

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Mongolia has been a member of ILO-IPEC since 1999.²⁸⁹⁶ The National Council for Children, established in 1994 and led by the Prime Minister, reviews policies and mobilizes resources for the protection of children.²⁸⁹⁷ The National Children's Committee, under the Minister for Social Welfare and Labor, oversees the implementation of the government's policies on children, provides training to child specialists, and provides operational assistance to NGOs working on children's issues.²⁸⁹⁸ In 1999, an ILO-IPEC country program funded by USDOL began to build capacity among institutions to combat child labor, raise awareness, and sponsor activities to remove children from work in mining, prostitution, livestock herding, and the informal sector (including scavenging in dump sites).²⁸⁹⁹ In September 2002, a second phase of the ILO-IPEC country program was funded by USDOL.²⁹⁰⁰ With funding from the ADB, and technical assistance from ILO-IPEC's SIMPOC, the Mongolian National Statistical Office is integrating a child labor module into the national labor force survey.²⁹⁰¹ In February 2003, the Government of Mongolia officially launched its National Programme of Action for the Development and Protection of Children,²⁹⁰² which includes provisions to combat the worst forms of child labor, the improvement of working conditions and wages for adolescents, and access to education and health services.²⁹⁰³

The government provides funds to shelters for vulnerable children.²⁹⁰⁴ In conjunction with local and national government agencies, Save the Children UK works with vulnerable children, such as working children, nomad children, and street children, by supporting shelters, providing services, and building capacity.²⁹⁰⁵ USAID has supported vocational education for disadvantaged teenagers,²⁹⁰⁶ and the World Bank initiated a project to provide microfinance to vulnerable rural families.²⁹⁰⁷

²⁸⁹⁶ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited June 26, 2003]; available from http://www.ilo.org/public/english/standards/ippec/about/countries/t_country.htm.

²⁸⁹⁷ ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia, Phase II*, project document, MON/02/P50/USA, Geneva, April 9, 2002, 30.

²⁸⁹⁸ It was recently upgraded to agency status. See *Ibid.*, 29.

²⁸⁹⁹ The project was funded in September 1999. See ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia, Phase I*, project document, MON/99/05P/050, Geneva, 1999, 9.

²⁹⁰⁰ ILO-IPEC, *National Program for the Prevention and Elimination of Child Labour in Mongolia (Phase II): Status Report*, MO/02/P50/USA, Geneva, June 2003. The second phase of the ILO-IPEC country program aims to build upon the achievements of the first phase, as well as assist the Government of Mongolia in the implementation of ILO Convention 182. See ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 5.

²⁹⁰¹ ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia: Technical Progress Report*, Geneva, March 24, 2003, 8.

²⁹⁰² UNICEF, *Mongolia's Second NPA launched officially*, [previously online] [cited July 17, 2003]; available from http://www.un-mongolia.mn/unicef/show_news.php?uid=111 [hard copy on file].

²⁹⁰³ Government of Mongolia, *National Programme of Action for the Development and Protection of Children 2002-2010*, Ulaanbaatar, December 2002, 10.

²⁹⁰⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Mongolia*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18255.htm>.

²⁹⁰⁵ Save the Children UK, *Country Report: Mongolia*, 2002, [cited July 15, 2003]; available from http://www.savethechildren.org.uk/development/reg_pub/country_reports/Mongolia_2002.pdf. See also Save the Children UK, *Work and Children*, [online] [cited July 16, 2003]; available from <http://www.savethechildrenmongolia.mn/sc%20uk/work.html>.

²⁹⁰⁶ USAID, *Mongolia*, [online] [cited July 15, 2003]; available from http://www.usaid.gov/regions/ane/newpages/one_pagers/mong01a.htm. See also *Catholic Church Mission Mongolia Technical & Vocational Training Center Ulaanbaatar USAID Grant No. 492-G-00-00-00020-00 Final Performance Report*, [previously online] [cited July 15, 2003]; available from http://www.dec.org/pdf_docs/PDA.PDF [hard copy on file].

²⁹⁰⁷ World Bank, *Projects, Policies and Strategies: Sustainable Livelihoods Project*, [online] [cited October 22, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P067770>.

