

Mongolia

The Government of Mongolia participated in programs and developed institutional mechanisms to eliminate the worst forms of child labor. However, children continue to engage in the worst forms of child labor, many as herders. Children working in artisanal mining are particularly in danger. There are gaps in the legal framework for prosecuting criminal offenders, specifically regarding commercial sexual exploitation, forced labor, and trafficking.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	9.7*
Attending School	5-14 yrs.	79.1
Combining Work and School	7-14 yrs.	11.3

* Population of working children: 43,132

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor³³⁷³

Children are engaged in the worst forms of child labor in Mongolia,³⁹¹⁰ most commonly in herding and animal husbandry.³⁹¹¹ Herding exposes children to extreme cold and frostbite, exhaustion, animal attacks, assault or beatings, nonpayment of wages and accidents such as falling off horses or being cut by sharp knives while slaughtering livestock.³⁹¹²

Many children mine gold, coal and fluorspar both on the surface and underground in artisanal mines.³⁹¹³ In mining, children handle mercury and explosives, transport heavy materials, stand in water for prolonged periods, work in extreme climate conditions, risk falling into open pits and enter tunnels up to 10 meters deep at risk of collapse.³⁹¹⁴

Children also perform work as market traders, street vendors, porters, dumpsite scavengers, horse jockeys, domestic laborers, construction workers and in the service sector in hotels and restaurants.³⁹¹⁵ Children scavenge in dump sites




where they are exposed to unhygienic conditions, extreme weather and health problems caused by inhaling smoke from burning garbage.³⁹¹⁶ Child porters often carry loads exceeding legal limits or push carts weighing up to one ton.³⁹¹⁷ Horse jockeys risk injury or death from accidents or falls.³⁹¹⁸

Worst forms of child labor such as child prostitution and child trafficking also exist in Mongolia. Child prostitution including child sex tourism is a continuing problem.³⁹¹⁹ Girls are trafficked internally and forced into prostitution in saunas and massage parlors.³⁹²⁰ Girls are also trafficked to China, Macau, Malaysia and South Korea for sexual exploitation and forced labor.³⁹²¹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law sets the minimum age for employment at 16, but allows children at age 15 to work with the permission of a parent or guardian. Under certain conditions children as young as 14 may participate in vocational education for up to 30 hours.³⁹²² Protections are lacking for

children who work for informal businesses, family businesses or without a formal contract.³⁹²³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Order No. 107 List of Jobs Prohibited to Minors 2008, issued by the Ministry of Social Welfare and Labor (MOSWL), lists locations, professions and conditions of work for which it is prohibited to employ minors under age 18. Children under 18 are barred from mining, or working as load carriers, horse breakers or animal trainers, or at garbage dump sites. Child herders are prohibited from working at distances greater than 1000 meters during unfavorable weather or natural disasters.³⁹²⁴ Horse jockeying is not specifically mentioned in the Order. The Order does not specify whether it is applicable to all children or whether it applies to informal businesses, family businesses or those working without a formal contract.³⁹²⁵ The 2002 Criminal Code and the 1996 Law on the Protection of the Rights of the Child prohibit the use of children in exploitative activities such as begging.³⁹²⁶

During the reporting period, MOSWL revised the Standards for Clothes and Safety Equipment for

Horse Jockeys, thereby strengthening occupational safety and health standards for children engaged in this activity.³⁹²⁷

Forced labor, human trafficking and sexual exploitation and use of children in other illegal activities are prohibited in the Criminal Code.³⁹²⁸ Trafficking and forced child labor are both prohibited.³⁹²⁹ The Code prohibits engaging children in prostitution and in pornography.³⁹³⁰ Offenses such as prostitution are mentioned not only in the Criminal Code repeatedly, but also in the administrative Law on Banning Prostitution. Each prescribes a different penalty.³⁹³¹ The way these overlapping laws are interpreted and prosecuted has resulted in the arrest of child victims of commercial sexual exploitation instead of the perpetrators, or the issuance of lesser penalties against the perpetrators through conviction on lesser offenses. The definitions in these laws are unclear, specifically regarding forced labor and prostitution, allowing for ambiguous interpretation by law enforcement and judicial officials.³⁹³²

The minimum age for both voluntary and compulsory military recruitment is 18, as mandated in the Law on Civil Military Duties and the Legal Status of Military Personnel.³⁹³³

