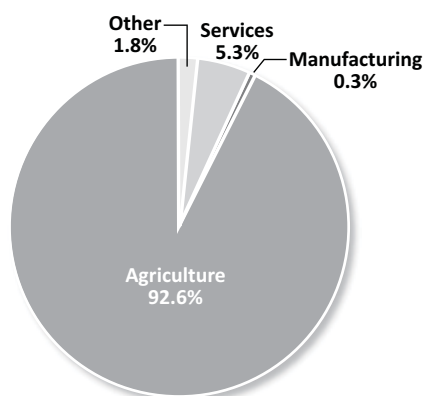


In 2011, Mongolia made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government approved the National Program for the Elimination of the Worst Forms of Child Labor 2011-2016, which identifies actions to combat child labor and defines stakeholder roles and responsibilities. The Government also conducted a national labor force survey, which included child labor indicators, trained police on child labor issues, and provided direct services to children working in the worst forms of child labor. However, government enforcement and coordination mechanisms for reducing child labor are minimal and gaps persist in the legal framework for prosecuting criminal offenders, specifically regarding commercial sexual exploitation. Children continue to work in the worst forms of child labor, especially in hazardous activities in herding and animal husbandry.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	9.7 (43,132)
Attending School	5-14 yrs.	79.1
Combining Work and School	7-14 yrs.	8.4
Primary Completion Rate		108.1

Working Children by Sector, ages 5-14



Sources:

Primary completion rate: Data from 2007, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis of statistics from LFS Survey, 2006.(2)



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Mongolia, most commonly in herding and animal husbandry.(3, 4) 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.(4, 5)

Children mine gold and fluorspar both on the surface and underground in artisanal mines.(3, 4) Children have also been involved in mining coal, however emerging reports from NGOs indicate that the prevalence of child labor may be declining in coal mining and across the mining sector.(3, 6) 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 descend into tunnels that are up to 10 meters deep and at risk of collapse.(3, 4)

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.(3, 4, 6, 7) Children working on the streets are vulnerable to severe weather, traffic accidents and crime.(8) Children employed as domestics may work long hours and are isolated in private homes where they are susceptible to physical and sexual abuse.(9)

Children scavenge in dump sites where they are exposed to unhygienic conditions, extreme weather, and health problems caused by inhaling smoke from burning garbage.(3, 4) Child porters often carry loads exceeding legal limits or push carts weighing up to one ton.(4) Horse jockeys risk injury or death from accidents or falls.(4)

The worst forms of child labor such as child prostitution, pornography and child trafficking also exist in Mongolia,

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although information is limited.(6, 7) Child prostitution including child sex tourism is a continuing problem.(7, 10) Girls are trafficked internally and forced into prostitution, sometimes in saunas and massage parlors.(11) Girls may also be trafficked to China, Macau, Malaysia and South Korea for sexual exploitation or forced labor.(10, 11)

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.(12) The Labor Law is under revision but there is no information on how the amendment may extend greater protection to children or the timeframe for submitting the amended law to Parliament.(6, 13) Under the current law, protections are lacking for children who work for informal businesses, family businesses or without a formal contract.(6, 12, 13)

	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

The List of Jobs Prohibited to Minors, 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 1,000 meters during unfavorable weather or natural disasters.(14) The List does not specify whether it applies to children working in

informal businesses, family businesses or those working without a formal contract.(14, 15) The Standards for Clothes and Safety Equipment for Horse Jockeys provides occupational safety and health standards for children engaged in this activity.(16) 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.(17, 18)

Forced labor, human trafficking, sexual exploitation and use of children in other illegal activities are prohibited in the Criminal Code.(17, 19) The Code prohibits engaging children in prostitution and in pornography.(17) Offenses such as prostitution are mentioned not only in the Criminal Code, but also in the administrative Law on Banning Prostitution. Each prescribes a different penalty.(6) The way these overlapping laws are interpreted 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 their 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.(6, 10, 19) In January 2012, Mongolia passed a new Law on Combating Trafficking in Persons, but it is not yet known how this Law, in practice, addresses the duplication and interpretation of the issues mentioned above.(20, 21)

