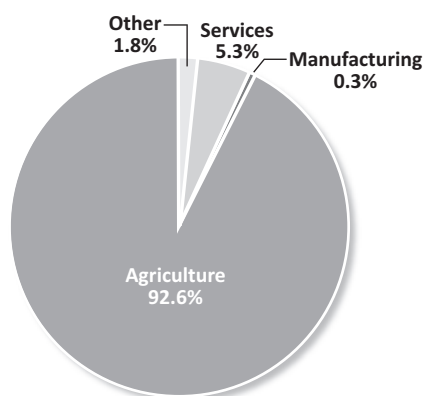


In 2012, Mongolia made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government passed a new Law on Combating Trafficking in Persons and with local government agencies, implemented child protection programs that provided services to some children engaged in the worst forms of child labor. However, during the reporting year, the Government did not implement national programs to address child labor and trafficking and dissolved or failed to appoint the relevant coordinating committees. Enforcement mechanisms for reducing child labor are minimal, and gaps persist in the legal framework and operating procedures for prosecuting criminal offenders, specifically regarding commercial sexual exploitation. Children continue to engage 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		115.3

Working Children by Sector, Ages 5-14



Sources:

Primary completion rate: Data from 2007, published by UNESCO Institute for Statistics, 2013.(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 hazardous activities in herding



and animal husbandry.(3, 4) Children work in animal husbandry and herding for their own families or for others, often residing with the employer.(5) Animal husbandry exposes children to risks including bites and attacks by animals, extreme temperatures, being cut by sharp knives while slaughtering livestock, and nonpayment of wages. Herding exposes children to extreme cold and frostbite, exhaustion, wild animal attacks, assault or beatings when far from home, and accidents such as falling off horses.(4-7)

Children also perform dangerous tasks while working as horse jockeys, domestic workers, construction workers, and ticket-takers for public transportation.(3, 4, 8-11) Horse jockeys risk injury or death from accidents or falls. In 2012, the Ministry of Health reported that more than 300 children injured during horse races were treated at the National Trauma Center; this statistic does not include children treated in other facilities.(4, 12, 13) Children employed as domestics may be required to work long hours and perform strenuous tasks without sufficient food or shelter. These children may be isolated in private homes and are susceptible to physical and sexual abuse.(14, 15) Children working as ticket-takers for public transportation were sometimes injured in traffic accidents.(10)

Children are engaged in hazardous work scavenging in dumpsites, where they are exposed to unhygienic conditions, extreme weather, and health problems caused by inhaling smoke from burning garbage.(3, 4, 11) Children also perform hazardous work as porters, often carrying loads exceeding legal limits or pushing carts weighing up to one ton.(4)

Children are found in situations of forced begging on the streets. There are reports of children performing other types of work on the streets, but specific information on hazards is unknown.(10, 17) The Government reported a recent decline in homeless children due to outreach and services through social programs administered by government agencies and NGOs, which may have reduced the number of children working in urban areas.(10, 18)

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Children perform hazardous work in mining coal, gold, and fluor spar both on the surface and underground in artisanal mines.(3, 4, 9-11, 19) Although some NGOs reported a decline in child labor in the mining sector in prior years, monitoring of the artisanal sector has not been comprehensive in recent years and there is no data available on recent child labor rates. Government officials identified cases of children engaged in mining in 2012.(10) 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, which causes them to be at risk of collapse.(3, 4)

The unconditional worst forms of child labor, including commercial sexual exploitation of children, pornography, and child trafficking also exist in Mongolia.(9-11, 20-23) Commercial sexual exploitation of children, including child sex tourism, is a continuing problem.(11, 21-24) Girls are trafficked internally and forced into prostitution, sometimes in saunas, bars, hotels, karaoke clubs, and massage parlors.(11, 21-23, 25) In addition, emerging reports indicate that girls were sexually exploited at rural mining sites.(23) Children are trafficked internally for forced begging and stealing; and in some cases children may be forced to work in the construction, mining, and industrial sectors.(23) Girls may also be trafficked to China and destinations in East Asia for sexual exploitation or forced labor.(22-25) NGOs and law enforcement officials reported cases in which young girls were trafficked internationally for exploitation as contortionists in circuses, sold by their families, and subjected to physical abuse.(23)

