

Mongolia

Incidence and Nature of Child Labor

An estimated 21.3 percent of children ages 5 to 14 years were counted as working in Mongolia in 2000. Approximately 22.4 percent of all boys 5 to 14 were working compared to 20.3 percent of girls in the same age group.³¹⁰⁸ In this traditionally nomadic society, children are normally found working in the livestock sector. Boys typically tend livestock, while girls mostly perform domestic tasks such as processing milk into dairy products, preparing food, cleaning and washing, gathering dung for fires, and collecting fruit and nuts.³¹⁰⁹ In rural areas, children also work in informal coal, gold,³¹¹⁰ and fluorspar mines.³¹¹¹ Particularly in gold mining, children face severe health hazards including direct contact with mercury.³¹¹² In mining communities, very young children can be found preparing, selling, and delivering food to miners; washing clothes; working in bars and restaurants; fetching firewood; and cleaning. Children working in these areas are also vulnerable to abuse and exploitation in prostitution.³¹¹³ Children as young as 7 years work as jockeys in the traditional sport of horse racing.³¹¹⁴ Child labor is one of many problems associated with poverty. In 1998, the most recent year for which data are available, 27 percent of the population in Mongolia were living on less than USD 1 a day.³¹¹⁵

In urban areas, children sell goods, scavenge for coal and other saleable materials, and work in factories,³¹¹⁶ and there are recent reports of children working in brick-making; cutting and handling of lumber; and

³¹⁰⁸ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

³¹⁰⁹ ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia, Phase II*, project document, Geneva, April 9, 2002, 16, 18. See also ILO-IPEC, *Helping Hands or Shackled Lives? Understanding Child Domestic Labour and Responses to it*, Geneva, 2004, 22; available from http://www.ilo.org/public/english/standards/ipecc/publ/download/cdl_2004_helpinghands_en.pdf.

³¹¹⁰ ILO-IPEC, *National Program in Mongolia, Phase II*, project document, 23, 25-26.

³¹¹¹ International Confederation of Free Trade Unions, *Internationally Recognised Core Labour Standards in Mongolia*, Geneva, March 15 and 17, 2005, 5; available from <http://www.icftu.org/www/pdf/clsmongolia2005.pdf>. Mongolia produces approximately 15 percent of the world's supply of fluorspar, a mineral used in the manufacture of aluminum, gasoline and other products. See Permanent Mission of Mongolia to the United Nations, *Business opportunities in Mongolia*, United Nations, [online] n.d.[cited September 28, 2005]; available from <http://www.un.int/mongolia/businfo2.htm>.

³¹¹² International Confederation of Free Trade Unions, *Core Labour Standards in Mongolia*, 5. See also National University of Mongolia, *Assessment of the Child Labour Situation in Gold Mining*, Ulaanbaatar, 2002, 22-24. Reports indicate that children in mining communities exhibit signs of chronic mercury poisoning, which include tremors, memory loss, impaired coordination, and other nervous system disorders. See United Nations Environment Programme, *Power Stations Threaten People and Wildlife with Mercury Poisoning*, press release, February 3, Nairobi, 2003; available from <http://www.grida.no/newsroom.cfm?pressReleaseItemID=333#>.

³¹¹³ ILO-IPEC, *Eliminating Child Labour in Mining and Quarrying Background Document*, Geneva, June 12, 2005, 8, 9; available from <http://www.ilo.org/public/english/bureau/inf/download/child/background.pdf>.

³¹¹⁴ In 2005, the UN Committee on the Rights of the Child expressed disapproval that Mongolia has not yet raised the age limit for participation in this sport. See NGO Group for the Convention on the Rights of the Child, *CRC 39: Mongolia reporting to the Committee on the Rights of the Child (26 May 2005)*, May 26, 2005; available from <http://www.crin.org/resources/infodetail.asp?ID=5633#top>.