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.(22)

Primary and lower secondary education is free and compulsory for 9 years, generally from ages 6 until the age of 16, as mandated by the Education Law.(13, 23) Schools are often distant from many children's homes, especially at the secondary level, which leads to children dropping out of school if their families cannot afford the dormitory costs.(6)

Institutional Mechanisms for Coordination and Enforcement

The National Authority for Children (NAC) implements the National Program for the Elimination of the Worst Forms of Child Labor 2011–2016, coordinating national efforts to eliminate the worst forms of child labor.(3, 6, 24) The NAC also serves as the Secretariat for the Committee on Child Labor, newly created in 2011 by the MOSWL.(6) Details are not yet available on the role of the Committee. In 2011, the coordination of child labor activities was primarily done through the National Network Against the Worst Forms of Child Labor, an NGO-led initiative that included the participation of the NAC.(6)

The enforcement of child labor laws, including the worst forms of child labor, is conducted by the General Agency of Specialized Inspection (GASI), which employs only 10 inspectors nationwide to enforce compliance with labor laws including child labor, occupational safety, hygiene and social security.(6) Inspections cover only registered businesses, which means they fail to protect the majority of children engaged in the worst forms of child labor in Mongolia.(3) GASI reported that no child labor-specific inspections were conducted in 2011, but that inspectors documented 12 child labor violations in 2011 during the course of general inspections, which all resulted in fines imposed on the employers.(6) In addition, GASI reported that two children were injured while working in construction during the year, which resulted in inspections and fines imposed on the employers.(6)

In the past, reports indicated that the Confederation of Mongolian Trade Unions (CMTU) was mandated by GASI to conduct inspections to monitor labor law compliance, including child labor laws.(16, 25) However, reports for 2011 did not confirm whether CMTU continues to conduct labor inspections. Overall, the level of monitoring and enforcement does not appear to be sufficient to deter the widespread occurrence of child labor in Mongolia.

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 as well as municipal and social agencies and employers.(6, 16) This Subnational Action Group primarily works as a coordination mechanism between agencies, monitors children engaged in or at risk of child labor, and collects and shares information on child labor.(6, 16)

In 2011, a Children's Unit was created at the National Police Agency to coordinate children's issues with police nationwide.(6) Information is not available on the role of this new Unit in regards to child laborers or child victims of trafficking or commercial sexual exploitation. The Metropolitan and province-level police departments each also have a Children's Department to address child labor issues.(6) In Ulaanbaatar, the district police offices were provided with funding from the Mayor's office to support child units which address child labor, among other child-related issues.(6) In 2011, police officers referred child laborers and out-of-school youth to social services, including vocational training programs and NGO social services.(6)

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.(3, 6, 16)

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.(6) In 2011, the police conducted 43 investigations targeting child victims of commercial sexual exploitation or hazardous work in hotels, massage parlors, bars and night clubs. The investigations uncovered two sexually exploited children who were referred to the NAC for assistance.(6) Information was not available regarding the prosecution and conviction of the perpetrators in these cases. Some child victims of trafficking or commercial sexual exploitation were prosecuted for crimes committed as a direct result of their victimization.(6, 16, 19, 26)

Government Policies on the Worst Forms of Child Labor

The National Program for the Elimination of the Worst Forms of Child Labor 2011–2016 was approved in October and designed to be a continuation of the USDOL-funded ILO-IPEC project which ended in 2010.(6) The Program was designed through consultation with local officials and NGOs and was submitted by the MOSWL for final approval and endorsed by the other relevant ministries.(6, 27) The Program is implemented through a National Action Plan which identifies specific actions to combat child labor through 2016; it defines the responsibilities of the Ministries of Social Welfare and Labor, of Justice, of Education, and of Agriculture, as well as GASI, the National Police Agency, the CMTU and local governors.(6) The National Program is coordinated by the NAC, which operates at the national and provincial levels.(6) A seminar was conducted in December for NAC officials who will be responsible for implementing the National Program.(6) Information is not yet available regarding whether funding has been made available to implement the National Action Plan.

