important gap between the principles and obligations enshrined in the CRC and their effect in practice in State Parties to the Convention.

Although, the CRC does not expressly refer to 'migrant child', it embraces several principles which can serve the purpose of protecting the rights of the children on the move and of those affected by migration. A child rights based approach requires States to address issues affecting children on the move regardless of their migration status (in line with the principle of non-discrimination; Article 2 CRC), to give primary consideration to their best interests (Article 3), to undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the CRC (Article 4) and to guarantee the right of these children to express their views in all matters affecting them (Article 12).

c) Research Questions

Our purpose is to observe to what extent the principles guiding the children's rights approach are applied to Ukrainian children affected by migration in their country or outward and also to foreign young migrants in Ukraine. In general terms, this research seeks to unveil whether children's rights can be exercised by their holders in interregional or transnational realms (on the move)? In what way do their perspectives on their rights interact with possibly competing perspectives upheld by transnational and domestic actors?

Accordingly, we looked for answers to the following operational questions:

-    To what extent are the human rights of children affected by migration translated into policies and laws? If translated, are they effectively accessible, exercised, and respected?

-    Are their views taken into account and how can they help refine and improve migration policy frameworks and their application in practice?

-    What are the push and pull factors of internal and external migration and to what extent can this be a personal decision or, at least, how much of the child's opinion on the decision to move is taken into consideration?

d) Methodology

In order to produce a holistic report on children migration processes in or from Ukraine, we used the following methodologies: documental analysis, statistical analysis, semi-structured interviews and focus groups with children, with professionals working with children, and with relevant NGOs and governmental representatives. We conducted four focus-groups and 51 semi-structured interviews with concerned children, in several cases with their families, with teachers, as well as with statutory and non-statutory stakeholders (government officials, staff from supporting NGOs). Participating children were aged between 11-18 years old. The interviews aimed at helping to reveal an image on how children's opinions and perspectives on their rights play a role in the activities and discourses on migration. Focus-group discussions were used to get a sense of some aspects of children's collective viewpoint on lived migration experience.

e) Children's participation and ethical considerations

In accordance with the CRC (Articles 12 and 13) and applying its principles during the research with children (Alderson & Morrow, 2004) were put at the core of this study. Although the objectives and protocols were produced by adults, children became genuine subjects through their active contribution during the stage of data generating for the qualitative analysis. Putting the participation

of children at the core of this project (Zermatten & Stoecklin, 2009) fulfilling all ethical conditions related to children's participation in research was of paramount importance (Bennett et al., 2003; Morrow, 2009). Strict rules were applied at all stages: prior to the investigation a written explanation for children and their parents was provided, explaining the context and the aims of the research in a language and format that was accessible; the information was used solely for research purposes; confidentiality and anonymity were guaranteed. In order to respect the right of the children to participate, information on their right to not participate was also conveyed as each child was informed that s/he is free to discontinue the research at any stage (Morrow, 2008).

Migration Patterns and trends in Ukraine

During the past 25 years Ukraine experienced a significant decrease by nearly 20 % (approximately 10 million people) of its population (IOM, 2016a). It was mainly due to negative trends in natural reproduction but also to the emigration which contributed to the negative population dynamics (Migration Policy Centre, 2013; Hofmann & Reichel, 2011).

In historical terms the trends of Ukrainians' migration can be divided into 'four waves'[2], marking different directions (see Düvell, 2007; Libanova & Malynovska, 2012; Malynovska, 2007; Fedyuk & Kindler, 2017). The transformation of migratory patterns increased after the country gained independence in 1991, as a result of post-Soviet transition of Ukrainian economy, due to various internal crises and to the deterioration of living conditions among the population. From the start of the 1990s immigration to traditional receiving countries such as Canada, the United States or Argentina became less common and new destinations in Central and Western Europe (Czech Republic, Poland and Germany) emerged. Although traditional receiving countries such as Russia and Israel remained common destinations, by the turn of the century Southern European countries, such as Portugal, Spain, Greece, and Italy, appeared on the map of Ukrainian migrations[3]. The gaining of the visa-free regime for short-term movement of Ukrainian citizens to Schengen area, in 2017, may mark the opening of a new period in Ukrainian migration.

The choice of migration was always associated with work opportunities, family ties, successful migration of friends and other individual factors (values, aims and needs). Drawing on

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[2] Although, the 'four wave' perspective poses a number of controversies it provides an important historical perspective that stretches across the emergence and dissolution of the state's borders and migration regimes of Ukraine (Fedyuk & Kindler, 2017). The first wave (1897-1914) started in the last decades of nineteenth century and lasted until WW I and was identified as the movements of the rural population, both to East and to West, in response to the economic oppression experienced by the Ukrainian population under Russian and Austro-Hungarian imperial rules. In those times entire families headed to Canada, USA and, to a lesser degree, Latin America. During the second wave (inter-war period) and the third wave (post World War II and the socialist mobilization projects of the 1950s and 1960s) migration from Ukraine was directed to similar directions, caused by the same reasons of political turmoil and oppressions of the relevant period. Starting in the second half of the 1980s the gradual liberalisation of the political system in the USSR led to a steady change in the destinations, the intensity of flows and the reasons for migration. The fourth wave, labelled as economic and socially driven labour migration started in the 1990s.

[3] This wave was divided in three periods. The first period (1991-1993) was characterized by the mass returns of ethnic Ukrainians and Ukrainian natives of other nationalities back to their historical homeland; thus it was characterized by the significant increase of immigration. During the second period (1994-2003) a deep economic crisis produced the increase of labour emigration and important decries of immigration. The emigration to West was very often irregular, the majority of Ukrainian migrants moved to European countries on tourist visas and worked there without appropriate permits. The third period started in 2004 being characterized by a stabilization of migration movements and also by solving the issue of irregular migrants who left Ukraine earlier.

interviews data with Ukrainian children and adults the main migration push factors found in their life-stories were: (parents') unemployment; difficult financial situation; security problems in the previous places of residence. Like in other Eastern European countries in prolonged transition, the opening of new migration possibilities for Ukrainians to West can produce a significant 'brain drain' or large-scale emigration of highly skilled professionals. However, researchers focusing on the subject argue that the problem of emigration of highly skilled professionals is often exaggerated and mythicized because the available statistical information on the subject is scarce and inconclusive (Parkhomenko, 2006; Genov, 2007). Incomplete statistic is considered to be the reason for the lack of reliable data on migration (Malynovska, 2007). On the one hand the old system of migration counting is inefficient, on the other, the freedom of movement[4] does not involve an obligation for the citizens to inform the authorities about a change in residence.

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1 Migration within Ukraine

After gaining independence (1991) Ukraine experienced a substantial reduction of the volume of internal migration because of dropping the organized recruitment of the labour forces typical in Soviet era. Still, according to IOM (2016a) the documented internal movement outstrips international migration 10 times over. However, official statistics significantly underreport population's movement since the registration procedure became less strict after achieving independence (Libanova, 2005).

1.1 Voluntary Movements

The commercialization of education, the growth of housing prices, and the difficulties with employment are among the main push and pull factors of internal migration. However, the most important characteristic of internal migration movements after independence is the decrease of their volume. More than half of all resettlements take place within the regions and only one third – between the regions of the country (Libanova & Malynovska, 2012).

Rural-urban movement trend dominates internal migration. Youngsters tend to reach cities for better education[5] and work, causing a decline in villages` population (IOM, 2016a). Kyiv Region

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[4] In January 1993, the procedure of obtaining an obligatory permit from the authorities for each trip abroad was abolished in Ukraine. The February 1994 Law on Exit and Entry foresaw the unrestricted opportunity to leave the state and return to the country of origin. As a result, sometimes citizens do not officially document their departure from Ukraine, even when leaving the country permanently (Malynovska, 2007).

[5] Imbalances were observed in the access to education between urban and rural areas and limited access to school for socially disadvantaged children. Moreover, access to preschool education is limited both in big cities and in rural areas (Hofmann & Reichel, 2011). At the same time, the high education spending does not comply with the needs of the internal labour market, and the participation rate in technical and vocational education and training is too low (Hofmann

and city are the major recipients of interregional migration[6]. Moreover, Kyiv oblast and the most industrially developed centres of other oblasts registered the highest number of inhabitants of a rural origin. The main employment sectors of internal migrants are: constructions, trade and public catering, transport, and households of urban inhabitants (Pozniak, 2007).

The assessment of labour internal migration reveals seasonal, rotational and longer work in the capital and also in the largest industrial cities. People are generally involved in internal work migration which doesn't imply daily or weekly return to their places of permanent residence (IOM, 2016a). According to IOM findings the number of internal migrant workers in Ukraine reaches 9% (1.6 million) of the economically active population (IOM, 2016b). This figure of adult worker's migration must draw attention to an increased number of children left behind by parents working in regions different from their permanent residence places.

Some research on internal mobility in Ukraine deplore the lack of dynamism of its economy, which is considered as both the cause and the effect of people not moving across the regions (Koettl et al., 2014). Research findings suggest that in view of more attractive employment opportunities and much higher expected returns, cross-border external migration is often used as a substitute for long-distance migration within Ukraine (Koettl et al., 2014).

One of the reasons of the scarce mobility within the country is considered to be the lack of skills. The challenges to improving skills in the workforce and reducing the skills mismatch can be faddressed, among others, through effective policy interventions in postsecondary education. Such interventions should focus on overcoming failures in quality assurance as well as in information leading many people to make sub-optimal skills investments (for example, few people acquire the skills needed to become engineers, physicists, family therapists, skilled craftsmen that are in high demand; instead many prefer "fashionable" fields such as finance, economic sciences, law, political science, etc. that are already overcrowded) (World Bank, 2011). The improvement of the efficiency of the elementary and secondary education systems is also needed. Government has struggled to reorganize school networks in the face of shrinking student cohorts, which resulted in the misallocation of scarce resources (Coupe et al., 2011). The recent reforms in the school system induce the closing of many schools in small localities, which turns in a pull factor for families with children (interview with the Commissioner for observance of rights of child, 2017). At the pre-school and basic levels it is also necessary to ensure that education curricula and pedagogic practice pay adequate attention to the critical development of cognitive and non-cognitive skills. This is important when it comes to setting learning standards and targets, training teachers, and when assessing learning in both cognitive and behavioural dimensions (Koettl et al., 2014).

