

Mongolia

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

The Government of Mongolia has been a member of ILO-IPEC since 1999. A Child Labor Unit was established under the Ministry of Social Welfare and Labour (MOSWL) to address child labor issues. The National Council for Children, established in 1994 and led by the Prime Minister, reviews policies for the protection of children.¹⁶⁶³ In 1999, an ILO-IPEC country program funded by USDOL began to build capacity among institutions to combat child labor, raise awareness, and sponsor activities to remove children from work in coal mining, prostitution, the informal sector (including scavenging in dump sites), and livestock herding.¹⁶⁶⁴ UNICEF provides funds to the National Children's Committee to assist young children working in outdoor food markets by providing non-formal education and healthcare and reducing their workloads.¹⁶⁶⁵

In 1997, the Ministry of Education, Culture and Science established a Non-formal Education Center to provide assistance and training on non-formal education techniques, materials and curricula.¹⁶⁶⁶ In 1992, the government established a fund to assist children from poor families with free clothing and school materials.¹⁶⁶⁷ The Asian Development Bank is supporting an education sector program to make the sector more effective, cost efficient and sustainable.¹⁶⁶⁸ The program will also assist the government to implement a Second Education Development Project that will improve access to and quality of education at the basic, non-formal and secondary levels, and create a technical education and vocational training program that provides skills geared to the local context.¹⁶⁶⁹

¹⁶⁶³ ILO-IPEC, Mongolmaa, "Update of the Situational Analysis on Child Labour in Mongolia" (draft) (Ulaan Baatar, 2001) [hereinafter "Situational Analysis on Child Labour in Mongolia"], 26-27.

¹⁶⁶⁴ *Ibid.* at 46. The project began in November 1999.

¹⁶⁶⁵ *Ibid.* at 48, 49. *See also* Save the Children, Country Report, Mongolia, 2000 [hereinafter Save the Children], at http://www.savethechildren.org.uk/functions/indx_search.html.

¹⁶⁶⁶ "Situational Analysis on Child Labour in Mongolia", at 38, 40-42. Under the Non-formal Education Center, approximately 190 learning centers throughout the country provide training and education to people of various ages. Vocational education facilities have been decreasing since the transition to a market economy and far fewer students are now able to access those resources. Tuition is charged to meet budget shortfalls, tending to exclude children from poorer families.

¹⁶⁶⁷ *Fourth Periodic Report of States due in 1995: Mongolia*, 14/06/00, CCPR/C/103/Add.7 (UN, June 14, 1999), at www.hri.ca/fortherecord2000/documentation/tbodies/ccpr-c-103-add7.htm.

¹⁶⁶⁸ Asian Development Bank, "Second Education Development," project brief, at www.adb.org/Documents/Profiles/PPTA/31214012.ASP, and Asian Development Bank, "Country Assistance Plans: Mongolia," Section III.C.2., "Education," item 70, at www.adb.org/Documents/CAPs/MON/0103.asp?p=ctrymon.

¹⁶⁶⁹ Asian Development Bank, "Mongolia: Second Education Sector Development," loan no. MON31213-

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 1.5 percent of children between the ages of 10 and 14 in Mongolia were working.¹⁶⁷⁰ Children sometimes work in small enterprises or family businesses such as food or repair shops.¹⁶⁷¹ Working children herd livestock, sell goods, polish shoes, act as porters, scavenge (in dumpsites or on the streets), and process animal materials.¹⁶⁷² Children also work in informal coal mining, either in the mines or scavenging for coal outside,¹⁶⁷³ as well as in informal gold mining.¹⁶⁷⁴ To a lesser extent, children are engaged in prostitution, begging, and grave digging, and work as domestic servants.¹⁶⁷⁵ There is increasing concern about trafficking due to factors such as weak border controls and low public awareness, but comprehensive information about the nature and extent of trafficking in Mongolia is not available.¹⁶⁷⁶