³¹¹⁵ World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

³¹¹⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Mongolia*, Washington, D.C., February 28, 2005, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41652.htm>.

other construction activities.³¹¹⁷ There are increasing numbers of street children in cities who are at risk of entering into hazardous work or commercial sexual exploitation.³¹¹⁸ Although comprehensive information about trafficking in Mongolia is not available, there is evidence that Mongolian teenagers may be trafficked to Asian and Eastern European countries for commercial sexual exploitation, and that children are trafficked internally for this purpose.³¹¹⁹ The U.S. Department of State also reports that forced child labor exists in Mongolia.³¹²⁰

The Mongolian Constitution provides for free basic education,³¹²¹ and the revised Law on Primary and Secondary Education of May 2002 increased the length of compulsory basic education from 10 years to 11 years.³¹²² In 2002, the gross primary enrollment rate was 101 percent and the net primary enrollment rate was 79 percent.³¹²³ Gross and net enrollment ratios are based on the number of students formally registered in primary school and, therefore, do not necessarily reflect actual school attendance. In 2000, 59 percent of children ages 5 to 14 years were attending school.³¹²⁴ The government has shown considerable political will toward educating girls, and Mongolia outranks most countries of comparable GDP in girls' enrollment in school.³¹²⁵ However, girls' comparatively high enrollment statistics could also be attributed to the fact that boys leave school early to assist their families with agricultural work.³¹²⁶

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 16 years, but children aged 14 and 15 may work under certain conditions with the permission of a parent or guardian. Children aged 14 may also work in vocational education programs with the consent of a parent or guardian. Children ages 14 and 15 may not work more than 30 hours, and children ages 16 and 17 may not work more than 36 hours per week. Children under 18 may not work at night or in arduous occupations. The law sets the penalty for violation of child labor laws at between 15,000 and 30,000 Tugriks (USD 13 to 27). The law prohibits workers under 18 from working overtime, on holidays or on weekly rest days.³¹²⁷

³¹¹⁷ USDOL official, trip report, May 30-June 10, 2005.

³¹¹⁸ ECPAT International CSEC Database, *Mongolia*; accessed June 28, 2005; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database. See also World Vision, *World Vision in Mongolia*, [online] [cited July 8, 2005]; available from <http://www.wvasiapacific.org/country.asp?id=1>. Some reports estimate the number of street children at 2,000, or as high as 3,000. See Mark Litke, "Woman Fights for Mongolia's Street Children", ABC News online, [online], November 27, 2005 [cited November 29, 2005]; available from <http://abcnews.go.com/WNT/print?id=1350000>. See also U.S. Department of State, *Country Reports- 2004: Mongolia*, Section 5.

³¹¹⁹ U.S. Department of State, *Trafficking in Persons Report- 2005: Mongolia*, Washington, D.C., June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm>. See also U.S. Department of State, *Country Reports- 2004: Mongolia*, Section 5.

³¹²⁰ U.S. Department of State, *Country Reports- 2004: Mongolia*, Section 6d.

³¹²¹ *Constitution of Mongolia, 1992*, (January 13, 1992), Article 16(7); available from <http://www.law.nyu.edu/centralbankscenter/texts/Mongolia-Constitution.html>.

³¹²² Mijid Baasanjav, Begzjav Munkhbaatar and Udval Lkhamsuren, "The Changing Structure of Higher Education in Mongolia," *World Education News and Reviews* 16 no. 4 (July/August, 2003); available from <http://www.wes.org/ewenr/03july/Feature.htm>.

³¹²³ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.asp?ReportId=51> (Gross and Net Enrollment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

³¹²⁴ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

³¹²⁵ Save the Children, *State of the World's Mothers Report 2005: The Power and Promise of Girls' Education*, Westport, CT, May, 2005, 5, 10; available from http://www.savethechildren.org/mothers/report_2005/images/SOWM_2005.pdf.

³¹²⁶ U.S. Department of State, *Country Reports- 2004: Mongolia*, Section 6d.

³¹²⁷ *Labor Law of Mongolia (as Amended)*, Articles 26, 85, 86; available from <http://www.indiana.edu/~mongsoc/mong/laborlaw.htm>. For currency conversion, see FXConverter, [cited July 8, 2005]; available from <http://www.oanda.com/convert/classic>.