1.2   Internally Displaced Persons (IDPs)

The military events in the Eastern Ukraine's regions (Donetsk and Luhansk) and the annexation of Crimea by the Russian Federation produced a massive forced internal migration.

& Reichel, 2011). In 2016, responsibilities for vocational education and training (VET) were decentralized to the regions and municipalities, but in the second half of 2016, many authorities have found themselves unable to meet the budgetary needs of the VET schools. As a result, teacher salaries are paid late, if they can be paid at all, leading to some unrest in schools (European Training Foundation, 2017).

[6] Since 2000's the population of the capital grew by 20,000 people per year due to an influx from other regions. Although the migration growth decreased due to the current crisis (14,400 in 2014, about 12,000 in 2015) it remains the highest in Ukraine (IOM, 2016a).

There was the largest internal displacement in Europe since the World War II. Social protection offices have registered more than 1.6 million of IDPs, but the figures differ from one authority to other (Zaharov, 2016). According to the numbers provided in July 2016 by the Interdepartmental Coordination Headquarters on Social Security of the IDPs 1.029 million persons were displaced from the non-government controlled areas to other regions of Ukraine. Among the displaced population 170,581 were children and 495,093 disabled and/or elderly persons (Interdepartmental Coordination Headquarters reports, 2016). Inconsistency of data, which are collected by the state authorities, leads to the fact that the international organizations, providing assistance to IDPs often do not know by what figures to be guided, when planning allocation of the assistance to Ukraine (Zaharov, 2016).

The Ministry of Social Policy of Ukraine registers IDPs as a prerequisite for the provision of the social support. The Internal Displacement Monitoring Centre estimates that there were about 13.000 new displacements as a result of the conflicts in Eastern Ukraine in the first half of 2017[7]. According to the latest data there were 1,586,135 registered IDPs and 220,156 out of them were children in August 2017 (Ministry of Social Policy cited by UNICEF, 2017).

1.2.1 Housing Issues

Most of the IDPs found residence in closest regions of their previous residence[8] keeping the intention to return to their abandoned homes. Nevertheless, an important part of IDPs intends to stay permanently in other regions than their previous places (Dikhtyarenko, 2016). Surprisingly, the conflict in the East of Ukraine has had only little impact on the migration situation or on the refugee situation in the European Union. Given the huge number of IDPs, the number of Ukrainians who have applied for refugee status in EU countries (around 10,000 people in 2014, mainly in Poland, Germany and Sweden) is quite modest (Drbohlav et al., 2016).

The share of households with children among IDPs is 10.5% higher than the general household composition in Ukraine; this data shows that families with children are more likely to move from the non-government controlled areas (IOM et al., 2017). Most of the IDPs rent their own houses, but a significant proportion of them continue to reside with relatives or host families. The most vulnerable categories of IDPs (single mothers or large families) are settled in remote districts of oblasts and/or in abandoned houses. The assistance of the local community is not sufficient to substantially improve their situation (IOM et al., 2017). The integration of IDPs in new places significantly depends on the motivation and individual characteristics. Although, a proper social protection is considered a crucial factor for their adaptation, research showed that the more active and sociable persons, children in particular, integrate easier into the new environment (IOM et al., 2017).

1.2.2 Psychological issues

Because of the armed conflict children as well as their parents need support to address psychological distress and aggression as negative coping mechanisms, caused by witnessing

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[7] Internal Displacement monitoring Centre, data available at: http://www.internal-displacement.org/assets/country-profiles/Mid-Year-update-2017/UKR-conflict.pdf.

[8] According to the Interdepartmental Coordination Headquarters data most of the IDPs were accommodated in the Luhansk (275,000), Kharkiv (191,000), Donetsk (120,000), Dnipropetrovsk (81,000), Zaporizhia (69,000), Kyiv (51,000) regions and Kyiv city (39,000). The smallest number of IDPs was accommodated in the Ternopil (2,500), Chernivtsi (3,000), Rivne (3,000), Zakarpata (4,000), Ivano-Frankivsk (4,000) and Volyn (5,000) regions.

violence and other traumatic events[9]. Children are afraid of loud noises and wet their beds. These problems can have immediate as well as long-term consequences for individuals, families and communities in a divided part of the country[10].

A UNICEF assessment (2014) in Mariupol, Donetsk, Horlivka and Yenakiieve (Donetsk oblast) revealed that in the surveyed groups, different psychological methods of assessment showed heightened fear and anxiety in about a quarter of the children of 3-6 years, around a sixth of children of 7-12 years and up to a quarter of children of 13-18 years. Every fifth child of 13-18 years has a higher level of anxiety in comparison to the norm for schoolchildren. Children of 3-6 years showed significantly higher fear of blood and sudden, sharp noises than the norm. Boys additionally displayed higher fear of death, while girls displayed higher fear of pain than the norms for their ages. Every sixth child of 7-12 years and every fourth child of 13-18 years showed heightened levels of social stress compared to norms (UNICEF, 2014).

Moreover, the population displacement causes separation of children from their parents and families, which exposes children to increase risk of violence, abuse, exploitation and neglect. In particular, unaccompanied and separated children are at increased risk of trafficking. In some cases displaced children who fled to safer areas through organized and spontaneous evacuations lack documentation (UNHCR, 2015). The precise number of unaccompanied children, children orphaned by the conflict, or separated from their families, and the care they need, is not known and needs to be monitored (OCHA, 2015).

2   Outward migration from Ukraine

Among the main driving forces behind the choice to migrate abroad we found: the desire of family reunion, better work opportunities, higher wages, and better educational perspectives. Some evidence suggests (see GfK 2008; Barbone, 2012; Kupets, 2013) that most Ukrainian labour migrants go out of the country to earn quick money and reach a definite savings target (usually to improve housing conditions, pay for children's education or buy durable goods). They typically assign a much lower priority to professional development and accumulation of skills abroad than to purely economic reasons (Kupets, 2016). Other analysis on factors influencing migration decisions of Ukrainians conclude that people do not choose destinations exclusively on the basis of expected economic gain (Hormel & Southworth, 2006). Migrants also use cultural capital (encompassing language, traditions and education) and social capital (ties to people and institutions that facilitate finding jobs and housing abroad) to diversify risk and maximize utility (Kupets, 2016).

2.1.   Push and pull factors

The main push factors to leave Ukraine are linked to the deep structural transformations of the economy, which were accompanied by increasing unemployment, falling living standards, the degradation of the social welfare, of the free healthcare, and of the free educational system (Banfi

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[9] ACAPS with Save the Children, Eastern Ukraine Briefing – 16 December 2014 and 30 January 2015: www.acaps.org/img/documents/e-ukraine-sdr.pdf and www.acaps.org/img/documents/b-acaps-bn-ukraine-conflict-30-jan-2015.pdf

[10] International Medical Corps, Emergency Assessment Report, Eastern Ukraine, January 2015: http://reliefweb.int/sites/reliefweb.int/files/resources/International%20Medical%20Corps%20Emergency%20Assessment_Eastern%20Ukraine_January%202015.pdf.

& Boccagni, 2011; Heyse et al., 2015; Hofmann & Reichel, 2011; Vollmer, 2016). At the same time low wages, often paid with big delay, weren't capable to provide the needed resources for impoverished households. One of the key pull factors to move outward is the better work opportunities and the higher earnings. Despite of difficulties in adaptation to a new country Ukrainians continue to look for employment abroad.

The analysis of young Ukrainians' reasons to study abroad reveal several main pull factors for different categories: those who consider the access to better studies with the intention to return to origin country; those with the purpose of family reunion with parents already working in the destination country for studies; those who pursue the intention to study in the country where they intend to build a life (Slobodian & Stadny, 2016). Although Ukraine invests a significant share of its GDP in the educational system (>5%) there are major gaps in the education system, hampering both the access to education as well as the integration of graduates in the Ukrainian labour market. The performance of the system is limited for several reasons: the lack of resources impacting on staff qualification, excessive working hours for teachers, training and skills enhancement, curricula and teaching methods, missing teaching material and equipment. There are imbalances in the access to education between the urban and the rural areas and limited access to education for socially disadvantaged children. Moreover, the access to preschool education is limited both in big cities and in rural areas, whereas sufficient access to secondary education is missing primarily in the remote rural areas of the country. The high education spending does not necessarily comply with the needs of the Ukrainian labour market and does not result in a sufficient number of graduates with the skills required. There is a high rate of enrolment in secondary (97%) and tertiary education (32%), but the participation rate in technical and vocational education and training is too low (6.7%) (Hofmann & Reichel, 2011).

The number of Ukrainians moving abroad for education reasons is constantly growing[11]. The main growth of students abroad corresponds with the labour mobility flows of Ukrainians. According to the experts of the internal analytical centre CEDOS who monitored the annual number of Ukrainian citizens studying full-time in foreign universities (covering 34 countries), in the 2013/2014 academic year, 47,724 citizens of Ukraine were studying abroad[12].

2.2. Directions and profiles

Since early 1990s, when ties with Soviet centre weakened, new opportunities to travel to West opened up while migration trend to Russia continued. In 2013, before the annexation of Crimea and the armed conflict in eastern regions, the number of Ukrainians' trips to Poland for the first time exceeded the number of trips to Russia (IOM, 2016a). State Border Guard service of Ukraine registered a general decrease in the number of trips abroad, especially to Russia, since the beginning of the conflict (IOM, 2016a). However, the number of trips to the EU continued to grow, increasing from 10.5 million in 2014 to 12.5 million in 2015 (IOM, 2016a).

The agreements on small border traffic signed with neighbouring EU countries, Hungary (2007), Poland (2008), Slovakia (2008), and Romania (2014) facilitated and intensified the cross-

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[11] According to UNESCO, in 2000 – 2012, the number of Ukrainian students abroad increased by more than four times and reached 37,000.