Article 16 of the Mongolian Constitution provides free basic education, and the Educational Law and the Law on Primary and Secondary Education establish eight years of compulsory education.¹⁶⁷⁷ Most children enroll in primary school at age 8, but children can legally begin school at an earlier age.¹⁶⁷⁸ In 1996, the gross primary enrollment rate was 88.4 percent, and the net

01, at www.adb.org/Documents/Profiles/LOAN/3123013.ASP. See Jonathan Addleton, USAID, mission director for Mongolia, interview with USDOL official, October 29, 2001. See also “Situational Analysis on Child Labour in Mongolia” at 49, and Save the Children.

¹⁶⁷⁰ *World Development Indicators 2001* (Washington, DC: World Bank, 2000) [CD-ROM] [hereinafter *World Development Indicators 2001*].

¹⁶⁷¹ “Situational Analysis on Child Labour in Mongolia”, 26-27.

¹⁶⁷² Ts. Ariuntungalag, “Child Labour in Mongolia” (Ulaan Baatar: Save the Children Fund, 1998) [hereinafter “Child Labour in Mongolia”], as quoted in “Situational Analysis on Child Labour in Mongolia” at 14, 23-25.

¹⁶⁷³ “Situational Analysis on Child Labour in Mongolia” at 18-19. The mines were legally closed by the government, but since most of the openings still exist, in practice coal mining continues.

¹⁶⁷⁴ “Situational Analysis on Child Labour in Mongolia” at 20-22. Children do not work in formal (registered) gold mining due to labor inspections and high rates of adult participation, but children are engaged in illegal informal mining, in which individuals work in former gold mines or in legal mines when they are not in actual operation, such as during winter months.

¹⁶⁷⁵ “Child Labour in Mongolia” as quoted in “Situational Analysis on Child Labour in Mongolia” at 14.

¹⁶⁷⁶ “Situational Analysis on Child Labour in Mongolia” at 26. The extent to which children are victims of trafficking is uncertain.

¹⁶⁷⁷ Constitution of Mongolia (Ulaan Baatar, January 13, 1992) [hereinafter Constitution of Mongolia], at www.indiana.edu/~mongsoc/mong/constttn.htm. See also “Situational Analysis on Child Labour in Mongolia” at 40.

¹⁶⁷⁸ The Educational Law recognizes both formal and informal education as part of the educational system. See “Situational Analysis on Child Labour in Mongolia” at 40.

primary enrollment rate was 81.4 percent.¹⁶⁷⁹ Young boys are often taken out of school to assist their families with livestock.¹⁶⁸⁰ Because Mongolia has largely rural terrain, the government subsidizes dormitories to allow children to stay near schools. However, costs associated with dormitories, such as requiring enough meat to feed a child over a year, may be prohibitively expensive for some families.¹⁶⁸¹

Child Labor Laws and Enforcement

Article 109 of the Labor Law sets the minimum age of employment at 16 years, although children aged 15 may work with the permission of a parent/guardian, and those aged 14 may be engaged in vocational training/employment with the permission of both the parent/guardian and

MOSWL. The Labor Law prohibits minors under age 18 from being required to work overtime or on holidays or weekends and limits the hours of legal employment based on the age of the minor.¹⁶⁸² In 1999, the government developed a list of hazardous employment activities in which minors are prohibited from working.¹⁶⁸³ Article 16 of the Constitution prohibits forced

¹⁶⁷⁹ Both gross and net primary enrollment rates are lower for males (86.3 percent and 79.4 percent, respectively) than for females (90.7 percent and 83.4 percent, respectively). See *World Development Indicators 2001*.

¹⁶⁸⁰ Asian Development Bank, “Country Assistance Plans: Mongolia,” Section I.C.1, “Gender Issues,” item 19, at www.adb.org/Documents/CAPs/MON/0103.asp?p'ctrymon. According to the report, “young males are taken out of school to contribute labor to livestock production in family herds, and in a modernizing society, this poses a problem for males who will risk lacking the knowledge and skills necessary to adapt to a rapidly evolving market economy. Boys comprise about 40 percent of the student population in secondary schools and only 20 percent at the tertiary level.”