In 1997, the government established a Non-Formal Education Center to provide assistance and training on non-formal education techniques, materials and curricula.²⁹⁰⁸ Since 2000, the government has provided school materials to children from poor families to encourage them to stay in the formal school system.²⁹⁰⁹ The ADB is supporting a program to make the education sector more effective, cost efficient and sustainable.²⁹¹⁰ The program will also assist the government to implement a Second Education Development Project that will improve access to and quality of education at the basic, non-formal, and secondary levels, and create a technical education and vocational training program.²⁹¹¹ The World Bank approved a USD 8 million loan for a project to support the Government of Mongolia's Economic Growth Support and Poverty Reduction Strategy. The strategy aims to efficiently deliver high quality basic social services such as health care and education to all Mongolians.²⁹¹²

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 1.2 percent of children ages 10 to 14 years in Mongolia were working.²⁹¹³ Children herd livestock and work as domestic servants.²⁹¹⁴ Other children sell goods, polish shoes, act as porters, scavenge for saleable materials, beg, and act as gravediggers.²⁹¹⁵ Children also work in informal coal mining, either in the mines or scavenging for coal outside,²⁹¹⁶ as well as in informal gold mining.²⁹¹⁷ There are increasing numbers of children living on the streets in the capital, Ulaanbaatar, who may be at risk of engaging in hazardous work.²⁹¹⁸ Urban children often work in small enterprises such as food shops or in light industry.²⁹¹⁹ To a lesser extent, children are engaged in commercial sexual exploitation.²⁹²⁰ While comprehensive information about the

²⁹⁰⁸ Learning Centers exist in each province, and provide training and education to people of various ages. However, vocational education facilities have been decreasing since the transition to a market economy and far fewer students are now able to access those resources. Tuition for vocational schools is charged to meet budget shortfalls, tending to exclude children from poorer families. See ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 10-13, 30.

²⁹⁰⁹ Between 2000-2002, approximately 70,000 children received one-time assistance of this nature; however, assistance was not available to children in non-formal education settings. See *Ibid.*, 12.

²⁹¹⁰ ADB, *Country Assistance Plans- Mongolia: 2001-2003*, December 2000, [cited July 15, 2003]; available from www.adb.org/Documents/CAPs/MON/0303.asp?p=ctrymon.

²⁹¹¹ ADB, *Mongolia; Second Education Development Project*, project profile, LOAN: MON 31213-01, August 6, 2002, [cited on July 15, 2003]; available from <http://www.adb.org/Documents/Profiles/LOAN/31213013.ASP>. The SEDP is also supported with funds from the Japanese government and the Nordic Development Fund, and will include construction of schools. See ADB, *Pioneer Project in Mongolia Supports Preschool and Disabled Children*, press release, [online] August 8, 2002 [cited July 15, 2003]; available from <http://www.adb.org/Documents/News/2002/nr2002128.asp>.

²⁹¹² World Bank, *World Bank Provides US\$8 Million Credit to Support Mongolia's Public Sector Reform Program*, [online] June 25, 2003 [cited July 15, 2003]; available from <http://www.worldbank.org.mn/modules.php?name=Content&pa=showpage&pid=129>.

²⁹¹³ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²⁹¹⁴ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 16-18.

²⁹¹⁵ Ts. Ariuntungalag, "Child Labour in Mongolia" (Ulaanbaatar: Save the Children Fund, 1998), as quoted in *Ibid.*, 16.

²⁹¹⁶ *Ibid.*, 22-23. Most mines in Nalaikh were closed almost a decade ago, but since many of the openings still exist, in practice coal mining continues. For a discussion of the conditions children face working in the sector, see the Mongolian Women's Federation Study, commissioned by ILO-IPEC in 2000, as cited in ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 22.

²⁹¹⁷ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 23-25. Children do not work in formal (registered) gold mining due to labor inspections and high rates of adult participation, but children are engaged in illegal informal mining, in which individuals work in former gold mines year-long, or in legal mines when they are not in actual operation, such as during winter months.

²⁹¹⁸ ECPAT International, *Mongolia*, in ECPAT International, [database online] [cited July 15, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database. See also World Vision, *World Vision in Mongolia*, [online] [cited July 16, 2003]; available from <http://www.worldvision.com.au/asiapacific/country.asp?id=1&page=2>.

²⁹¹⁹ The State Labour and Social Welfare Inspection Agency conducted a study of small enterprises in several province centers and the capital. See ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 21.