[12] Stadny E. The number of Ukrainian Students Abroad, available at: http://www.cedos.org.ua/uk/osvita/56.

border mobility of Ukrainians. According to Eurostat data[13] on the number of foreigners residing in the EU in 2015 there were 905.200 Ukrainians, which represent 6% of all foreigners from third countries in the EU[14].

As to the general profile of Ukrainian migrant workers the majority of them are men, over 30-44 years old, most coming from the Western regions of the country, 41 % have a secondary vocational education, and 36% have a higher education (IOM, 2016b). The main countries of destination for Ukrainian migrants are Poland, Russian Federation, Czech Republic, and Italy. Other receiving EU countries that have registered Ukrainians workers are Portugal, Spain, Germany, Greece and others. The main sectors of employment of Ukrainians abroad are constructions (for men), domestic care (for woman), service sector and agriculture (IOM, 2016a).

The migration patterns built during the Soviet era maintain an influence on the different migration directions of men and women today. For example, men prefer the installed networks of previous period moving eastward toward Russia for a short period of time, while woman search for more opportunities in West, toward Europe (Hormel & Southworth, 2006; Malynovska, 2006; Vianello, 2013). Migration flows directions are also influenced by the area of origin. People from southern and eastern Ukraine migrate mainly towards the Russian Federation; still there are also a large number of workers from western Ukraine which prefer the same destination. Historically, western Ukraine has deeper ties with Poland, the Greek-Catholic Church is predominant and people are more opened to western values. Migrant from these regions are predominantly directed towards Southern and Central Europe (Fonseca et al. 2014; Kindler 2008; Tymczuk 2013; Vianello, 2013).

The countries preferred by Ukrainian students last years were Poland (15,000), Germany (9,000), Russia (6,000), Canada (2,000), Czech Republic (2,000), Italy (1,900), the USA (1,500), Spain (1,400), France (1,300), and the UK (1,000). According to recent data of UNESCO on total students flows the main destination countries for Ukrainian students are Russian Federation (21,817), Poland (14,756), Germany (5,850), Italy (2,367), Czech Republic (2,333) and United States (1,509)[15].

Estimates of the migration flows between Ukraine and Russia are really impressive, though they vary greatly between fewer than 100 000 and more than 3.5 million (Migration Policy Centre, 2013). One of the explanations for the great disparity between these estimates is the lack of migration regulations (it is a visa-free regime for Ukrainians in Russia) and the significant undocumented migration (Leontiyeva, 2016). For many years, Russians were open to Ukrainians and saw them as desirable neighbours. However, in recent years the attitudes have deteriorated mostly under the influence of armed conflict in the Eastern regions (Levada-Center, 2016; Mukomel, 2017). At the same time a nascent reorientation of flows from East (Russia) to West (EU) can be observed[16]. Yet, according to a study of migrant monetary flows to Ukraine and their

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[13] Avalable data at: http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database.

[14] The majority of residence permits issued for Ukrainians in 2015 were in Poland (87%) and almost all of them were short-term (3-12 months). According to IOM data, in 2015, about 700,000 Ukrainian citizens were working abroad (IOM, 2016b).

[15] Data available at: http://uis.unesco.org/en/uis-student-flow (20.09.17).

[16] According to a survey of IOM (2015), the share of potential migrant workers from Ukraine seeking work in Russia decreased from 18% in 2011 to 12% in 2015. At the same time, the attractiveness of Poland increased from 7% in 2006,

impact on the development of the country, carried out also by IOM in 2014-2015, the majority of potential migrants planning short-term trips for the purpose of earning intend to go to Russia, and for potential long-term migrants, planning to stay abroad for over a year, Russia is the second destination country after Poland[17] (IOM, 2016b).

Like in the cases of other neighbouring countries, where work migration reached very high proportion (Moldova, Romania, Poland), Ukrainian children express two main conflicting expectations of parental obligations. On the one hand, expectations are related to the proper child care in contemporary Ukraine, which necessitate parents' physical presence in their children's lives. Such expectations turn separation from parents in an emotionally difficult experience. On the other hand, child's expectations include material security which, in the difficult economic situation of Ukraine, turns migration in a necessity prevailing over difficult separation (Tymczuk, 2013).

Although, accurate data on Ukrainian children's migration is missing, one can assume that these flows are directed to some extent to the same destinations as that of their migrant worker parents.

3   Children left behind

One of the most striking outcomes of the increased labour emigration of Ukrainians is the number of children 'left behind' by one or both parents. As a result, many children grow up in transnational households. According to World Bank estimations, Ukrainian migrants, who left 200,000 children behind, sent home US$9 billion in remittances in 2014[18], the largest amount in the region, representing 5.4 per cent of GDP (Yanovich, 2015).

3.1.   Opposite perspectives and missing statistics

The representations of the phenomenon of parent's migration have been exposed both positively (the migrant is the economic agent and saviour) and negatively (the migrant is a betrayer of family and nation) (Keryk, 2004; Fedyuk, 2006; Shostak, 2006; Friesen, 2007). The media tend to depict mostly the negative outcomes of labour migrants' absence from their children's lives, who are described as 'socially naked' (Howell, 2007), 'orphans with living parents' (Tymczuk, 2010), 'social orphans' (Serhata, 2010), 'social orphans with living parents' (Zhebrats'ka, 2010), 'social orphans: abandoned children of labour migrants' (Olendii, 2006) or 'labour migrant orphans' (Levyts'ka, 2005). Yet, the analysis of children's representations on their personal experiences in transnational family life reveals a diverging picture based on children's individual narratives.

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when the first similar study was conducted, to 30% in 2015. See the Survey on Migration and Human Trafficking: Ukraine, 2015 available at: http://www.iom.org.ua/sites/default/fles/pres_
gf_iom2015_ukraine_eng_fn_3_2.pdf.

[17] There are also changes in the structure of labour migration from Ukraine, namely the volume of long-term migration; youth, women, urban residents, people from northern, central and eastern Ukraine are increasingly involved in migration (IOM, 2016b).

[18] See previous estimations on income and distribution effects of migration and remittances in CIS countries, from 2008, by Center for Social and Economic Research (Atamanov et al. 2008).

Evaluating their common situation, children together with their parents tend to stress the necessity of the situation, the adequacy of alternative care relations, and the resilience of the parent-child bond (Tymczuk, 2011).

According to the estimations of the former Ministry of Ukraine for Family, Youth, and Sports, in 2004, there were a number of 200,000 (2%) minors in Ukraine, who had one or two parents migrated abroad for employment purposes. But the surveys in different regions involved more into parental migration show much higher figures in these regions. For example in Ternopil (2004) 25.5% of pupils had at least one parent working abroad, 4.2% of them had both parents working abroad (Dovzhuk, 2006); in Chernivtsi oblast (2004) 8% of pupils had at least one parent working abroad, but in 2008 the number was already 11%, one fifth of those children were left without both parents. In 2010, there were districts where the share of labour migrants' children reached the level of 28% (Institute for postgraduate pedagogical education of Chernivtsi region, 2010). The same period, local authorities observed that 47% of the children of labour migrants lived with one of their parents, 43% lived with a grandmother and (or) a grandfather, almost 4% lived with brothers and sisters, 5% of migrants' children lived with other more distant relatives, 0.5% lived with friends or neighbours, and 0.2% lived on their own (Institute for postgraduate pedagogical education of Chernivtsi region, 2010).

The statistics on the number of children left behind in Ukraine because of parents' migration are still missing. It seems that authorities prefer to look at the positive aspects in terms of remittances sent by parents working abroad while ignoring the difficult outcomes that their children may be exposed to.

3.2. Mixed Outcomes

Most of the migrant parents keep in touch with their family members, especially children. The relationships of leaving parent(s) with their children lean mostly on provided material assistance. The remittances are an important source of well-being of the family members left at home, nevertheless the influence of remittances on poverty and inequality in the country is quite complex. The regular inflow of remittance from abroad notably improves the financial standing of its recipients (Montefusco, 2010), but then difference in the cumulative effects for the rich and poor households is even bigger. Usually, active people having some professional knowledge and financial means are able to support the costs of their trip abroad (costs for travel, visa, working permit, services of intermediaries, etc.). Thus, mostly individuals who are more or less better-off leave Ukraine, while poorer individuals rather work in other regions of Ukraine (Libanova & Malynovska, 2012).

Statistics show that Ukrainian females have a higher share of illegal workers compared to men. At the same time, the impossibility to visit the home country because of the unregulated legal status of many migrant women causes their much longer stay than that of men[19]. Although, women spend a larger share of earnings on the education and the medical treatment of family members,

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[19] According to the data of the State Statistics Committee of 2008 one fifth of the total number of women worked abroad over a year compared to only one tenth of men (State Statistic Committee, 2009).

the duration of women's stay abroad has more serious consequences on family relations and parenting (Libanova & Malynovska 2012). However, research on the impact of parental absence due to the work abroad reveals different outcomes: while some studies show a better well-being of the children left behind, others emphasize the negative effects on these children. Among positive results was observed: better nutrition and medical services, good clothing, up-to-date gadgets equipment, possibility to go on vacation, possibility to pay for higher education. Psychologists also mention that some of these children become independent and responsible and become more committed to education in the absence of parents (Pachkovskyj & Kornijenko, 2007). Among negative results of children separation from their parent(s) was highlighted: the psychological stress of the child regardless his/her age, gender, and character; lowering of progress in education; getting under the influence of 'bad companies' difficulties in building interpersonal relations with relatives and peers; consumption of drugs and alcohol; committing crimes; progression of chronic diseases due to weakening of child's health monitoring; emotional disorders, feeling of being useless and unsafe in the external world; spreading of consumptive moods, unwillingness to study or work; and, finally, formation of a permanent wish to leave the country (Golovina, Golovina, 2007; Montefusco, 2010; Yanovich, 2015). In some cases researchers found problems when parents move with their underage children

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abroad and stay there without proper documents. Consequently, children in these situations neither have access to proper education, nor to medical services (Levchenko, 2010). Although there is no reliable evidence on social exclusion of migrants' children left behind, the analysis of their situation shows that those children often have tensions in relations with peers. Better clothing and footwear, mobile phones and computers, and sometimes manifestations of their exceptionality and superiority related to material advantages are not left without any correlative reaction of peers and sometimes of adults (Levchenko, 2006).