Children may face barriers to education. Schools in Ulaanbaatar are often overpopulated; and in rural areas, schools are often distant from many children's homes, especially at the secondary level. This leads to children dropping out of school if their families cannot afford the dormitory costs.(10)

During the reporting period, the Parliamentary elections and subsequent reorganization of the Government ministries resulted in extensive personnel changes and a reduced focus on child labor and other socioeconomic issues in Mongolia.(10)

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law sets the minimum age for employment at 16 but allows children to work at age 15 with the permission of a parent or guardian. Under certain conditions, children as young as 14 may participate in vocational education.(26)

International Conventions and Selected Laws on Child Labor and Education

	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 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.(20, 27) Under the current law, protections are lacking for children who work for informal businesses, family businesses, or without a formal contract.(19, 20, 26, 27)

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.(28) Children under age 18 are barred from working as miners, load carriers, horse breakers, animal trainers, and garbage scavengers. Child herders are prohibited from pasturing small animals at distances greater than 1,000 meters during dangerous weather conditions or natural disasters.(28) The MOSWL List does not specify whether it has the same limitations as the Labor Law or whether it applies to children working in informal businesses, family businesses, or to those working without a formal contract.(28, 29) The 2002 Criminal Code and the 1996 Law on the Protection of the Rights of the Child prohibit the use of children in begging.(30, 31)

The Standards for Clothes and Safety Equipment for Horse Jockeys provides occupational safety and health standards for children engaged in this activity.(32) The Law on the National Naadam Holiday prohibits children under the age of 7 from

working as horse jockeys and mandates that child horse jockeys be insured.(12) The minimum age for working as a horse jockey does not meet the standards prescribed in international conventions and this current legislation does not fully protect children working in this sector.

In January 2012, Mongolia passed a new Law on Combating Trafficking in Persons.(33) The new Law expands the definition of trafficking to include forced prostitution and the prostitution of minors, assigns responsibilities for trafficking enforcement to Government agencies, and mandates coordination among the agencies.(22, 23) The Law also calls for the establishment of a national database on trafficking, though it does not provide funding allocation or responsibility for maintaining the database.(23) However, in the year following the passage of the Law, the Ministry of Justice (MOJ) reported that its implementation was put on hold. There were no efforts to implement the law through allocation of funding or training to law enforcement or judicial officials.(23, 34) As a result, Government officials reported that law enforcement, prosecutors, and judges lacked understanding of the application of the new law.(10, 23)

Following the passage of the 2012 Law on Trafficking, Parliament amended articles on trafficking in the Criminal Code to ensure consistency between the legislation.(23) Forced labor, human trafficking, sexual exploitation, and use of children in other illegal activities are prohibited in the Criminal Code.(30, 35) The Code also prohibits exploiting children in prostitution and in pornography.(30)

The sexual exploitation of children is also covered under the administrative Law on Banning Prostitution. Administrative law prescribes lesser penalties for the sexual exploitation of children than the Criminal Code, and penalizes child victims of commercial sexual exploitation, instead of the perpetrators.(10, 20)

These laws do not provide clear definitions of forced labor and prostitution, allowing for ambiguous interpretation by law enforcement and judicial officials. Because trafficking and sexual exploitation are covered by multiple laws, the Police and the Prosecutor's Office each have discretion to select the article under which to try each case.(9, 20, 22, 24, 35) In cases of sexual exploitation of minors, officials continued to classify the charges under lesser articles or dismissed the cases entirely.(10, 23) In addition, Government officials reported that MOJ investigators and prosecutors are ranked and promoted based on their conviction rate, encouraging them to process cases under lighter articles, which require less evidence and effort.(23) As a result, cases of child sexual exploitation

and child trafficking are often prosecuted under lenient administrative laws and receive lesser penalties.(10, 23)

NGOs providing services to victims of trafficking reported a decline in victim referral cases following the 2012 Government reorganization, citing newly appointed government officials who were unfamiliar with the referral process as the cause.(10) In addition, some child victims of trafficking or commercial sexual exploitation were arrested, detained, and prosecuted for crimes committed as a direct result of their victimization.(10, 23, 35, 36)

The MOJ is considering a revision to the Criminal Code, which would provide an opportunity to prohibit the worst forms of child labor and to strengthen the protection of children and victims of trafficking during legal proceedings.(37)

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.(38)

Primary and lower secondary education is free for 11 years and compulsory for 10 years, generally from ages 6 until the age of 16, as mandated by the Education Law.(12, 27, 39)