²⁹²⁰ *Ibid.*, 18-20.

nature and extent of trafficking in Mongolia is not available, it is reported that Mongolia is a source and transit point for teenage trafficking victims for the purpose of commercial sexual exploitation.²⁹²¹

Article 16 of the Mongolian Constitution provides for free basic education.²⁹²² The Educational Law was revised in May 2002 to expand compulsory education for children ages 8 to 15, lower the age of enrollment to 7 years, and formally define the non-formal educational structure. The revised Law on Primary and Secondary Education of May 2002 directs local governments to cover the costs of non-formal education.²⁹²³ Children who enroll in non-formal education are entitled to take the formal school exams in order to receive primary or secondary school certifications.²⁹²⁴ The Law on Vocational Education, also adopted in May 2002, provides public funds to cover the cost of primary level vocational courses and dormitory costs for students. The law also allows students to join short-term skills training courses without providing a certificate of completion for compulsory schooling.²⁹²⁵ The National Programme of Action for the Development and Protection of Children has as an objective to increase the number of children attending pre-school, primary school, and basic education.²⁹²⁶ In 2002, the gross primary enrollment rate was 96.6 percent.²⁹²⁷ In 2000, the net primary enrollment rate was 88.8 percent.²⁹²⁸ In 2000, at the national level, 75.6 percent of children ages 7 to 12 attended school at the primary level,²⁹²⁹ and 68.6 percent of children enrolled in primary school reached grade 5.²⁹³⁰ In rural areas education levels are lower²⁹³¹ since young boys often leave school to assist their families with livestock.²⁹³² Because Mongolia is largely rural, the government subsidizes dormitories to allow children to stay near schools.²⁹³³

Child Labor Laws and Enforcement

Article 109 of the Labor Law sets the minimum age of employment at 16 years, although children aged 15 may work with the permission of a parent or guardian. Children aged 14 may be engaged in vocational training or employment with the permission of both the parent or guardian and the Ministry of Social Welfare and Labor. The Labor Law prohibits minors from being required to work overtime, on holidays or on weekends, and limits

²⁹²¹ U.S. Department of State, *Country Reports- 2002: Mongolia*, Section 6f.

²⁹²² *Constitution of Mongolia, 1992*, (January 13, 1992), Article 16(7); available from <http://www.law.nyu.edu/centralbankscenter/texts/Mongolia-Constitution.html>.

²⁹²³ Educational Law and Law on Primary and Secondary Education, cited in ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia: Status Report*, MON/99/05/050, Geneva, June 14, 2002, 2.

²⁹²⁴ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 11.

²⁹²⁵ Law on Vocational Education, cited in ILO-IPEC, *National Program in Mongolia: Status Report 2002*, 2-3.

²⁹²⁶ Government of Mongolia, *National Programme of Action*, 16-17, objectives 8,9.

²⁹²⁷ National Statistical Office of Mongolia, *Mongolian Statistical Yearbook 2002*, Ulaanbaatar, 2003, 243.

²⁹²⁸ USAID, *Global Education Database 2003*; available from <http://quesdb.cdie.org/ged/index.html>. See also World Bank, *World Development Indicators 2003*.

²⁹²⁹ Government of Mongolia, *Multiple Indicator Cluster Survey (MICS) from Mongolia: Preliminary Report*, UNICEF, September 28, 2000, [cited July 2003], 7; available from <http://www.childinfo.org/MICS2/newreports/mongolia/mongolia.htm>.

²⁹³⁰ *Ibid.*, 18.

²⁹³¹ World Bank, *Interim Poverty Reduction Strategy Paper*, Ulaanbaatar, June 2001, 17 [previously online] [cited July 15, 2003]; available from <http://poverty.worldbank.org/fi.PDF> [hard copy on file].

²⁹³² About 40 percent of students at the secondary level are males, whereas only 20 percent at the tertiary level are males. See ADB, *Country Assistance Plans- Mongolia*, Section I.C.1, "Gender Issues," item 19. See also U.S. Department of State, *Country Reports- 2002: Mongolia*, Sections 5 and 6d.