The worst forms of child labor may be prosecuted under different statutes in Mongolia. The Constitution of Mongolia prohibits forced labor.³¹²⁸ The Criminal Code of 2002 prohibits forced child labor and trafficking in persons, but the government has acknowledged that the trafficking provisions of the Code could be strengthened.³¹²⁹ Trafficking of children is punishable by a prison term of 10 to 15 years and a fine, and violations of forced child labor provisions are punishable with up to 4 years of imprisonment or a fine.³¹³⁰ The Criminal Code also prohibits prostitution of individuals under the age of 16, and penalties apply to those who procure and solicit underage prostitutes and those who facilitate underage prostitution. Penalties range from fines to imprisonment of up to 5 years. The production and dissemination of pornographic materials is also illegal under the Criminal Code, with imprisonment of up to 2 years, correctional work for a maximum of 1.5 years, or a fine.³¹³¹ The Law on the Protection of the Rights of the Child, as amended in 2003, contains provisions prohibiting the use of children in forced labor, illicit activities, begging, slavery, and other employment dangerous to their health, morality, or life.³¹³² The minimum age for conscription into the Mongolian military is 18.³¹³³ Since 1999, the Government of Mongolia has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.³¹³⁴

The Ministry of Labor and Social Welfare's (MOSWL) Department of Employment and Social Welfare Services (ESWS) and the National Department for Children (NDC) (under the Office of the Deputy Prime Minister) share responsibility for child labor issues. The MOSWL has jurisdiction over the Labor Code, while the NDC oversees and coordinates the National Plan of Action for the Protection and Development of Children (2002-2010).³¹³⁵ The Plan includes provisions to combat the worst forms of child labor; improve working conditions and wages for adolescents; and provide access to education and health services.³¹³⁶

The Labor Inspection division of the State Specialized Inspection Agency enforces child labor laws through its network of labor inspectors in regional and local offices. However, the U.S. Department of State characterizes enforcement as limited, in part due to resource constraints in the labor inspectorate. The MOSWL is the lead government agency on trafficking issues,³¹³⁷ but trafficking-related laws are enforced by the Ministry of Justice and Home Affairs (MOJ). The U.S. Department of State considers current law enforcement efforts against trafficking only modest; by and large the government is not

³¹²⁸ *Constitution of Mongolia*, 1992, Article 16(4).

³¹²⁹ *Criminal Code of Mongolia*, (2002), Articles 113, 121. The Ministry of Justice and Home Affairs and the National Human Rights Commission have formed a task force to propose revisions to these provisions, but little progress has been made to date. See U.S. Embassy- Ulaanbaatar, *reporting*, March 9, 2005.

³¹³⁰ *Criminal Code of Mongolia*, Article 113. See also Center for Human Rights and Development, *Combating human trafficking in Mongolia: issues and opportunities*, Ulaanbaatar, 2003-2004, 41-42; available from <http://www.asiafoundation.org/pdf/Mongolia-trafficking.pdf>.

³¹³¹ *Criminal Code of Mongolia*, Articles 122-123.

³¹³² *Law on the Protection of the Rights of the Child*, as cited in ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia Phase II, Status Report*, status report, Geneva, June 16, 2003, Annex II, 3. See also ILO-IPEC, *Support to the Proposed National Sub-Programme to Eliminate the Worst Forms of Child Labour: Time-Bound Measures*, project document, Geneva, September 9, 2005, 7.

³¹³³ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, London, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=859.

³¹³⁴ ILO-IPEC official, email communication to USDOL official, November 14, 2005.

³¹³⁵ USDOL official, trip report, May 30-June 10, 2005.

³¹³⁶ Government of Mongolia, *National Programme of Action for the Development and Protection of Children 2002-2010*, Ulaanbaatar, December 2002, 9-10, 15-16; available from <http://mirror.undp.org/mongolia/publications/UNICEFNPAEng.pdf>.

³¹³⁷ U.S. Embassy- Ulaanbaatar, *reporting*, March 9, 2005.

complicit in any trafficking crimes, but there have been reports of a few law enforcement officers' collusion with traffickers.³¹³⁸

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

In January 2005, the MOSWL began to implement a new Child Benefit Program, which provides a stipend of 3,000 (USD 2.5) Tugriks per child to low-income families with 3 or more children, provided that the children have all required vaccinations, attend school or a non-formal education program, and do not participate in the worst forms of child labor.³¹³⁹ By June, the program had benefited 380,000 children with over USD 11 million in assistance, and in mid-year the program was expanded to cover children through age 18.³¹⁴⁰

The National Department for Children has developed and disseminated a handbook on child labor for government workers, and has worked to integrate child labor into the curriculum for social workers.³¹⁴¹ Health authorities work with World Vision, the Mongolian Red Cross, and other NGOs to procure registration documents for street children, often a necessary step in order to enroll in school and access various medical and social services.³¹⁴²