Institutional Mechanisms for Coordination and Enforcement

The National Authority for Children (NAC) implements the Child Protection Strategy, which includes the National Program for the Elimination of the Worst Forms of Child Labor 2011-16.(3, 10, 20, 40) The NAC is also supposed to serve as the Secretariat for the Committee on Child Labor in implementing the National Program, as called for in 2011 by the MOSWL. However, the Committee on Child Labor has not been appointed.(10, 20) Instead the National Network Against the Worst Forms of Child Labor, an NGO-led initiative that included the participation of the NAC, primarily coordinates child labor activities in Mongolia.(20)

The enforcement of labor laws, including child labor, is conducted by the General Agency of Specialized Inspection (GASI); however, 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.(10) GASI reported that no child labor-specific inspections were conducted in 2012, but that investigations were conducted following the deaths of three minor workers.(10) Two of these victims died from accidents working in the construction sector. The outcome of these cases is not known.(10) In addition, GASI reported that child labor violations found through labor inspections included work exceeding the hour limit

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set for minors, failure to pay overtime wages to the children, employing children without proper authorization from their guardians, and failure to train children on health and safety standards.(10) GASI reported identifying 182 children working in hazardous work in the mining sector and ordered the employers to provide vocational training to working minors.(10) No information on penalties or citations for these or other child labor violations was made available.

GASI inspectors have broad authority to set and collect penalties and the discretion to choose to refer cases to law enforcement. Government and NGO officials reported that administrative fines (ranging from \$525 to \$4,200 in 2012) were insufficient to deter those violating child labor legislation.(10) In addition, law enforcement and government officials reported a lack of understanding of child labor statutes, due in part to the reorganization of the Government in 2012, which resulted in new personnel in these agencies who were unfamiliar with applicable laws and operating procedures for investigations, prosecutions, and referral of victims.(10) GASI employs 47 inspectors nationwide who enforce compliance with labor laws, including child labor, occupational safety, hygiene, and social security; 10 of these inspectors cover child labor issues among other responsibilities.(10, 12) GASI did not provide or participate in any child labor trainings during the year.(10) The GASI budget was increased in 2012, but no additional funds were allocated for child labor enforcement. The Government and NGOs reported that the GASI budget and number of inspectors was inadequate for labor monitoring and enforcement.(10)

The Government reported that the National Police Agency does not view child labor to be within its responsibilities and dissolved the Children's Unit at the national level; however the Metropolitan and province-level police departments each have a Children's Department to address issues including child labor.(10, 20) Ulaanbaatar Metropolitan Police conducted a campaign during the year that identified 30 children engaged in child labor and an additional 27 children engaged in hazardous child labor. However, there was no indication that these cases were investigated or prosecuted.(10)

There is no evidence of any monitoring or enforcement mechanisms to protect children working in animal husbandry and herding, or working as horse jockeys, with NGOs reporting that provincial races are not regulated and children are not provided with helmets as required by law.(10)

There is currently no official national body that coordinates efforts to combat trafficking.(23) The 2012 Law on Combating Trafficking in Persons assigned responsibility to the MOJ for

coordination of trafficking efforts and mandated the creation of a council to coordinate Government efforts to prevent trafficking. During the year, a council was named within the MOJ but then almost immediately dissolved.(23) The MOJ reported that the council will not be established until the reforms of the criminal code and law enforcement system have been completed.(23)

MOSWL was responsible for the National Council for Coordinating the Implementation of the 2006-12 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, 20, 32) Since the Government reorganization, which rolled MOSWL into the new Ministry of Population Development and Social Welfare, there have been no meetings for stakeholders involved in anti-trafficking efforts and no evidence of continued coordination by the Ministry.(23)

In cases of trafficking or sexual exploitation, the National Criminal Police Department will conduct the initial investigation and then turn it over to the National State Investigation Department, General Intelligence Agency, and the Prosecutor's Office.(10) In 2012, the State Investigation Department's Special Police Unit to Combat Trafficking, which was responsible for enforcing criminal laws regarding child trafficking, forced child labor, and commercial sexual exploitation of children, was dissolved. This unit was folded into the unit that covers narcotics and organized crime, which is staffed by only nine officers.(10, 20) The Criminal Police Department's Organized Crime Division has three officers dedicated to trafficking who conducted the majority of trafficking investigations and organized trainings for other officials.(23)