As UNDP observed around 50% of labour migrants leave their children aged over 14 years at home and around a third of labour migrants do the same with their children of 10-13 years (UNDP, 2011). It was stressed that teenagers react on the separation with parents much more painfully than children of younger age, particularly when meetings with their parents are rare (Pachkovskyj & Kornijenko, 2007).

In terms of duration there are two different conditions of labour migrants' children: those who are left just for a few years as mothers return home after a determined period of time and those who are permanently abandoned and eventually receive mothers' remittances. Obviously, the second situation is more difficult: these children can have behavioural problems when caregivers at home and schools are unable to cope with these challenges. One out of 5 of these cases relates to a permanent abandonment (Montefusco, 2010). Based on our research on possible links between parental migration and the increase of youngsters delinquency in Moldova

we can hypothesize that parental migration associated with the abandonment and severe neglect (characterised by very rare or absent contacts and very rare or poor material assistance) from migrating parents can act as a risk factor for serious behavioural problems for children. Besides, juvenile delinquency in Ukraine appears to be more serious than in Moldova[20]. As reported by a Kyiv Centre of Social Services for Families, Children, and Youth expert street children represent the highest-risk group among juvenile delinquents. While most of the minors left behind do not become street children, many do, and further research is required to determine what share they comprise (Yanovich, 2015).

A case by case approach is necessary to measure the dimension of the neglect caused by parental migration. When some parents are maintaining strong connections with their child during their absence, some others are leaving for very long periods without trying to maintain contact with their child left home. Parental migration can be considered a particular form of child neglect, and thus presents an elevated possibility for child deviant behaviour. It is not the parental migration in itself that determines children's delinquency. The neglect associated with a lack of supervision, affection and support, and the erratic discipline, all these in the context of the migration of the parent(s), can be predictors of an increased risk for delinquency of juveniles.

4. Migration to Ukraine

The immigration flows to Ukraine are very low, between 2006 and 2009 the average annual registered number of foreigners was of 19,000 (Hofmann & Reichel, 2011). During this period the main source country was the Russian Federation (with an average of 8,703 persons in 2008), but the number of Russians drop sharply in 2009 (442 persons). At the same time the inflow from Turkey increased considerably (from 615 persons in 2006 to 3,041 persons in 2009) (Hofmann & Reichel, 2011). However, different sources provide important differences in flows to Ukraine therefore the large variations in available sources lead to the conclusion that the real size of immigrants to Ukraine remain unknown and the comprehensive and reliable data are still missing (Hofmann & Reichel, 2011).

According to the IOM (2016a) the conflict in the East of the country, the economic crisis, and the decline in the living standards reduces the attractiveness of Ukraine for immigrants. In 2014-2015, the Ukrainian authorities registered twice less foreign nationals to visit their country than in 2013. The number of immigrants in Ukraine (foreign nationals residing based on permanent residence permits) is 250,000 people, which is slightly more than half a per cent of the population (IOM, 2016a). The largest share of immigrants (80%) is the citizens of post-Soviet states. After Russian nationals, with a very large gap, the other groups of officially registered immigrants equally originate from other CIS countries (Moldova – 5.0%; Armenia – 4.4%; Uzbekistan – 3.8%; Georgia – 3.6%; Azerbaijan – 3.2%).

In 2016 were registered a quarter less foreign nationals (75,200) than in 2010. They are mainly foreign students and employees, the number of which has dipped given the deep economic

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[20] For instance, the Ukrainian Independent Information Agency (UNIAN) reported that in the first six months of 2011, juveniles committed 11,781 administrative offenses, a nearly 60 per cent increase over the same period in 2010 (cited by Yanovich, 2015).

crisis (IOM, 2016). More than a half of immigrants workers were in 2015 executives and managers (63%), the rest were in whole-sale trade ((23%) and processing industry (17%). The majority of them are citizens of Russia (19%), Turkey (11%), Poland (6%), Belarus (5%), and Germany (4%) (IOM, 2016a). Before the crisis, the number of foreign students in Ukraine grew steadily and in 2013 reached almost 70,000, with the majority of them studying medicine and pharmacology. Nearly half of foreign students are citizens of CIS countries. However, due to the conflict in the east of Ukraine, the numbers of educational migrants also started to decline (IOM, 2016b).

Most refugees and persons provided with subsidiary protection in Ukraine are citizens of Afghanistan and Syria (IOM, 2016a).

Despite the fact that Ukrainian law does not provide explicitly detention of undocumented accompanied and unaccompanied minors, often both categories have to face detention in this country (Global Detention Project, 2012). Unaccompanied children face particular obstacles to access the asylum procedure and receive documentation since they can only file a claim with a legal representative while authorities in some regions refuse to appoint legal representatives for them (HRW, 2010). Moreover, the depravation of liberty of children has a profound negative effect on their development (Jaffé et al., 2017). According to the Law of Ukraine on Refugees and Persons in need of Complementary or Temporary Protection (2011) unaccompanied minors apprehended by border guards while trying to enter or transit the country are supposed to be promptly placed in "appropriate" accommodation[21]. However, authorities appear to routinely make use of Ukraine's "migrant accommodation centres" to retain these minors, applying in fact a detention regime[22] (IOM 2012).

In 2011, the Committee on the Rights of the Child urged Ukraine to take necessary measures to ensure "that unaccompanied asylum-seeking children are promptly appointed a legal representative in order to effectively access the asylum procedure, as well as assistance and protection, including access to free interpretation". The committee also recommended that "no asylum-seeking or refugee child [be] deprived of his or her liberty" (Committee on the Rights of the Child, 2011).

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[21] *Cf*. Article 5-3: If a child separated from the family is crossing or crossed the state border of Ukraine, and applies for recognition as a refugee or a person in need of complementary protection […] officers of the State Border Guard Service of Ukraine shall immediately notify the migration service authority as well as the custody and guardianship authority of such fact. The migration service body together with the tutorship and guardianship authority must take measures to provide for temporary accommodation of such child in appropriate care institution or family.

[22] In the first half of 2012, 20 unaccompanied minor (UAM) asylum seekers were detained at the Chernihiv MAC and in Volyn MAC (DRC 2012b). According to DRC/UNHCR there were 20 UAM asylum-seekers detained in both MACs as of 19 June 2012 and 5 as of 16 October 2012 out of a total of 134 and 120 UAMs asylum-seekers (primarily Afghans and Somalis) present on Ukrainian territory on those dates (DRC 2012a) (*Cf*. Global Detention Project, 2012).

Legal and Policy Frameworks

Within its jurisdiction the state is the primary guarantor of the rights of all children, regardless of their migrant status. At the same time, the origin country of adult migrants has important obligations in regard to children left behind. On the one hand, the state has the duty to address their needs and vulnerability by designing special policies for them. On the other hand, this state should collaborate with the destination countries of its emigrant citizens in order to facilitate the reunification of their families in the best interests of their children.

First, we looked at the children's rights protection legal instruments and the competent authorities in the field in Ukraine. Then, we analysed the legal framework and policy related to migration in this country in order to assess to what extent authorities use a children's rights approach to children affected by migration in Ukraine. We also tried to assess what regulations cover the particularly difficult situations for children under the impact of migration environment. Finally, we looked at the state's strategy to influence the return of Ukrainian emigrants.

1 Protection of the rights of the child

Since the ratification of the CRC, Ukraine had been developing its national legislation in the area of children's rights to bring it in line with the international standards and principles. The main framework in this field includes the Law on Children's Protection (2001), the Family Code, and other laws and regulations. According to the Constitution of Ukraine many international documents which are related to the protection of children in particular situations have entered into force being integrated into the national legislation[23].

In 2015, the National Human Rights Strategy of Ukraine[24] embraced as one of its main priorities the improvement of the protection of the rights of child. The strategic goals in the field were to create a favourable environment for the upbringing, education and development of a child, to produce an effective system for the protection of the rights of the child, and to improve State's mechanism for the monitoring of the rights of the child. One of its main concerns was to guarantee the rights of refugees, of persons in need of additional protection, of foreigners, and of stateless persons legally staying in Ukraine. The strategy also included the reinforcement of the protection of IDPs and the implementation of all necessary measures in order to protect the rights of the people living in the temporary occupied territory of Ukraine.

After two years of carrying out the National Human Rights Strategy, the analysis of the results is not very optimistic. According to the Commissioner for Human Rights of the Ukrainian Parliament one reason for the ineffective implementation of the Action plan for the Strategy is the lack of understanding of its importance by public authorities (Ukrainian Helsinki Human Rights

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[23] Among others Ukraine ratified: the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour N 182 (2000); the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography (2003); the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts (2004); the European Convention on the Exercise of Children's Rights (with statements) (2006); the Convention on Action against Trafficking in Human Beings (2010); the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (2012).

[24] Decree of the President of Ukraine # 501/2015 On Approval of the National Human Rights Strategy of Ukraine. Available at: http://www.coe.int/t/commissioner/source/NAP/Ukraine-National-Action-Plan-on-Human-Rights.pdf.

Union, 2017). Among the identified barriers to the implementation were underlined: no clear understanding of how and who should carry out the envisaged measures; no provided budgeting; no support from relevant central executive authorities of the Action Plan for the implementation of the Strategy.

2   Migration field

The Association Agreement signed between Ukraine and EU and the ambition of Ukrainians to travel without visa toward Europe led to a series of important reforms in the field of migration management. Addressing several challenges the Government created a new migration legislation 'from scratch' (Migration Policy Centre, 2014)[25], a new State Border Guard Service was established, and the Readmission Agreement was adopted and implemented. The State Migration Service of Ukraine is the central state authority responsible for the realization of the state policy in the field of migration including citizenship, registration of refugees, combating illegal migration. Its activities are directed and coordinated by the Cabinet of Ministers of Ukraine through its Minister of Internal Affairs. For inward migration the President has competence in shaping the migration policy (legislative initiative, signing of laws, veto right, management of foreign affairs).