Primary and lower secondary education is free and compulsory for 10 years, generally from ages 6 to 16, as mandated by the Education Law.³⁹³⁴

Institutional Mechanisms for Coordination and Enforcement

During the reporting period, the Government established a tripartite Working Group on the Development of a National Program for the Elimination of the Worst Forms of Child Labor 2011–2016 to replace the National Steering Committee on Child Labor, which closed during the year. The Working Group, which includes officials from MOSWL, coordinates national efforts to eliminate the worst forms of child labor.³⁹³⁵

The enforcement of child labor laws, including the worst forms of child labor, is conducted by the General Agency of Specialized Inspection (GASI), Department to Monitor Financial, Labor and Social Welfare.³⁹³⁶ Inspections cover only registered businesses, which mean they fail to protect the majority of children engaged in the worst forms of child labor in Mongolia.³⁹³⁷ GASI employs 45 inspectors, of which only 10 conduct inspections of workplaces for compliance with labor laws, financial systems and social security systems.³⁹³⁸ Only one child labor inspection was reported in 2010, resulting in the removal of 238 children, however, no penalty was issued.³⁹³⁹

In addition, the Confederation of Mongolian Trade Unions (CMTU) employs 45 labor inspectors to monitor labor law compliance, including child labor laws.³⁹⁴⁰ CMTU is mandated by GASI to conduct inspections of labor conditions, and the inspectors are authorized by GASI to issue citations and penalties. CMTU inspection results are incorporated into GASI monitoring systems.³⁹⁴¹ CMTU reported having a referral system with local authorities should child laborers need social services. Research did not identify the number or results of CMTU inspections. Information regarding the training provided to CMTU inspectors on child labor issues is not available. Overall, the level of monitoring and enforcement does not appear to be sufficient to deter the widespread occurrence of child labor in Mongolia.

MOSWL is responsible for the National Council for Coordinating the Implementation of the National Program for Preventing and Protecting Children and Women from Trafficking or Sexual Exploitation, in collaboration with other ministries, law enforcement agencies and civil society organizations.³⁹⁴²

The State Investigations Department Special Police Unit to Combat Trafficking is responsible for enforcing criminal laws including child trafficking, forced child labor and commercial sexual exploitation of children. In 2010, the police

conducted 76 investigations and identified 18 children to be removed from the worst forms of child labor. No convictions were reported.³⁹⁴³ The failure to convict those responsible for the trafficking and commercial sexual exploitation of children permits violators to act with impunity, and therefore does not protect the child victims.

Child victims of trafficking or commercial sexual exploitation are sometimes prosecuted for crimes committed as a direct result of their victimization.³⁹⁴⁴ Victim identification and protection is inconsistent.³⁹⁴⁵

Government Policies on the Worst Forms of Child Labor

The Government completed implementation of the third phase of its National Program of Action for the Development and Protection of Children (NPADPC) 2002–2010.³⁹⁴⁶ This program provided a framework for national efforts to address children's issues, and specifically included the elimination of the worst forms of child labor as an objective.³⁹⁴⁷ Strategies for achieving this objective included expanding training on child labor, conducting national research, improving child labor monitoring systems and taking urgent action in specific sectors such as mining.³⁹⁴⁸ Objective 12 of the NPADPC was to protect children against violence in accordance with international standards including prevention of trafficking and commercial sexual exploitation of children.³⁹⁴⁹ It remains unclear whether the NPADPC was effectively implemented. Reports found that the resources allocated to the relevant components of the policy were not adequately tracked, and the monitoring of objectives was weak.³⁹⁵⁰ Research has not identified an assessment of the results of this program.

A new National Program for the Elimination of the Worst Forms of Child Labor 2011–2016 is to be developed by the newly formed working group. The National Program has not yet been finalized or articulated into a Plan of Action.³⁹⁵¹ Research has not concluded whether funding has

been made available to implement the National Program.

The National Development Strategy calls for supporting child laborers through education, vocational training, and health services.³⁹⁵²

The National Plan of Action on Commercial Sexual Exploitation and Trafficking of Children and Women addresses trafficking in persons and commercial sexual exploitation, particularly for women and children.³⁹⁵³ The Program on Development of Small-Scale Mining also addresses child labor. The State Policy on Herders clarifies the conditions and criteria for engaging children in herding to eliminate the worst forms of child labor in that sector.³⁹⁵⁴ Research did not conclude whether these policies were effectively implemented or enforced to protect children from hazardous labor in mining or herding.