In 2012, the police conducted 10 investigations targeting the alleged trafficking and sexual exploitation of 14 children. In addition, a Government-run shelter for homeless children in Ulaanbaatar reported referring two cases of child commercial sexual exploitation and 54 cases of forced child begging to police authorities for investigation.(10) However, information on these investigations, including the prosecutions and convictions of these cases, was conflicting as such data is not accurately documented or compiled across agencies.(10)

The National Police and the Supreme Court reported that there were no convictions pending cases of child labor, child trafficking, or child sexual exploitation during the year. The National Police Agency reported that the database they used to track cases of trafficking and sexual exploitation was infrequently updated and data was inconsistently classified.(10)

Furthermore, it is not known whether the data is disaggregated by age of majority to report on cases of minors.(10)

Government Policies on the Worst Forms of Child Labor

The National Program for the Elimination of the Worst Forms of Child Labor 2011-16 was intended to be a continuation of the USDOL-funded ILO-IPEC project that ended in 2010.(20) The Program was designed to be implemented through a National Plan of Action for the Elimination of the Worst Forms of Child Labor that identifies specific actions to combat child labor through 2016. The National Plan of Action for the Elimination of the Worst Forms of Child Labor 2011-2016 defines the responsibilities of the Ministries of Population Development and Social Welfare, Labor, Justice, Education, and Agriculture; GASI; the National Police Agency; the Confederation of Mongolian Trade Unions; and local governors.(20) However, the Plan was not implemented during the year and the Government took no steps to establish a committee, implement the Plan, or allocate a budget for the activities.(10, 12)

The National Program for Preventing and Protecting Children and Women from Trafficking for Sexual Exploitation provided an overarching framework for trafficking issues in Mongolia.(23) The National Plan of Action on Commercial Sexual Exploitation and Trafficking of Children and Women was extended through 2012 and addressed trafficking in persons and commercial sexual exploitation, particularly for women and children.(3, 24) In addition, the 2012 Law on Trafficking presented a policy that mandated activities to combat trafficking. However, none of these policies were implemented during the year.(23)

The Program on Development of Small-Scale Mining, 2008-15, also aims to eliminate child labor in the mining sector with provisions for providing children with informal or distance education. However, research has not confirmed whether this Program has been implemented.(3, 12) 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.(41) Research did not find any evidence that these policies were implemented throughout 2012.

The 2008 National Development Strategy calls for improvement in education, health, social welfare, and labor policies through 2020.(3, 42) 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

Due to the stalled National Plan of Action for the Elimination of the Worst Forms of Child Labor 2011-16, no programs or activities were conducted during the year.(10) Research found no evidence of any programs to address child trafficking, forced child labor, or the commercial sexual exploitation of children.

The National Statistics Office, with support from a USDOL-funded ILO project, had conducted a national labor force survey in previous years that included a module on child labor. The survey results were expected to be published in 2012, but the results were not released during the year and are now anticipated to be released in 2013.(10)

In 2012, Mongolia participated in the USDOL-funded, 4-year Global Action Program on Child Labor Issues Project, which is active in approximately 40 countries. In Mongolia, the project aims to build the capacity of the national Government and develop strategic policies to address the elimination of child labor and forced labor.(43) The project is currently working with the Government to revise the Criminal Code to better protect children exploited through worst forms of child labor and trafficking.(37)

Provincial and district governments conducted local campaigns to raise awareness of child labor, trafficking, and prostitution for children, schools, and employers.(23) The Ulaanbaatar Mayor's Office runs centers for street children, including children working in markets, providing educational and social activities.(12) Through the Subnational Action Plan of Ulaanbaatar, social workers were 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.(10, 20, 32) The Subnational Action Plan of Ulaanbaatar continued through early 2012; however, it was not continued following the June 2012 city government reorganization, and its affiliated programs ended.(10, 12)

The Government runs a temporary shelter for homeless children, including those engaged in child labor. The shelter reported serving 56 children, mostly exploited for forced begging, during the year.(10) The NAC also operated the Road to Home program for homeless children, using \$360,000 of Government funding to provide shelter and education in 2012.(10) Due to its success, the NAC reported that the program was institutionalized as the Child Development and Protection Center, indicating Government commitment to future support and sustainability of services.(10)