However, migration policy and migration legislation have never been a priority area for many of Ukraine's Governments. The country's migration legislation has mostly been developed under pressure from external factors rather than in the context of a conscious Ukrainian vision of the development of migration policy as a whole (Kazmierkiewicz et al. 2009). In July 2017, the Government has approved the strategy of the state migration policy for the period up to 2025 (hereafter 'the Strategy'). Among others, through this Strategy the State plans to ensure the protection of the rights of Ukrainian citizens who work and live abroad by supporting the families of migrants who remain at home, especially children and elderly people. With the goal to create the necessary conditions for the return and reintegration of Ukrainian migrants the authorities have to implement measures aimed at supporting the adaptation of emigrant children to the Ukrainian education system, including distance learning according to Ukrainian curricula; upon returning – additional study programs are meant to facilitate the education in Ukraine.

Meanwhile, the State has the goal to ensure successful integration of foreigners and stateless persons who reside legally in Ukraine into Ukrainian society. For this purpose the authorities have to develop adaptation programs for migrant children to the Ukrainian educational system, to enhance the environment of tolerance and the culture of interethnic relations in the society, to fight racism and xenophobia by all necessary measures. Unaccompanied minors should enjoy special approach within the process of integration. In the process of the returning procedure of irregular migrants, in order to encourage their voluntary return, the Strategy highlight the

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[25] The legal framework governing migration and mobility includes the Constitution of the State several other regulations as follows: The Law on the Legal Status of Foreign Citizens and Stateless Persons (2012); The Law on Refugees and Persons in Need of Subsidiary and Temporary Protection (2012); The Action Plan on Integration of Refugees untill 2020 (2012); The Law on Combating Trafficking in Human Beings (2011); The Law on Immigration (2001); 2001 (amended in 2005) The Law on Citizenship of Ukraine (2001, amended in 2005).

necessity to review the legal, financial and procedural aspects, and integrate legal assistance in this process for certain categories of migrants, including youngsters.

In 2007, Ukraine ratified the Council of Europe Convention on the Legal status of Migrant Workers (1977)[26]. According to this document migrant workers and their family members should get the same social and medical assistance as the citizens of the receiving country, taking into account provisions of the national legislation and international treaties. Unfortunately, Ukraine took no action to sign the International Convention on the Protection of the Rights of All Migrant Workers and Member of their Families, which also covers the regulation of the status of illegal migrant workers providing them protection together with their families. In the foreign countries that have not signed this document migrant children remain unprotected if they stay illegally.[27]

3   Particularly difficult situations related to migration context

a)   Sexual exploitation of children in travel and tourism

SECTT is one of the fundamental violations of children's rights, and a form of commercial sexual exploitation of children. The latent nature of the problem causes the lack of understanding the urgency of sexual exploitation of children in travel and tourism in Ukraine. First of all, the term "sexual exploitation of children in travel and tourism" is often misinterpreted as a sexual exploitation of children at the age of 5-10, while in practice the most often victims of sexual exploitation are children at the age of 15-17, when it is difficult to understand their age as they look older. Legally, they are children; engaging in sexual industry affects their mental health; but the society sees them as adults and rarely relates such cases to child abuse. Secondly, cases of sexual services provided by children at the age of 5-10 are rarely exposed to the public due to low identification of these crimes, corruption and for the purpose to protect interests of the victim. Hence, the problem is only obvious to the specialists, and others take such facts as an entertainment for tourists. While no direct proofs for sexual exploitation of children in travel and tourism in Ukraine exist, content analyses of forums and web-sites shows available interest to the sex with Ukrainian minors. Virtual discussions have diverse purposes: questions or advices, discussions on girls and agencies (Bochkor et al., 2015).

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[26] Beside its main provisions related to the status of migrant workers this document guarantees several important rights for children: reunion of families of migrant workers in the country of employment (husband, wife and unmarried underage children) if adequate housing is available; recovery of support money on the basis of family relations, fatherhood or motherhood, marriage or relation, including duties to support children born out of wedlock; guaranteed right for the general, vocational and continuing education, access to the higher education on common grounds, scholarships to the children of migrant workers; the receiving country's language classes for migrant workers and their family members. The Convention also encourages the member States to organize linguistic training in their native languages for children of migrant workers to facilitate their return to the countries of origin.

[27] The ratification of this Convention can give Ukraine, at least, the moral right to demand protection for its irregular migrants and for their families in other countries (Karpachova, 2010).

b) *Trafficking of children*

Commercial sexual exploitation of children is closely related to child sex trafficking. Trafficking of children often has a purpose of sexual exploitation, exploitation in prostitution and pornography, and labour exploitation[28]. According to the experts a large proportion of cases related to trafficking of children[29] is not registered by law enforcement. There are no specific rehabilitation programmes or specific institutions for assisting these children. No skills of identification, work with children-victims of sexual exploitation and abuse, investigate cases and interview children-victims, no child-friendly interview rooms and specialization of investigators and judges – these and other problems remain outside of the attention of the state. Yet, the most significant obstacle for protecting children from exploitation in prostitution is misunderstanding the phenomenon by the society. Therefore, it is crucially important to raise awareness on the problem of commercial sexual exploitation of children (Bochkor et al., 2015). Large-scale child prostitution and trafficking in children, both cross-border and internally, remain a serious problem in Ukraine. The majority of children who are trafficked are aged between 13 and 18 years. Girls are more likely to be sexually exploited, whereas boys are reported to be used to labor in illegally operated mines, in construction and agriculture, or the illegal drug trade. Unaccompanied and separated children are especially at increased risk of trafficking (ACAPS & Save the Children, 2015). Sometimes Ukrainian children are subjected to forced begging. Children in orphanages and crisis centers continue to be particularly vulnerable to trafficking within Ukraine[30].

Experts consider the situation of illegal employment abroad and the illegal trips to the other countries among important risk factor for children and youth trafficking (IOM, 2016c). One specific category of migrant children to Ukraine are minors from governmentally non-controlled area of Transnistria. This space controlled *de facto* by a non-recognized governmental structure serves, among other, to the proliferation of trafficking and smuggling activity both on the territory of Republic of Moldova and Ukrainian territory. Thus, irregular children's migration from Transnitria (Moldova) to Odessa region (Ukraine) is a widespread phenomenon. The absence of border control between the two entities is a favourable factor to this migration and makes the situation more difficult to control for both authorities, Moldovan and Ukrainian. Among the main reasons for children's illegal movement to Ukraine from Transnistria are the economic difficulties of their family, domestic violence, alcohol and drugs dependency of the parent(s), the absence of parents and other negative factors (Veritas-Ukraine, 2017). The majority of these children arriving in Odessa get in street situation, they are not socialized, and frequently become victims of traffickers and smugglers.

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[28] The Criminal Code of Ukraine and the Law of Ukraine against Trafficking in Persons (2012) define the trafficking of human beings (Art. 149) considering the trafficking of children as a component of adults' trafficking and part of child abuse problems. Children make a specific category of victims of trafficking or other illegal agreement against a person and are the least protected and most vulnerable part of the society.

[29] The latent nature of these crimes has several factors. First of all, children often quickly adapt to the circumstances of exploitation, see them as natural, rarely resist the criminals and do not come for help to law enforcement or community. Secondly, victims often are not able to provide full and objective data evidence of the crimes due to their development (pre-school children, infants). Thirdly, transfer of a child for exploitation often looks legally from the side (Bezpalova et al., 2013).

[30] The Government does not fully comply with the minimum standards for the elimination of trafficking, although it makes efforts to do so. *Cf*. U.S. Department of State, Office to monitor and combat trafficking in persons, 2014 Trafficking in Persons Report: www.state.gov/j/tip/rls/tiprpt/countries/2014/226841.htm.

c) *Forced migration*

Forced Migration produces many negative outcomes for adults and children in terms of domestic, social, medical, educational, economic and other difficulties. Based on the experience of other countries, which face a military conflict, it can be assumed that such situation generates the increase of violence, violence against women and children, sexual exploitation and trafficking, including trafficking of children. Women and children are the most vulnerable groups. Besides, children can be involved in military actions[31].

The special Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" (2014) is the result of numerous discussions and agreements with international organizations and human rights activists[32]. As a result, according to experts, this law meets international standards for the protection of IDPs rights. Still, light has to be shed on several gaps of this law. For instance, it does not consider the rights of foreign citizens and stateless persons. The providing of social services is related to the residence registration, which creates a number of serious inconveniences for IDPs because of the imperfect administrative practice. Besides, the provisions of the law cannot be applied through the dynamic changes of situation in the non-controlled areas (Zaharov, 2016).

4   Return

The issue of return migration of Ukrainians working abroad was addressed by the Government (since 2006) through the Strategy of Demographic Development of Ukraine. However, works on the development of concrete measures started only in 2010, as a response to the Action Plan of the Council of Europe related to Ukraine and to the recommendations of the European Committee on Migration. After a range of interdepartmental consultations and works with European experts, the Ministry of Social Policy of Ukraine set the Action Plan on Integration of Migrants in the Ukrainian Society for the period of 2011-2015. It was planned: to inform Ukrainian migrants on the issues of business start-up, investment opportunities, employment, social security, and healthcare; to develop methodological recommendations and establish courses for children of returning Ukrainian migrants; to provide psychological support to returning migrants.

So far, Ukraine does not have programs to encourage the repatriation of foreign Ukrainians, immigrants from Ukraine and their descendants. Despite the tough competition for skilled labour resources on the international labour market, there is no system of attracting highly qualified specialists from abroad that can contribute to the innovative development of the national economy. Opportunities to enter the Ukrainian labour market by the most prepared and integrated part of

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[31] The Guiding Principles on Internal Displacement (UNHCR, 1998) highlight the specific needs and additional protective measures relevant to displaced children during all stages of their displacement. Particular attention must be paid to issues of sexual exploitation, forced labour, recruitment and participation in armed conflicts. In these circumstances, State must enhance the protection of the rights to family unity and to education for the internally displaced children.