In Ulaanbaatar, where a third of Mongolians reside, the mayor's office coordinates the Subnational Action Group to implement the Subnational Action Plan in partnership with law enforcement, municipal and social agencies and employers.³⁹⁵⁵ This Subnational Action Group primarily works as a coordination mechanism between agencies, and also monitors children engaged in or at risk of child labor and collects and shares information on child labor.³⁹⁵⁶

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Mongolia is participating in a USDOL-funded project, implemented by ILO-IPEC, from 2009–2013 to develop and implement a National Program for the Elimination of the Worst Forms of Child Labor. During the reporting period, a review of relevant legislation was conducted and a National Program draft was created.³⁹⁵⁷

The Government of Mongolia also participated in a USDOL-funded \$2.9 million project, from September 2005 through May 2010: Support to the Government's Sub-program to Eliminate the Worst Forms of Child Labor: Time-Bound Measures through 2010.³⁹⁵⁸ As a part of this program, the Government of Mongolia launched community-based child labor monitoring systems to address child labor in the informal sector.³⁹⁵⁹ The project targeted mining, herding, child domestic labor, prostitution and the informal sector.³⁹⁶⁰ By the end of the project, 8,056 children had been withdrawn and prevented from child labor and 740 girls from commercial sexual exploitation.³⁹⁶¹ Research found no evidence of Government efforts to continue the services provided by this program.

Through the comprehensive Subnational Action Plan in Ulaanbaatar, social workers are trained to monitor and provide services to eliminate the worst forms of child labor, including livelihoods support to households of child laborers on the condition that their children attend school.³⁹⁶² Through the Action Plan, Ulaanbaatar Police conducted an awareness-raising program about the worst forms of child labor, using the media and school classroom activities. Pilot programs under the Action Plan during the reporting period included household censuses to track school attendance rates.³⁹⁶³ The activities under the Subnational Action Plan are limited in scope and geographical coverage.

Government social welfare support to households, including the conditional cash transfer "Child Money Program," was halted by the Government in 2009 in anticipation of a new Law on Social Welfare to better target beneficiaries.³⁹⁶⁴ Research did not confirm whether the new law would include conditions, eligibility requirements or a monitoring and enforcement mechanism. Households continue to go without such poverty reduction programs, which are intended to help to eliminate the need for child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Mongolia:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend legislation to provide protections to all children, particularly those working in unregistered or family businesses, without a labor contract, and in agriculture.
- Amend MOSWL Order No. 107 to specify that the list of prohibited jobs applies to all children in hazardous sectors and applies to any type of employer.
- Amend the Criminal Code and administrative laws to clarify the definitions of forced labor, prostitution and trafficking and to clearly differentiate between the perpetrators and victims of crimes and the appropriate penalties to levy.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Create mechanisms to protect children employed by unregistered businesses, family businesses and in the informal sector.
- Increase the number of inspections for child labor compliance and impose penalties for child labor violations in accordance with the law.
- Ensure that labor inspectors at GASI and CMTU receive adequate training on child labor issues.
- Increase the number of convictions for violations of child labor laws, including instances of child trafficking, forced child labor and commercial sexual exploitation of children; and impose penalties appropriate for the crime, in accordance with the law.
- Provide protection and direct assistance to child victims of human trafficking, forced labor and commercial sexual exploitation.
- Ensure consistency in the interpretation and application of laws on human trafficking, forced labor and commercial sexual exploitation. Ensure that victims are not mistakenly arrested or detained.

IN THE AREA OF POLICIES:

- Finalize the National Program for the Elimination of the Worst Forms of Child Labor 2011–2016.
- Articulate the National Program for the Elimination of the Worst Forms of Child Labor 2011–2016 into a Plan of Action and provide sufficient resources for its full implementation.
- Conduct a comprehensive evaluation of the 2002–2010 National Program of Action for the Development and Protection of Children to assess its effective implementation strategies and develop a new NPADPC with further measures specifically targeting child labor elimination.
- Provide resources and create mechanisms to monitor the enforcement of the policies to protect children in mining and herding sectors.