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The Government provides limited social protection programs to vulnerable households. The NAC's Child Protection Strategy includes child welfare programs implemented by NGOs and local government offices. The NAC reported that their funding, approximately \$720,500 for 2012 activities, is not sufficient to provide the necessary services to children nationwide.(10) Through its Child Protection activities, the NAC reported identifying 978 children engaged in worst forms of child labor during the year; it removed 360 children from their exploitative work and referred them to NGOs for shelter, psychosocial counseling, and other services.(10)

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, and education tuition.(20, 44-47) In 2012, the Government began the Children's Money

unconditional cash transfer program, a reformulation of the prior social benefits program, which provides \$15 monthly for children under age 18.(10) The Government continued to provide a school lunch program for low-income students to encourage attendance, particularly at the secondary level.(10) The question of whether these programs have an impact on child labor does not appear to have been addressed.

The Government participates in a wide range of development programs funded by agencies such as USAID, the World Bank, the EU, the Asian Development Bank, the IMF, UNICEF, and UNDP. The programs focus on issues including rural education, universal basic education, vocational training, child rights, social protection policies, livestock-based livelihoods, water and sanitation, disaster preparedness, and HIV/AIDS. The question of whether these programs have an impact on child labor does not appear to have been addressed.

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	Amend the Labor Law and List of Jobs Prohibited to Minors to ensure they apply to all children working in hazardous activities, including those working in unregistered or family businesses, or without a labor contract.	2009, 2010, 2011, 2012
	Amend legislation to increase the minimum age for children working as horse jockeys to adhere to international conventions.	2012
	Provide training for law enforcement and judicial officials on the Law on Combating Trafficking in Persons and allocate funding for its full implementation.	2010, 2011, 2012
	Clarify the applicability of overlapping laws on trafficking and commercial sexual exploitation and amend criminal and administrative law to ensure that child victims of human trafficking, forced labor, and commercial sexual exploitation are not prosecuted as criminals.	2010, 2011, 2012
Coordination and Enforcement	Re-activate the National Program for the Elimination of the Worst Forms of Child Labor 2011-2016 by <ul style="list-style-type: none"> Allocating resources for implementation of the National Program for the Elimination of the Worst Forms of Child Labor 2011-2016. Appointing a Committee on Child Labor to implement the National Program for the Elimination of the Worst Forms of Child Labor. 	2010, 2011, 2012
	Create mechanisms to protect children employed by unregistered businesses, family businesses, and the informal sector, including those working as horse jockeys and animal herders.	2010, 2011, 2012

Area	Suggested Actions	Year(s) Action Recommended
Coordination and Enforcement	Increase the number of inspections for child labor compliance and impose penalties for child labor violations. <ul style="list-style-type: none"> • Provide GASI with a sufficient number of inspectors and resources to adequately monitor and enforce labor laws related to worst forms of child labor. • Collect and compile data on child labor investigations, citations, and penalties. • Ensure that criminal violations are referred to law enforcement. 	2009, 2010, 2011, 2012
	Ensure that violations of child labor laws are documented and that appropriate penalties are assessed and collected and that the cases are promptly investigated and prosecuted, to deter repeat offenses.	2011, 2012
	Ensure continued coordination of efforts protecting children from trafficking through the National Council for Coordinating the Implementation of the 2006-2012 National Program for Preventing and Protecting Children and Women from Trafficking or Sexual Exploitation or other mechanism, such as a council to coordinate efforts to combat trafficking.	2012
	Consistently document and update cases of trafficking and sexual exploitation in the national database.	2012
Policies	Reactivate the National Program for Preventing and Protecting Children and Women from Trafficking or Sexual Exploitation and implement the National Plan of Action on Commercial Sexual Exploitation and Trafficking of Children and Women.	2012
	Assess the impact that existing policies may have on addressing child labor.	2011, 2012
	Expand access to education, especially for children in rural areas and in overpopulated schools in Ulaanbaatar.	2011, 2012
Social Programs	Publish the results of the child labor module of the national labor force survey.	2012
	Implement programs to address child labor, particularly in sectors where children are known to work, including herding, animal husbandry, and mining.	2012
	Provide protection and direct assistance to child victims of human trafficking, forced labor, and commercial sexual exploitation.	2009, 2010, 2011, 2012
	Assess the impact that existing programs may have on child labor.	2012

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