[32] The latest amendments on the legislative body of Ukraine on the assistance provided to IDPs concern several domains: higher education, rules of crossing the line of contact, rules related to IDPs' registration and assistance, and other aspects. The Law of the Higher Education supported amendments for further shaping possibilities for university enrolment for recent high school graduates from Crimea by identifying four regions in southern Ukraine (Kherson, Mykolaiv, Odesa, and Zaporizhzhia) for preferential treatment of concerned applicants. This positive development is also aimed to contribute to the preservation of links between mainland Ukraine and the Autonomous Republic of Crimea (UNHCR, 2017).

foreigners, which are foreign students who have received education in Ukraine, are limited (Strategy of the state migration policy, 2017).

Rights of the children on the move and other children affected by migration

New configurations of families have emerged during the years of transition reforms in all Eastern European countries. The massive outflows of men and women for work abroad transformed their families. Considering the magnitude of outflows, together with the members of their families left behind, over 1/3 of the Ukrainian population is concerned by the phenomenon of transformations (Tolstokorova, 2010), living as a result in 'multi-local families' (Stanek & Hosnedlová, 2012), in migrant families or in returned families. During these transformations children are put in diverse situations, often without their choice. Left behind, on the move with their parent(s) or alone, displaced and returned, children can get into various circumstances which have a great impact on their rights. How these children perceive their situations? How do they feel about their rights? We tried to find answers to these questions by asking children themselves and by talking to their parents and teachers. Our qualitative survey is far from being comprehensive, but we endorse the idea that children's narratives always offer authentic and valuable insight into their world (Engel, 2005; Lam & Chan, 2007; Thomson, 1999).

Emphasizing the importance of children's rights we asked them about their school accommodation; about their access to medical assistance, about their particular needs, whether their opinion is asked or not in different circumstances, about their work experience, about their leisure, and recreational activities, about the attitude of the authorities (in the origin country/ host country) to them, and if they felt discriminated. If the interviewed child had multiple experiences (migration in different places) we asked him/ her to use in their narratives a comparative approach.

1   The best interest of the child

In the migration field, all policies targeting children must apply first and foremost the principle of the "best interests of the child". Therefore, for instance, addressing their parents' or their own irregular status, all decisions related to health care, education in host countries, social or integration policies, family reunification programs should be guided by this principle. As stated by the CRC Committee, questions related to migration control, cannot override a child's best interest consideration (CRC Committee, 2005). The procedure of 'best interest determination' makes necessary to ensure that the individual circumstances (nationality, upbringing, cultural and linguistic background, vulnerability and particular protection needs) of the child are taken into account when determining what is in his/ her best interests (OHCHR 2010).

In practical situations, when for example a Ukrainian girl had no father and her mother was deprived of parental rights on the Russian territory, the Russian authorities decided her repatriation to Ukraine, probably, without taking into consideration several personal details for her best interest, prioritizing this way the migration law against child's rights approach.

"My mother left me but there was my mom's friend who was helping me. I loved to go to school there, I had my friends there; all my life was there… But they [the authorities] decided to repatriate me to Ukraine. I do not have anyone here. I was moved from one region to another; transferred from school to school, from one childcare center to another. One day, when I will grow up, I'll move to Moscow" (M., 14 years).

Another interviewed youngster revealed the same attitude of authorities in the host country:

"I have no parents. When I was in Russia (I spend several years there) one day the authorities found that my mother was Ukrainian and therefore they decided to send me to Ukraine although I had no relatives here. Nobody asked my opinion about this, if I want to go or not. Once arrived in Ukraine I was transferred several times from one institution to another. Today I live in a foster family" (I., 17 years).

2   Non-discrimination

Children with a migrant status are more vulnerable to experience discrimination. In addition, if their status is irregular and/or they are unaccompanied they often face restrictions in accessing basic rights and services such as education, housing, health care, and social security. They are at a greater risk of facing hunger, homelessness, and sexual or labour exploitation.

Among our surveyed participants those who migrated to foreign countries felt sometimes discriminated for not knowing the language or for other reasons:

"I had at the beginning difficulties in learning Italian, and teachers were somehow more critical for not succeeding" (A., 15 years).

"At school children were distant because I could not understand everything" (O., 12 years, Portugal).

"In west Ukrainians are racist, if you do not speak Ukrainian they become suspicious that you are Russian" (A., 17 years).

"In western Ukraine the IDPs are considered separatists and the society is not very friendly, children are stigmatized in schools and often they come back to eastern regions" (school pedagogue, working with displaced children).

3   Rights to life, survival and development

The CRC principle on the children's right to life, survival and development relates to a continuum of well-being that begins with maximum survival and progress to an endpoint represented by children's optimum development, ensuring the conditions that enable them to develop to their full potential (Cernadas, 2015). Addressing the root causes of children migration involves searching to ensure these conditions in sending societies. It entails covering the gaps between State's obligations in the field of children development and the reality of childhood within its territory. What is the children's perception about Ukraine's capacity to provide such conditions?

"*We have a great country, we have all material possibility, but the government is not interested in children. They think only about themselves.*" (E. 15 years).

"*I think in Russia I have much more opportunities to develop my personality*" (D., 17 years).

"*I had no future in Ukraine, politicians think only about themselves. Here [in Italy] I have much more opportunities for my development*" (O, 14 years).

"*The IDPs families live here in very precarious conditions, the attributed housing is very limited, and the State material help does not cover at all their needs*" (school pedagogue, East).

"Our family migrated to Moscow where we stayed for four years. It was very difficult for us because we did not manage to have necessary papers. Moscow is closed to migrants. The housing was very expensive; often my parents were constraint to borrow money" (E., 15 years).

4   Right to participation

The programs related to migration should provide effective mechanisms for children's participation in decisions that impact on them (entering the country, repatriation, applying for a resident permit etc.). The State must encourage children and guarantee them the right to express their opinion at different levels: international, national, regional, local, and also at their family level.

During interviews we observed different opinions on the necessity to give a voice to children. While some adults (authorities, NGO's representatives or pedagogues) have different, sometimes opposite opinions on the matter, children, especially adolescents consider their right to expression very important.

"*It is important to hear displaced children from those territories [non-controlled areas in East] about their feeling to move, about where to move, and about their perception on the whole situation*" (NGO representative).

"*I think children do not have the necessary knowledge and are not prepared to have their own opinion about this situation [displacement], so I think only adults must be involved in discussions*" (school pedagogue).

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Youngsters have the impression that their voice is not important for adults and most of all for the authorities:

"*Nobody asked me how I feel about moving; the authorities never take children's opinion into consideration*" (O., 17 years).

Most of the parents leaving for work abroad try to prepare their children before and seek to have their positive opinion on the matter:

"*My mom asked me how I feel about her departure, I didn't want her to leave, but we were low on money and it was necessary for all of us*" (M., 13 years);

"*Every time my father had to go to Russia he asked me if I am angry with him, I was not angry, but I miss him very much although I know it is necessary for all of us*" (A., 11 years).

When parents are already abroad and consider bringing their children they try to explain the importance of reuniting abroad:

"*My mother was in Italy for three years before I could join her. She said that it is better for me too to make this effort with the new language. Although I was attached to my friends and my grandparents I know now that it was the best choice to come here*" (E. 15 years).

"*When we had to leave to Georgia it was our mother who decided this, but she asked us how we feel about this, we also wanted to go there*" (N., 12 years & D. 13 years, sisters).

"When my parents decided to go to Russia, they asked me if I want to stay here, with my grandparents, but I decided to go with my parents" (L., 12 years).

5   Right to family life

The family reunion is one important aspect of the right to family life in the context of migration. The restrictions to family reunion weaken this right and may induce important risks for children. However, children's right to family life has been increasingly impacted by the policies that prioritize migration control goals over the protection of children's rights. Many times, in case of Ukrainian migrants, their irregular migration status at destination presented long-term obstacles for family reunification.

"*The first three years my mother could not come home, she had no papers. I missed her very much; there were very difficult times for both of us*" (A., 15 years, Italy).

"*My mother works in Russia and she comes back every three month to see me. We talk and see each other every evening on Skype. I live with my grandparents now because my mother cannot take me with her, she has no papers*" (R., 12 years).

"*My parents are divorced, and my mother works from time to time in Russia. I stay with my grandparents when my mother is abroad. I love my grandparents very much and I prefer staying with them. When I was little and my mother had to leave for the first time I was very sad, now I am used to it, however she has to work to support us materially. I cannot go with her in Russia she has to work there and she does not have time for me. Anyway, I do not like Russia very much*" (A. 12 years.)

"*When everything started [military actions in East] my mother decided to leave with us [children] but father had to remain because of his job. He could not come here because here he had no work. After a while he went to Russia for work and so we continued to live without him*" (L., 12 years, displaced).

"*My father works in Russia and because his passport expired he cannot come back to visit us. But he calls me every day and he sends me money*" (O., 11 years).

6   Right to education

The CMW guarantees to each child of migrant worker, regardless of legal status, the "basic right of access to education on the basis of equality of treatment with the nationals of the State concerned" (Art. 30, CMW). Unfortunately, this human rights treaty has not been ratified by any of the Western states of employment of Ukrainian migrant workers. However, the CRC Committee,

ratified by all European states, has held that every child, "irrespective of status, should have access to education […] in line with article 28, 29(1), 30, and 32 of the Convention and the general principles developed by the Committee" (CRC, 2006). Most of the Ukrainian parents who leave behind their children while migrating for work do not know about this obligation of the host country despite of their regular/ irregular status.

"*When I left for the first time to Portugal I did not imagine taking my child with me, she was 6 year old at the time and I was not sure of anything. After a while, because I had no legal papers for my stay, for 2 years, I could not go back to see my daughter*" (L., 43 years).

The most significant concern of children that migrated in/ outward their country is the acceptance in the new school milieu, their relation with peers and with teachers, and their knowledge of the foreign language. They reveal various experiences:

"*I was very worried how my new schoolmate will accept me*" (A., 15 years, displaced).

"*I thought my new teachers will be more severe, but in the end it was fine*" (O. 17 years, displaced).