IN THE AREA OF PROGRAMS:

- Swiftly enact the Law on Social Welfare so that the Child Money Program may be reinstated to support households to eliminate child labor. Ensure that the program would better target beneficiaries, include conditions to eliminate child labor and include a monitoring and enforcement mechanism for those conditions.
- Build on the achievements and apply best practices of the Subnational Action Plan in Ulaanbaatar to all city districts and to other Subnational jurisdictions.
- Ensure the sustainability of efforts under the Timebound Program by continuing to implement monitoring systems, legislative amendment processes and services to child laborers.

³⁹¹⁰ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 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. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁹¹¹ Understanding Children's Work, *Understanding Children's Work and Youth Employment Outcomes in Mongolia*, Rome, June 2009, para. 78; available from <http://ucw-project.org/pdf/publications/Mongolia.pdf>. See also ILO and National Human Rights Commission of Mongolia, *The Worst Forms of Child Labour in Mongolia - Study Report*, Ulaanbaatar, 2008, section 6; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=14815>.

³⁹¹² ILO and National Human Rights Commission of Mongolia, *Worst Forms of Child Labour in Mongolia 2008*, page 77. See also ILO and Ministry of Food Agriculture and Light Industry, *Final Report on Assessment of Occupational and Employment Conditions of Children Working in Livestock Sector of Mongolia*, Ulaanbaatar, 2009, pages 19, 21, 22, 35; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=14856>, *ibid.*

³⁹¹³ ILO and National Human Rights Commission of Mongolia, *Worst Forms of Child Labour in Mongolia 2008*, pages 24-28. See also Understanding Children's Work, *UCW Report 2009*, page 37.

³⁹¹⁴ ILO and National Human Rights Commission of Mongolia, *Worst Forms of Child Labour in Mongolia 2008*, pages 24-28. See also Understanding Children's Work, *UCW Report 2009*, page 37.

³⁹¹⁵ ILO and National Human Rights Commission of Mongolia, *Worst Forms of Child Labour in Mongolia 2008*, pages 49-50. See also Understanding Children's Work, *UCW Report 2009*, para 112. See also U.S. Department of State, "Mongolia," in *Country Reports on Human Rights Practices-2010*, Washington, DC, April 8, 2011, page 23; available from <http://www.state.gov/documents/organization/160094.pdf>. See also U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 1.

³⁹¹⁶ Understanding Children's Work, *UCW Report 2009*, para 110. See also ILO and National Human Rights Commission

of Mongolia, *Worst Forms of Child Labour in Mongolia 2008*, pages 40-47.

³⁹¹⁷ ILO and National Human Rights Commission of Mongolia, *Worst Forms of Child Labour in Mongolia 2008*, pages 48-54.

³⁹¹⁸ *Ibid.*, pages 78-79.

³⁹¹⁹ U.S. Department of State, "Country Reports- 2010: Mongolia," page 17. See also U.S. Department of State, "Mongolia," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

³⁹²⁰ U.S. Department of State, "Trafficking in Persons Report- 2010: Mongolia."

³⁹²¹ *Ibid.*

³⁹²² Government of Mongolia, *Law on Labour of Mongolia*, (May 14, 1999), articles 71.1, 109.1-109.3; available from <http://www.investmongolia.com/law25.pdf>.

³⁹²³ *Ibid.* See also ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Mongolia (ratification: 2002) Published: 2010*, April 26, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

³⁹²⁴ Government of Mongolia, *List of Jobs and Occupations Prohibited to Minors*, Minister for Social Security and Labor (2008).

³⁹²⁵ *Ibid.* See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Mongolia (ratification: 2001) Published: 2008*, April 26, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

³⁹²⁶ Government of Mongolia, *Criminal Code of Mongolia*, (2002), article 115; available from <http://www.unhcr.org/refworld/docid/3ed919fd4.html>. See also Government of Mongolia, *Law on the Protection of the Rights of the Child with Amendments*, article VII.

³⁹²⁷ U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 2.) 1.

³⁹²⁸ Government of Mongolia, *Criminal Code*, articles 113-115, 121-126.

³⁹²⁹ *Ibid.*, articles 113, 121. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Mongolia."

³⁹³⁰ Government of Mongolia, *Criminal Code*, articles 115, 123.

³⁹³¹ U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 2.) 3.

³⁹³² *ibid.* See also U.S. Department of State, "Trafficking in Persons Report- 2010: Mongolia."