²⁹³³ UNESCO, *Education for All 2000 Assessment: Country Reports-Mongolia*, prepared by Technology Education Division of the Ministry of Science, Education, and Culture, pursuant to UN General Assembly Resolution 52/84, 1997, Part II, Chapter 2 [cited July 16, 2003]; available from www2.unesco.org/wef/countryreports/mongolia/contents.html. Government statistics suggest that more than 130,000 children ages 8 to 17 are not in school. See Government of Mongolia, *Survey on the Secondary School Dropouts*, Ulaanbaatar, October 10, 2000.

the hours of legal employment based on the age of the minor.²⁹³⁴ In 1999, the government developed a list of prohibited hazardous employment activities for minors.²⁹³⁵ Article 16 of the Constitution of Mongolia guarantees the right to favorable work conditions, rest, remuneration, and free choice of employment.²⁹³⁶ The revised Criminal Code of Mongolia, which became effective on September 1, 2002,²⁹³⁷ prohibits forced child labor and trafficking in persons. Trafficking of children is punishable by a prison term of 10 to 15 years, and violations of forced child labor provisions are punishable with a fine or up to 4 years imprisonment.²⁹³⁸ The Criminal Code also prohibits prostitution of individuals under the age of 16, and penalties apply to facilitators, procurers, and solicitors of prostitution. Penalties range from monetary fines to imprisonment of up to 5 years.²⁹³⁹ The production and dissemination of pornographic materials is also illegal under the Criminal Code, with imprisonment of up to 2 years or correctional work for a maximum of 1.5 years, or a monetary fine.²⁹⁴⁰ In accordance with the National Program of Action,²⁹⁴¹ provisions prohibiting child trafficking, slavery, and forced child labor have been recently inserted into the Law on the Protection of the Rights of the Child.²⁹⁴² In addition, the Law on Temporary Detention of Children without Supervision is designed to protect unaccompanied children whose life or health is at risk.²⁹⁴³

The State Labor and Social Welfare Inspection Agency under the Ministry of Social Welfare and Labor is responsible for enforcing child labor laws, and now collects data on children engaged in hazardous work.²⁹⁴⁴ However, there is only a small number of labor inspectors,²⁹⁴⁵ and labor inspectors rarely inspect medium and small enterprises.²⁹⁴⁶ Reports indicate that trafficking has been facilitated by corruption and weak border controls.²⁹⁴⁷

The Government of Mongolia ratified ILO Convention 138 on December 16, 2002, and ratified ILO Convention 182 on February 26, 2001.²⁹⁴⁸

²⁹³⁴ Children aged 14 and 15 may not work more than 30 hours, and children aged 16 and 17 may not work more than 36 hours per week. Article 141.1.6 assesses the penalty for violation of child labor laws at between 15,000 and 30,000 tugriks (USD 13 to 27). See *Labor Law*, (Ulaanbaatar: "Bit Service" Co., Ltd., with permission of the Ministry of Justice, May 5, 1999), Articles 71, 109-110, and 141. For currency conversion, see FXConverter, [cited September 16, 2003]; available from <http://www.oanda.com/convert/classic>.

²⁹³⁵ Government of Mongolia, *List of Prohibited Jobs for Minors/People under 18*, Order No. A/204, (August 13, 1999).

²⁹³⁶ *Constitution of Mongolia, 1992*, Article 16(4).

²⁹³⁷ U.S. Department of State, *Country Reports- 2002: Mongolia*, Section 1.

²⁹³⁸ Revised Criminal Code, cited in ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 26.

²⁹³⁹ *Criminal Code of Mongolia*, as cited in The Protection Project Legal Library, [database online], Articles 110-11; available from <http://209.190.246.239/protectionproject/statutesPDF/MongoliaFpdf>.

²⁹⁴⁰ *Ibid.*, Article 256

²⁹⁴¹ One of the goals of the National Program of Action was to amend children's rights legislation. See Government of Mongolia, *National Programme of Action*, 35.

²⁹⁴² ILO-IPEC, *National Program in Mongolia: Status Report 2003*, Annex II, 3. See also UNICEF, "National Programme of Action for Children Implementation on Track," *Mongolia's Children First*, vol. 23 (April-June, 2003); available from <http://www.un-mongolia.mn/unicef/newsletters/jun03.pdf>.

²⁹⁴³ Police sometimes use the law to detain street children in cold weather. Such children are vulnerable to police brutality on account of this law. See U.S. Embassy- Ulaanbaatar, electronic communication, to USDOL official, February 19, 2004.

²⁹⁴⁴ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 28-29.

²⁹⁴⁵ U.S. Department of State, *Country Reports- 2002: Mongolia*, Section 6d.

²⁹⁴⁶ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 28-29.

²⁹⁴⁷ U.S. Department of State, *Country Reports- 2002: Mongolia*, Section 6f.

²⁹⁴⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 28, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.