"*My knowledge of Portuguese was limited and I was fearful about my school performance, but with support classes[33] for language study I succeed to overcome my anxiety*" (M., 16 years).

"*Despite the fact that I took lessons of Italian language in Ukraine before arriving in Italy, I was fearful about my performances at school, but in the end it was fine*" (O., 14 years).

"*It was quite difficult at the beginning because I didn't know the language, but now I'm making progress in Italian. My schoolmates were from various countries and I was worried how they will accept me, but I succeeded to make several friends*" (M., 12 years).

The perception of the new school milieu was in most of surveyed cases positive:

"*The school is better in Russia, one day I hope to go back there* (O., 14 years, returnee).

"*The school is fine, teachers are more respectful here*" (O. 12 years, Portugal).

"*I think the school provides more practical knowledge in Italy than in Ukraine and we have less homework*" (A. 15 years).

"*In Georgia we had the possibility to attend special language courses for foreigners. It was important to learn the language. Then everything was fine at the school*" (N., 12 years & T., 13 years, sisters).

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[33] According to Eurydice (2004), the model of reception and integration of immigrant children adopted in Portugal involves placing a new child in a mainstream class with her own age group (if possible, alongside another child from the same country) and providing separate language and curriculum support classes. Newly arrived pupils need to apply for qualification recognition before enrolling in school. If the school certificate from their home country is recognized, children are placed in the appropriate grade corresponding to their age.

Despite of a generally positive opinion on schooling due to the positive attitude of teachers, there are cases when pupils expressed some sense of exclusion in the context of personal relationship with peers:

"*There were children looking down on me because I was a stranger*" (O. 14 years).

"*I met also bad classmates, who called me names and mocked me mostly because of my accent*" (L. 12 years, Portugal).

"*In Russia I was integrated immediately in school*" (L., 12 years, Russia).

"When we were in Kyiv, they [other children] were not very nice to me in school because I was displaced. I was not alone there were other children in the same situation. But in contrast teachers were very nice to us" (L. 12 years, displaced).

7 Right to medical care

Migrants, particularly those with irregular status, often work in precarious jobs, at the same time being excluded from various social welfare institutions (health, education, social security). This status also has an important impact on their children situation in both cases when the children are with them and do not have access to social rights and when children are left behind and their parents cannot consider bringing them along for this very reason.

"*Because of the recent reforms in the medical care domain and in education field many schools and medical institutions from small localities were closed. This situation is one important push factor for migration from these localities of the families with children because the access to the nearest schools and medical assistance institutions is difficult*" (Commissioner for observance of the rights of the child).

"*I had to return from Russia because neither me, nor my children had access to health insurance, because we were migrants, despite the legal job of my husband there*" (N., mother of two children).

"*When I was in Russia with my parents we had access only to the private medical services, which are very expensive there*" (D. 12 years).

"*In Georgia we did not have access to free medical care; every visit to hospital was paid by my parents, although our father was working there*" (N., 12 years & D., 13 years, sisters).

"*When we were in Russia and my mother was pregnant with my little sister, all medical care was free for her*" (L., 12 years, Russia).

"*Displaced children from those regions in East have the obligatory health insurance, but it`s worth nothing because in the hospital everything has to be paid*" (school pedagogue, East).

"*If displaced children do not have registration papers in this region they will not have access to free medical care*" (school pedagogue).

"Although, all the children have obligatory health insurance it`s worth nothing. All the specialized medical services must be paid" (school pedagogue).

8   Work

Because of the difficult economic transition in Ukraine many people lost their jobs and with this the possibility to normally raise their children. One tough but useful choice for many of them was to leave the country or their region migrating for work. In the context of massive parental migration we asked children how they feel about their parents' choice, what are their difficulties dealing with this situation but also what are the good outcomes of their parents' migration. We also asked their pedagogues how children cope with their parents' absence, and migrant parents about their arguments which pushed them to make these choices.

"*I had a job in Ukraine [in Lviv], but with that salary it was impossible to resist. Yes, it was hard to leave my 10 years daughter at that time, and it was a struggle to resist here [in Italy] without my family, but I think I made the right choice*" (O., 41 years).

"*Nobody wants to leave his kid, but when you do not see any good future in your country you must think for the long time, to provide a better life to your child. It was for her good that I came to work here [in Portugal]*" (E., 38 years).

"*At first I did not want my mother to leave, but she convinced me that we have to be strong and one day it will be better for all of us. I suffered a lot not having her with me although my father and my grandparents are wonderful*" (A. 14 years).

The armed conflict in East enhanced the difficulties of IDPs to find a decent job in their region or in the region of their displacement.

"*My parents do not work here; it is very difficult for the IDPs to find jobs*". (D., 13 years, displaced).

"*My mother had to go back to Crimea, she could not find any job here*" (I., 11 years, displaced).

"*My parents work from time to time, when they find some jobs*" (A., 12 years, displaced).

"*How do you want people to manage living here when only in our region 27 factories were closed?! It is a struggle for many of us to continue to stay here*" (school pedagogue, East).

"*Among displaced people there are different cases, some families manage to buy a house here and to start a new live, others cannot find any job and are constrained to look for jobs in other regions or abroad, leaving their children here*" (school pedagogue, East).

"*In many cases migrating parents for work do not have the possibility to bring children with them in migration [in Russia and other countries] because they work hard there, many hours, and live in difficult conditions which are not suitable for children*" (school pedagogue).

At the same time, the precariousness of their material situation pushes many Ukrainian minors to work. The dominant and the most widespread view in the world, assimilated by all international legal instruments, is that child labour denies children the right to enjoy their childhood and the chances for a better future, and in particular deprives them of their schooling and therefore needs to be abolished. Such a narrow position has been questioned a lot lately, in particular by working children's organisations that argue that age-appropriate work in dignified conditions can play a positive role in childhood (Hanson et al., 2015). The personal choice, the age of the child (at least till 15 year) but also the genre of the duties appears to be important factors to appreciate the rightness of minors' work.

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We asked participant children how they feel about minors' work. We also asked them about their future plans for studies and work.

"*I work from time to time, mostly during the summer, sometimes twelve hours a day*" (I., 17 years, displaced).

"*I work from time to time, after school hours, in the evenings, five-six hours*" (S., 17 years, displaced).

"*Most of the children work without any contract, illegally, and they earn small wages*" (school pedagogues).

"*I do not want to go back there, my friends are here now, I like the life here more. But when I will grow up I would like to move to a big city, go to university there and find a good job in Ukraine or abroad*" (O., 13 years, displaced).

"*In the future I would like to go study at the university in a big city and then work here in Ukraine.*" (I. 12 years).

"*I have good reasons to stay in my city; my grandparents have a big house and I think I will manage to have a good life here working in the agricultural field*" (O., 11 years, displaced).

"*I would like to be a journalist and live in Kyiv, because they have a good salary*" (L., 13 years, displaced).

"*I want to be a dentist, it is a good job and I can earn money here, in Ukraine, without going anywhere*" (D., 12 years, left behind).

9   Leisure

The right of the child to leisure, play and recreational activities is strongly related to "participation" of the child, to the very own way children participate in social life. Within the CRC context, the right to play is the right to belong to the society which must respect the approach of children as a very typical contribution to social life and to children's development (Van Gils, 2007). By asking children about their leisure activities we were trying to find to what point they tend to be integrated in the new social context.

"*In Russia there were several possibilities to develop my artistic skills (photography, origami) there were free, afterschool activities*" (L., 12 years, Russia).

"*I have the possibility to study contemporary dance here*" (I., 14 years, displaced).

"*I studied martial arts here, it was free.*" (A., 14 years, displaced).

"*We play football all the time with boys, for us [displaced] it is a way to socialize easier*" (S., 17 years, displaced).

A focus group we organised discussing with teachers about their children in different migration contexts (left behind, returnees, and internally displaced) reveals the implication of specialized adults to integrate these children in various artistic activities.

"*It is very important to organize possibilities for children to express their emotions through artistic activities. I think they integrate better in the host society when they are part of different artistic activities*" (pedagogue from school specialized in art activities for children, East).

"*Our job is to help children discover their talents and develop them. We make no difference when working with displaced children in our region. We try to help them see the good side of the life*" (pedagogue from school specialized in art activities for children, East).

10   Fears before and during a migration experience

The children displaced with their family were much more comfortable than those who, from various reasons (do not have parents, parents left for work) had to move alone. All the children express much anxiety about their experience lived in their region of armed conflicts and they have a positive opinion on the decision to move.

"*It was impossible to live there with all the noise of shuts and bombs*" (E., 12 years).

"*I was very afraid every time when we had to go down to the basement; it was the best choice to leave*" (T., 13 years),

"*It was impossible to stay there, all those fears made our decision quick*" (D., 17 years).

"*We were afraid that the separatists won't let us pass to the Ukrainian part [leaving form the non-controlled by Ukrainian authorities zone]*" (T. 15 years, displaced with family).

"*My mother was very afraid all the time and, since 2014 we moved from place to place, from one city to another. We went to Kyiv too*" (L., 13 years, displaced).

"*I do not want to go back there [to non-controlled regions]; there is no sense to go back, because any time they can start again the military actions. Besides, the prices are very high there, the life became very expensive*" (D. 14 years, displaced).

"*Among displaced children there are cases of severe psychological trauma. Children become very enclosed, they do not communicate with others. I think all of them need a careful supervision of a psychologist*" (school pedagogue working with displaced children).

"*Often displaced children became aggressive and hysterical, they were crying a lot both girls and boys too. Sometimes, when parents cannot manage to put up with their situation they start drinking, many families are destroyed and children suffer a lot*" (school pedagogue working with displaced children).

Psychologists working with IDPs observed that children are more open to discussion than their adult parents.

"*There are situations when we manage to get to the adults' problems through their children who are more open and disposed to talk about their traumatizing experiences. At the same time, the broken parent is a risk factor for his children. All adult parents' emotions are reflected on child's psychological condition. For instance adult's aggression become part of child's behavior. The child's adaptation to the new situation depends a lot on their parents' capacity to cope with this situation*" (psychologist from a specialized NGO).