³⁹³³ Coalition to Stop the Use of Child Soldiers, "Mongolia," in *Child Soldiers Global Report 2008*, London, 2008; available

from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

³⁹³⁴ UN Human Rights Council, *Report of the Special Rapporteur on the Right to Education, Vernor Munoz Villabos: Mongolia*, A/HRC/14/25/Add.3, Geneva, May 17, 2010, pages 7-8; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/133/94/PDF/G1013394.pdf>.

³⁹³⁵ ILO-IPEC, *GAP Project*, Technical Progress Report, Geneva, September 2010. See also Understanding Children's Work, *UCW Report 2009*, para. 187. See also U.S. Embassy-Ulaanbaatar, *reporting, January 28, 2011*, section 3.) 1.

³⁹³⁶ U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 4.) 1.

³⁹³⁷ Understanding Children's Work, *UCW Report 2009*, para. 180.

³⁹³⁸ U.S. Embassy- Ulaanbaatar official, E-mail communication to USDOL official, March 18, 2011.

³⁹³⁹ U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 4.) 5-8.

³⁹⁴⁰ *Ibid.*, section 4.) 1. See also U.S. Embassy- Ulaanbaatar official.

³⁹⁴¹ U.S. Embassy- Ulaanbaatar official.

³⁹⁴² U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 3.)1. See also Understanding Children's Work, *UCW Report 2009*, para. 184.

³⁹⁴³ U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 5.)1-9.

³⁹⁴⁴ U.S. Department of State, "Trafficking in Persons Report-2010: Mongolia." See also U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 2.) 3.

³⁹⁴⁵ U.S. Department of State, "Trafficking in Persons Report-2010: Mongolia."

³⁹⁴⁶ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Mongolia*, pursuant to Article 44 of the Convention on the Rights of the Child, January 2010, para. 13; available from <http://www2.ohchr.org/english/bodies/crc/docs/CRC-C-MNG-CO-3-4.pdf>. See also UNICEF, *National Programme of Action for the Development and Protection of Children - Mongolia*, National Action Programme, Ulaanbaatar, 2002, section 25; available from <http://www.unicef.org/mongolia/UNICEFNPAEng.pdf>.

³⁹⁴⁷ Understanding Children's Work, *UCW Report 2009*, para. 182.

³⁹⁴⁸ UNICEF, *National Action Programme*, section 19.

³⁹⁴⁹ *Ibid.*, section 18.1.4.

³⁹⁵⁰ Understanding Children's Work, *UCW Report 2009*, para. 182.

³⁹⁵¹ ILO-IPEC, *GAP, Technical Progress Report*. See also U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 6.) 2.

³⁹⁵² Understanding Children's Work, *UCW Report 2009*, para 181.

³⁹⁵³ *Ibid.*, para. 184.

³⁹⁵⁴ ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate the Worst Forms of Child Labour: Time-Bound Measures*, Technical Progress Report, Geneva, September 2009, page 8.

³⁹⁵⁵ U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, sections 3.) and 6.)

³⁹⁵⁶ *Ibid.*

³⁹⁵⁷ ILO-IPEC, *GAP, Technical Progress Report*. See also U.S. Department of Labor, *ILAB Technical Cooperation Project Summary: Support to the Global Action Plan, Baseline Surveys, Evaluations, and Preparation of FY2009 Project Documents*, 2011.

³⁹⁵⁸ ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate the Worst Forms of Child Labour: Time-Bound Measures*, Final Technical Progress Report, Geneva, December 2010.

³⁹⁵⁹ *Ibid.*

³⁹⁶⁰ Understanding Children's Work, *UCW Report 2009*, para. 186.

³⁹⁶¹ ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate the Worst Forms of Child Labour, Final Technical Progress Report*.

³⁹⁶² U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 6.)

³⁹⁶³ *Ibid.*, section 6.)

³⁹⁶⁴ International Monetary Fund, "Joint Statement by Mongolia's Minister of Finance, Governor of Mongolbank, and IMF staff Mission to Mongolia," [online], October 15, 2010 [cited April 26, 2011]; available from <http://www.imf.org/external/np/sec/pr/2010/pr10387.htm>. See also Newswire.mn, "Mongolia May Restart Child Money Program," Newswire.mn (Ulaanbaatar), May 25, 2010; available from http://www.newswire.mn/index.php?option=com_content&task=view&id=716&Itemid=60.