¹⁶⁸¹ UNESCO, *The Education for All 2000 Assessment, Country Report—Mongolia*, Section II, Chapter 2, at www2.unesco.org/wef/countryreports/Mongolia/rapport_1.htm. According to the Government of Mongolia, “Survey on the Secondary School Dropouts” (Ulaan Baatar, October 10, 2001) [document on file], statistics show that more than 130,000 children between the ages of 8 and 17 are not in school.

¹⁶⁸² Government of Mongolia, Labor Law (Ulaan Baatar: “Bit Service” Co., Ltd., with permission of the Ministry of Justice, May 5, 1999), Articles 71, 109-110, and 141. Children aged 14 and 15 may not work more than 30 hours, and children aged 16 and 17 may not work more than 36 hours. Article 141.1.6 assesses the penalty for violation of child labor laws at between 15,000 and 30,000 tughriks (USD 14 to 27). For currency conversion, see <http://www.carosta.de/frames/convert.htm> on 2/7/02.

¹⁶⁸³ Order No. A/204, “List of Prohibited Jobs for Minors/People under 18,” August 13, 1999 [document on file].

labor.¹⁶⁸⁴ The Criminal Code of Mongolia prohibits prostitution below the age of 16, and penalties apply to organizers, customers, and providers of prostitution. The production and dissemination of pornographic materials is also illegal under the Criminal Code.¹⁶⁸⁵

The State Labor and Social Welfare Inspection Agency under MOSWL is responsible for enforcing child labor laws.¹⁶⁸⁶ However, labor inspectors rarely inspect medium and small enterprises.¹⁶⁸⁷ In November 2000, the U.S. Customs Service issued a detaining order against clothing manufactured by a foreign-owned factory in Mongolia, alleging that the factory had used forced child labor in the manufacture of its products.¹⁶⁸⁸ The factory was requiring children 16 to 18 years old to work more hours than Mongolian law allows.¹⁶⁸⁹

Mongolia has not ratified ILO Convention 138, but ratified ILO Convention 182 on February 26, 2001.¹⁶⁹⁰

¹⁶⁸⁴ Constitution of Mongolia. However, the U.S. Department of State notes that some military forces are required to work in rural areas, and some prisoners work to support their prison facilities or perform menial tasks to fulfill sentences. See *Country Reports on Human Rights Practices for 2000—Mongolia* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6c, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=748>.

¹⁶⁸⁵ Criminal Code of Mongolia, Articles 110-111, 125, in Project Protection Database, at www.protectionproject.org. Individuals who sexually exploit children under the age of 16 are subject to 3 years imprisonment or 1.5 years of correctional work; purveyors of prostitution of children under the age of 16 are subject to up to 5 years in jail or between 50,000-100,000 tugriks (approximately USD 45 to 91).

¹⁶⁸⁶ “Situational Analysis on Child Labour in Mongolia” at 37.

¹⁶⁸⁷ *Ibid.* at 34.

¹⁶⁸⁸ *Washington File*, “U.S. Customs Commissioner Issues Detention Order on Clothing Produced in Mongolia with Forced Child Labor,” press release, Washington, D.C., November 28, 2000, at www.usis-australia.gov/hyper/2000/1128/epf203.htm. The order was issued pursuant to U.S. law (19 U.S.C. 1307) after a determination that the factory manufactured textiles using forced labor. Factory working conditions were allegedly substandard, and management was failing to pay overtime correctly.

¹⁶⁸⁹ *Country Reports 2000* at Section 6d.

¹⁶⁹⁰ ILOLEX database: Mongolia at <http://ilolex.ilo.ch:1567/english/>.

NOTE: Hard copies of all Web citations are on file.