The 2006 National Plan of Action on Commercial Sexual Exploitation and Trafficking of Children and Women was extended through 2012. The Plan addresses trafficking in persons and commercial sexual exploitation, particularly for women and children.(3, 10)

The Program on Development of Small-Scale Mining, 2008–2015, also addresses child labor with provisions for providing children with informal or distance education.(3) 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.(28)

The 2008 National Development Strategy calls for improvement in education, health, social welfare and labor policies through 2020.(3, 27) Child labor does not appear to be directly addressed in the strategy, although a number of objectives apply to the education and livelihoods of vulnerable children.

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

In 2011, the Government conducted a number of activities to address child labor. The NAC reports that it assisted 542 child laborers in rural areas during the reporting period, though details on the assistance to the children were not available.(6) The MOSWL, with the ILO, conducted training for police officers on child labor.(6)

The National Statistics Office, with support from a USDOL-funded ILO project, conducted a national labor force survey that included a module on child labor, which the Government plans to conduct every 4 years. Results are anticipated to be published in 2012.(6, 27)

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 livelihood support to households of child laborers, on the condition that the children attend school.(6, 16) The activities under the Subnational Action Plan are limited in scope and geographical coverage.

The Ulaanbaatar Mayor's office provides resources for five centers for child laborers in the city and provided funding to local NGOs to combat child labor.(6) Working with the

National Network Against the Worst Forms of Child Labor, a district office in Ulaanbaatar established and funded a center for child laborers at the large Kharkhorin Market. Instead of working, children at the market can participate in informal education activities at the center.(6)

The Government participates in the USDOL-funded Global Action Project, implemented by ILO-IPEC. The Project is implemented around the world, and activities in Mongolia include support to develop and implement the National Action Plan for child labor.(29) The Government also participated in a short-term \$4,000 program funded by the Canadian Foundation to remove children from hazardous labor at the Naran garbage dump.(6)

The Government provides limited social protection programs to vulnerable households. The Human Development Fund, created in 2009 and administered by the Ministry of Finance, distributes national profit from mineral resources through funding for health insurance, pensions, education tuition, and direct unconditional cash transfers.(6, 30-33)

The Government also provides a school lunch program for low-income students to encourage attendance, particularly at the secondary level.(6)

The Government participates in a wide range of development programs funded by agencies such as USAID, World Bank, EU, Asian Development Bank, IMF, UNICEF and UNDP. The programs focus on issues including rural education, Education for All, vocational training, child rights, social protection policies, livestock-based livelihoods, water and sanitation, disaster preparedness and HIV/AIDS.(34-40)

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

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Include amendments in the draft revision of the Labor Law to provide protections to all children, particularly those working in unregistered or family businesses, or without a labor contract.	2009, 2010, 2011
	Amend the List of Jobs Prohibited to Minors to specify that the list applies to all children in hazardous sectors and applies to any type of employer.	2010, 2011
	Ensure consistency in the interpretation of laws on human trafficking, forced labor and commercial sexual exploitation.	2010, 2011

Area	Suggested Actions	Year(s) Action Recommended
Coordination and Enforcement	Create mechanisms to protect children employed by unregistered businesses, family businesses and the informal sector.	2010, 2011
	Increase the number of inspections for child labor compliance and impose penalties for child labor violations.	2009, 2010, 2011
	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.	2011
	Ensure consistency in the application of laws on human trafficking, forced labor and commercial sexual exploitation. Ensure that victims are not mistakenly arrested or detained.	2010, 2011
Policies	Allocate resources to implement the National Program for the Elimination of the Worst Forms of Child Labor 2011-2016.	2011
	Assess the impact that existing policies may have on addressing child labor.	2011
Social Programs	Build on the achievements and apply best practices of the Subnational Action Plan in Ulaanbaatar to all city districts and to other Subnational jurisdictions.	2010, 2011
	Collect and compile data on the trafficking and commercial sexual exploitation of children.	2011
	Expand access to education, especially for children in rural areas.	2011
	Provide protection and direct assistance to child victims of human trafficking, forced labor and commercial sexual exploitation.	2009, 2010, 2011

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