"*My son's trauma because of this experience [armed conflict] turned into a nervous tic. He needed almost two years to overcome this trouble*" (IDP, mother of two children).

The results show how children from Ukraine manage to accept the profound transformation of their families in various migratory contexts, maintaining the hope to see them reunited one day. When they are part of migration together with their parents they show the capacity to confront the difficulties and to adapt to the new circumstances (new country, new region, new town) for their one good and for the good of their reunited family.

They give very much importance to their social life through their relations with peers. When changing the school milieu their first concern is how they will be accepted in school, both by their schoolmates and by their teachers. The linguistic barrier is of a great importance in the first phase of their adaptation and the capacity to overcome this barrier has a key influence on coping with the new country.

Migrant children have different perceptions on both their origin country and on the host country. This perception is influenced by several expectations which can be met or not. When children find favorable environment for their development in a new country, naturally, they adapt easier to this environment. This environment is mainly a social construction, which is built by their relations with parents (sometimes reunited after more years of parents' absence in their everyday life due to the work migration), with peers, and with school pedagogues. Their feelings about their origin country are also mixed and depend on the quality of their different connections that they leave there.

Failures and gaps

Our assessment of specific failures, gaps, needs, and rights violations of children affected by migration in relation to Ukraine is informed both by children's and key informants' views and a thorough analysis of secondary data gathered through desk research and literature review.

1) The assessment of the scale of migration, both in and outward Ukraine, is quite difficult because of a lack of reliable data. Despite major reforms in the field of migration, the authorities did not manage yet to set up a new system of migration measurement. On the one hand, the current system is obsolete, on the other hand, the freedom of movement of people makes difficult to keep track of movement.

2) The legal and policy framework addressing migration is not embracing a child rights based approach. Children's rights (including principles and standards that guide the effective realisation of these rights) should be explicitly included in any migration policy, piece of legislation, and decision that affect them. All the authorities and institutions in contact with children affected by migration should be required to assess whether their actions unequivocally take the best interests of each individual child as a primary consideration, through individual assessments when taking decisions, and through child rights impact assessment when taking policy or legislative actions of a more systemic nature. This should be a firm goal for Ukraine (as origin country for outward migration and as host country to foreign migrant children) and for other country of destination of Ukrainian migrant children.

3) Economic difficulties are among the main push factors for internal and outward migration. The absence of working opportunities, low salaries, delays in their payment are the reasons why people leave poor regions or even the country. The high degree of corruption, the prolonged turbulent transition, and the ineffectiveness of social assistance lead people to search for solutions in other countries. The majority of interviewed adults and children also highlighted the expensiveness of medical care and the inefficacy of the system of obligatory health insurance.

4) The tragic events in the Eastern regions are the main factor of forced migration from these regions. Children are the most vulnerable victims, suffering many negative outcomes. Because of the lack of governmental control in these areas the State does not exercise effective control over internal displacement and registration of IDPs. Most of the interviewed adults and children displaced from those regions pointed out problems with papers and document registration, which lead further to other problems related to work, education, healthcare and others.

5) The lack of governmental control over the Moldovan region of Transnistria, from where people can move without any control to Ukraine (mainly to Odessa region) produces many cases of street children, which are not efficiently taken care of by both Moldovan and Ukrainian authorities. The cases of prolonged stay in the street have very negative

influence on children's rights in many ways: they live without their family, they miss schooling, they do not have accesses to proper medical care and in most of the cases they do not have any papers. Despite of their assistance provided by several specialized NGOs in Odessa, the authorities fail to create an efficient system to fight this phenomenon and to protect the rights of these children.

6) The authorities fail to create a resourceful system of secondary and postsecondary education for the acquisition of optimal skills tailored to the needs of the economy. Moreover, there are gaps at the pre-school and basic education levels, where curricula do not pay sufficient attention to the critical development of cognitive and non-cognitive skills of children. These outcomes sometimes drive Ukrainian parents to make the choice to migrate to other countries with children, and young people to choose post-secondary educational systems of other countries. This increasing trend of migrant youngsters to leave for education abroad has two reasons. On the one hand, the attractiveness of study offers abroad is a pull factor for Ukrainian students. On the other, major gaps in their country's education system, hamper both the access to education as well as further integration of graduates in the Ukrainian labour market.

7) Although, Ukrainian society is aware of the extent of parental absence due to employment abroad, which generates a very high number of children left behind, the authorities constantly fail to build an adequate system of counting and survey of these children. At the same time, the government fails to craft adapted programs for their assistance. When in most of the cases these children are economically better off than their peers, due to the remittance sent by their parents, they are confronted to important psychological and sometimes behavioural issues. Still, there are cases when the parental work migration does not guarantee the improvement of material situation (when for example the parent(s) has many debts to pay). In worst cases, the child turns to be neglected or abandoned by his/her migrant parent(s), who do not maintain or maintain very rarely connections with him/her. In these situations, the state intervention is crucial in order to protect the child against many dangerous risks.

8) The lack of adequate open accommodations for foreign unaccompanied minors apprehended by border guards when trying to enter Ukraine leads to their placement in centres applying a *de facto* detention regime. In addition, the State fails to take the necessary measures to ensure that unaccompanied asylum-seeking children are promptly appointed a legal representative in order to effectively access the asylum procedure, as well as assistance and protection, including access to free interpretation. Local specialized NGOs raised concern about the lack of measures to secure access to education for these children. At the same time, they bring attention to the rise of racial and xenophobic views among children towards migrants and refugees in the society.

9) As a result of legislative gap, in Ukraine, utility costs are calculated on the bases of the number of people officially residing at an address, property owners are often discouraged to register people in their properties. Consequently, migrants (Ukrainians and aliens) being

unable to legally register their place of residence cannot gain access to education, to employment, to various social services, to health insurance, and even to their right to choose their own residence.

10) Civil society organisations working in the field of migration point out sometimes to the difficult dialogue with authorities, who often fail to collaborate with specialised NGOs in order to support the protection of migrant's rights and their integration efforts. The rights of people (adults and children) affected by migration (migrants, left behind, returnees) to participate and to have a voice on the matters concerning them have to be embedded in a formal and constant dialogue between all the stakeholders in the field.

11) State and society in general fail to consistently approach the problem of sexual exploitation of children. Another important issue is the sexual exploitation of children in travel and tourism, phenomenon which is not defined in Ukrainian legislation. Also, there are gaps in registering by law enforcement the cases of trafficking of children. Appropriate procedures for identification of children at risk of trafficking and smuggling are missing, despite the fact that children affected by migration are among the groups most exposed to such risk.

12) Issues related to labour migration from Ukraine abroad also remain unregulated at the legislative level. The main obstacle to effectively use bilateral agreements as a mechanism for handling the issue of employment for Ukrainian citizens abroad is that such agreements only cover those citizens who entered the destination country on the basis of a work visa and have permission to work and reside there. Given that only a small percentage of the overall number of migrant workers actually find employment legally abroad, many of these agreements are *de facto* not operative.

13) Despite broad declarations acknowledging the need to encourage the return of migrant workers by encouraging social mobility, so far, no concrete measures have been taken to create reliable conditions in the national labour market for this purpose.

Conclusions

Ukraine is a country of origin, transit and destination of international migration flows of adults and children. During the past 25 years Ukraine experienced a significant decrease of its population principally due to negative trends in natural reproduction but also to the emigration which contributed to the negative population dynamics.

The choices linked to the migration of children in and outward Ukraine are associated mainly with family ties or deficiencies, with education opportunities, and with security reasons. Children are not always part of their parents' decision to migrate abroad, but in most of the cases parent(s) try to persuade them about the necessity of this choice for the entire family. The root causes of adult migration are not necessarily different from those that drive children to migrate. These causes include the lack of opportunities in their country, the socio-economic inequality, gender gaps and discrimination, regional disparities, political instability, informal economy and unprotected jobs, armed conflict and others.

The human rights of children affected by migration are not genuinely translated into policies and laws related to migration, neither in Ukraine, nor in other host countries of Ukrainian children and families. The new State Strategy on migration does not integrate all problems related to children's rights within a migration context. Although Ukraine signed the main international binding instruments on the protection of children's rights, the authorities at various levels, as well as society in general, are not aware of the importance to promote and to protect the human rights of children affected by migration and to provide all necessary means for their development despite of the difficult context. While the best interests of the child must be a priority in all actions involving children, including those related to migration, very often States' authorities fail to take this interest into consideration in migration-related procedures.

Like other types of migration the classification of child migration has to be put into perspective. The single-dimension categorization do not always relate to the multidimensional experiences of the migrant children, including those of Ukrainian nationality. Children can move for several reasons (family reunification, education opportunities, displacement) or can be left behind, but their situation depends much on the situation of their parents. Within a migration context, children can shift between categories and also they can combine elements of several profiles at the same time. For instance, first the child can be left behind by migrating parents, then he/ she can move abroad to join the parent(s) and if his/ her parent(s) decide to return to origin country the child can decide to stay in the destination country for example for education reasons. The child can be displaced with the entire family because of the armed conflict in the eastern regions and then be left behind if his/her parent(s) do not find work where he/ her was displaced and decide to go back to the origin region or to go abroad looking for work. All these categories of children require special approaches tailored to their needs. In the process of identification of those needs and of the further design of legal framework and policies all stakeholders (children, parents, domestic authorities and interested NGOs) must be given the opportunity to be consulted.

Annex 1 – Abbreviations

ACAPS	Assessment Capacities Project
CIS	Commonwealth of Indipendent States
CMW	International Convention on the protectoin of the Rights of All Migrant Workers and Members of Their Families
CRC	Convention on the Rights of the Child
EU	European Union
Eurydice	Education Information Network in Europe
GDP	gross domestic product
HRW	Human Rights Watch
IDP(s)	internally displaced person(s)
IOM	International Organisation for Migration
NGO	non-governmental organisation
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
SECTT	sexual exploitation of children in trael and tourism
Tdh	Terre des hommes Foundation
UNDP	United Nations Development Programme
UNESCO	United Nations Educations, Scientific and Cultural Organisation
UNHCR	United Nations Hight Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
VET	Vocational education and training

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