The governors' offices of several local administrative districts have approved and implemented Child Labor Action Plans, which include such measures as medical exams for working children, income generation opportunities for families of working children, and child labor monitoring activities.³¹⁴³ In April 2005, the government approved a National Program for Improving Occupational Safety and Health, and began to provide safety and health training to workers in the informal sector, where the majority of working children are found.³¹⁴⁴

In 2005, the Government of Mongolia participated in two ILO-IPEC projects funded by USDOL. The 6-year, USD 1.5 million Mongolia Country Program, which ended in 2005, carried out awareness-raising on child labor, direct services to working children, capacity building of NGOs and government agencies, and research on child labor.³¹⁴⁵ In 2005, Mongolia began a 4-year, USD 2.9 million Time-Bound Program that aims to withdraw or prevent children from the worst forms of child labor and to combat the problem through policy and legislative reform, research, and institutional capacity building.³¹⁴⁶

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	12/16/2002	✓
Ratified Convention 182	2/26/2001	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		
Sector Action Plan		

³¹³⁸ U.S. Department of State, *Country Reports- 2004: Mongolia*, Section 5, 6d. See also U.S. Department of State, *Trafficking in Persons Report- 2005: Mongolia*. See also U.S. Embassy- Ulaanbaatar, *reporting*, March 9, 2005.

³¹³⁹ *Law of Mongolia Concerning Amendments to the Social Assistance Law*, State Gazette No. 2 (383), (January 1, 2005).

³¹⁴⁰ ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia, Phase II*, technical progress report, September 2005.

³¹⁴¹ USDOL official, trip report, May 30-June 10, 2005. See also ILO-IPEC, *National Program Phase II, technical progress report*, September 2005, 8, 26.

³¹⁴² World Vision, *World Vision in Mongolia*. See also USDOL official, trip report, May 30-June 10, 2005.

³¹⁴³ ILO-IPEC official, *Local Action Plans - Section on Child Labor, working English translation of Mongolian administrative district action plans*, June, 2005.

³¹⁴⁴ ILO-IPEC, *National Program Phase II, technical progress report*, September 2005, 3.

³¹⁴⁵ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 6.

³¹⁴⁶ This project aims to directly support Mongolia's National Sub-Program to Combat the Worst Forms of Child Labor, which was drafted by the MOSWL in consultation with relevant government ministries and social partners. The National Sub-Program, still in draft form, was designed for implementation under the framework of the National Plan of Action for the Development and Protection of Children (2002-2010). ILO-IPEC, *Mongolia Time-Bound Programme, project document*, Cover, vi, 41-42.

The Government of Mongolia is party to a Code of Conduct for the protection of children from sexual exploitation in the travel and tourism industries, in partnership with the Mongolian Tourism Association, ECPAT International, and UNICEF.³¹⁴⁷ The Police Department's Crime Prevention Division has received training from ILO-IPEC in recognizing trafficking, and police officers work together with representatives from a local NGO, the Mongolian Youth Development Federation, to remove girls from prostitution and enroll them in rehabilitative programs.³¹⁴⁸

The National Program of Action for the Development and Protection of Children (2002-2010) aims to increase the number of children attending pre-school, primary school, and basic education.³¹⁴⁹ However, an acute shortage of teachers and school materials persists as a serious problem throughout the school system.³¹⁵⁰ The government operates a system to train teachers in non-formal education techniques, materials, and curricula.³¹⁵¹ Local administrative governments provide non-formal education programs,³¹⁵² and children who enroll in non-formal education are entitled to take the formal school exams in order to receive primary or secondary school certifications.³¹⁵³ The government also provides primary-level vocational courses, including lodging, and short-term skills training courses which do not require completion of compulsory schooling.³¹⁵⁴ The government qualified for funding from the U.S. Millennium Challenge Account and, in October 2005, submitted a proposal for development funding including USD 21.4 million for vocational training programs targeting poor youth that make up the majority of the unemployed in Mongolia.³¹⁵⁵

The ADB is supporting the Second Education Development Project, a USD 14 million loan continuing through 2007, which supports the Ministry of Science, Technology, Education and Culture (MOSTEC) in rehabilitating and constructing schools; modernizing science education; and improving education management at provincial, district and school levels.³¹⁵⁶ The ADB has also committed to continue with a Third Education Development Project, a USD 13 million loan from 2007-2011 that will work with MOSTEC to improve quality and relevance of education in primary and secondary schools; improve teaching and learning environments in primary and secondary schools; and promote demand-driven vocational education for youth.³¹⁵⁷ The World Bank is providing a USD 8 million loan to support the Government of Mongolia's Economic Growth Support and Poverty Reduction Strategy, which aims to

³¹⁴⁷ U.S. Department of State, *Trafficking in Persons Report- 2005: Mongolia*. See also U.N. Committee on the Rights of the Child, *Written Replies by the Government of Mongolia Concerning the List of Issues Received by the Committee on the Rights of the Child Relating to the Consideration of the Second Periodic Report of Mongolia*, May 6, 2005, 28-29; available from <http://www.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.RESP.87.pdf>.

³¹⁴⁸ USDOL official, trip report, May 30-June 10, 2005.

³¹⁴⁹ Government of Mongolia, *National Programme of Action*, 15-16, objectives 8, 9.

³¹⁵⁰ U.S. Department of State, *Country Reports- 2004: Mongolia*, Section 5.

³¹⁵¹ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 11-12. The non-formal education system functions with the assistance of UNICEF, UNESCO, ILO, and other international organizations in Mongolia. See also Government of Mongolia, *Written Replies by the Government of Mongolia Concerning the List of Issues Received by the Committee on the Rights of the Child Relating to the Consideration of the Second Periodic Report of Mongolia*, CRC/C/RESP/87, May 6, 2005, 19, 36; available from <http://www.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.RESP.87.pdf>.

³¹⁵² Educational Law and Law on Primary and Secondary Education, as cited in ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia: Status Report*, Geneva, June 14, 2002, 2.

³¹⁵³ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 12.

³¹⁵⁴ Law on Vocational Education, cited in ILO-IPEC, *National Program in Mongolia: Status Report*, June 2002, 2-3.

³¹⁵⁵ A revised proposal was submitted by Mongolia's National Council for the Millennium Challenge Account. Government of Mongolia, *New Opportunities for Mongolians*, Government of Mongolia, [online] October 2005 [cited July 3, 2006]; available from <http://www.mca.mn/eng/Mongolian.pdf>, 12-15.

³¹⁵⁶ ADB, *Mongolia: Second Education Development Project*, ADB, [online] August 22, 2002 [cited September 28, 2005]; available from <http://www.adb.org/Documents/Profiles/LOAN/31213013.ASP>.

³¹⁵⁷ ADB, *Mongolia: Third Education Development Project*, ADB, [online] September 23, 2005 [cited September 28, 2005]; available from <http://www.adb.org/Documents/Profiles/LOAN/34187013.ASP>.

deliver high quality basic social services such as health care and education to all Mongolians.³¹⁵⁸ The Government of Mongolia became eligible for the World Bank's Education for All Fast Track Initiative in 2004, but did not join the Initiative in 2005.³¹⁵⁹ However, the government held a national Education for All Forum and continued to work toward its EFA goals in 2005, which include committing 20 percent of the national budget to education expenditures; extending educational services to children with special vulnerabilities or living in remote areas, particularly for early childhood; improving government capacity for education policy planning, management and implementation; reducing illiteracy; and achieving quality basic education for all.³¹⁶⁰

³¹⁵⁸ World Bank, *World Bank Provides US\$8 Million Credit to Support Mongolia's Public Sector Reform Program*, [online] June 25, 2003 [cited June 1, 2004]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20116974~menuPK:34465~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html>.

³¹⁵⁹ World Bank, *Education for All Fast Track Initiative: Developing Countries*, World Bank, [online] n.d. [cited December 12, 2005]; available from <http://www1.worldbank.org/education/efati/countries.asp>. See also World Bank, *EFA Global Monitoring Report 2005*, Washington, D.C., 2005; available from http://portal.unesco.org/education/en/ev.php-URL_ID=35955&URL_DO=DO_TOPIC&URL_SECTION=201.html.

³¹⁶⁰ Technology Government of Mongolia Ministry of Science, Education and Culture, *Mid-Term Action Plan for Improving Education for All in Mongolia, 2002-2005*, Ulaanbaatar, February 3, 2004; available from http://portal.unesco.org/education/en/ev.php-URL_ID=29251&URL_DO=DO_TOPIC&URL_SECTION=201.html. See also ILO-IPEC, *Mongolia Time-Bound Programme, project document*, 9.